

NOTICE OF PUBLIC MEETING OF THE ESMERALDA COUNTY BOARD OF COMMISSIONERS and BOARD OF HIGHWAY COMMISSION

May 6th, 2025
Esmeralda County Courthouse
10:00 A.M.
Commission Chambers
403 E. Crook Ave., 2nd Floor
Goldfield, Nevada

All Public Comments have a three-minute time limit per person

1. **CALL TO ORDER AND ROLL CALL.**
2. **PUBLIC COMMENT.** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)
3. ***APPROVAL OF EXPENDITURES.**
4. ***DISCUSSION/DECISION/APPROVAL:** Rejected Vendor Bills from Auditor's Office.
5. ***APPROVAL OF THE MINUTES FROM:** March 31st, 2025 Board of County Commissioners and Board of Highway Commission Special Meeting Minutes and April 1st, 2025 Board of County Commissioners and Board of Highway Commission Meeting Minutes and April 15th, 2025 Board of County Commissioners and Board of Highway Commission Meeting Minutes.
6. **UPDATE OF CURRENT AND FUTURE MEETINGS AND ACTIVITIES OF:**
Robert Glennen – District Attorney
Julian Melendez – Temp Sheriff
LaCinda Elgan – Clerk/Treasurer
Kathy Keyes – Assessor
Vera Boyer – Auditor/Recorder
Danielle Johnson – Justice of the Peace
Adrian Roberts – Goldfield Utilities/Es. Co. Public Works Supervisor
Carl Shrider – Road Dept. Supervisor – In the Packet
Carl Shrider – Solid Waste Supervisor – In the Packet
Maureen Glennen – Commissioners' Administrative Assistant
Sylvia Rich – Public Administrator
Robert Glennen – Public Guardian
Esmeralda County Land Use Advisory Committee
DEM Coordinator – Paul Melendrez

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Esmeralda County Fire District – Chief Jeff Bushnell
Fish Lake Valley Park Board
Esmeralda County Library Board
Goldfield Visitor Center
Ioneer Liaison – Nancy Boland
Goldfield Water Advisory Committee – Sharon Artlip

7. **Update of Current and Future Meetings and Activities of Commissioner's Zakas, Holt, and Perez.** (This is only an update. No decisions will be made.)

ELECTED OFFICIAL / DEPARTMENT SUPERVISOR / GENERAL PUBLIC ACTION ITEMS:

8. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss, Decide and Approve to advertise for request for qualifications from engineers for the Silver Peak permanent repair project. In addition to appointing a 3-member selection committee to review the qualifications and make a recommendation to the commissioners to start negotiation for an agreement. (Carl Shrider)
9. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Approve the agreement between Esmeralda County and Teck American Incorporated for maintaining of certain public roadways within its jurisdiction including water road between Gold Point and the water tank. (Paul Brindle/Carl Shrider)
10. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Authorize one liaison to work with Oasis Online to be the counties IT. (Judge Johnson)
11. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discussion, Decision, and approval of submitting comments to the BLM regarding Gemfield Resources LLC Goldfield District – Wide Exploration Project – Environmental Assessment DOI BLM B020 001 8EA. (Commissioner Holt)
12. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discussion, Decision, and approval of removal of Clerk's Office records from the Annex middle office as space was always used in the past for Utility records and that space is again needed for utility records which is now stored in the conference room needed for County Manager. (Commissioner Holt)
13. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss and possibly approve the next steps regarding the full appointment of the Sheriff. (Commissioner Holt)
14. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss and decide to continue to pay Dondero through the 2025-2026 fiscal year or until his situation is resolved. (Commissioner Zakas)
15. **CORRESPONDENCE:** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

16. **PUBLIC COMMENT:** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)
17. ***FOR POSSIBLE ACTION** – Closure of meeting, pursuant to NRS 288.220 for purposes of conducting labor negotiations, conferring regarding labor negotiations, issues, and other personnel matters.
18. ***FOR POSSIBLE ACTION** – Discussion, deliberation, and possible decision on labor negotiations, issues, and other personnel matters.
19. ***FOR POSSIBLE ACTION** – Recess meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.
20. ***FOR POSSIBLE ACTION** – Discussion, deliberation, and possible decision on conference with legal counsel regarding potential or current litigation presented in recessed meeting.
21. **PUBLIC COMMENT:** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)
22. ***ADJOURNMENT:**

NOTE: For those who cannot attend the meeting in person, the following Microsoft Teams is available:

Esmeralda County Board of Commissioner & Board of Highway Commission Meeting

Tuesday, May 6th, 2025 10:00 AM - 7:00 PM (PDT)

Microsoft Teams

Join the meeting now

Meeting ID: 288 028 977 458

Passcode: iW4vJ4

Dial in by phone

Telephone # 1(213) 204-1795

Phone Conference ID: 952 206 451#

https://teams.microsoft.com/l/meetup-join/19%3ameeting_OTAZyZy1MjctY2MzYi00NTUwLWFkOWltMmlzMmE3MTFiNmNh%40thread.v2/0?context=%7b%22Tid%22%3a%22c0d55359-34ff-4357-bea0-54123e0c4113%22%2c%22Oid%22%3a%22f58fa65e-2750-4be8-979f-755ea3168799%22%7d

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NOTE: The asterisk “*” denotes action agenda items.

NOTE: In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA’s Target Center at (202)720-2600 (voice and TTY) or contact USDA through the Federal Relay Services at (800)877-8339. Additionally, program information may be made available in languages other than English.

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- (1) Mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
- (2) Fax: (202) 690-7442; or
- (3) Email: program.intake@usda.gov.

Minutes for this meeting will be produced in a summary format. Please provide electronic or written copies of testimony or presentations if you wish to include them as exhibits.

The meeting of the Esmeralda County Board of Commissioners and Board of Highway Commission will be held on Tuesday, May 6th, 2025, beginning at 10:00 A.M.

In accordance with NRS 241.020 this agenda was posted at the following locations: Commission Chambers, Esmeralda County Courthouse foyer and Goldfield Post Office. In addition, notices were mailed for posting to the following locations: In Goldfield: Goldfield Library. In Silver Peak: Silver Post Office and Silver Peak Library. In Fish Lake Valley: Dyer Post Office and Fish Lake Valley Library. Notice of this meeting was posted on the internet through the Esmeralda County Website at accessesmeralda.com

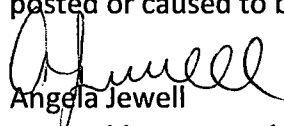
Agenda items may be taken out of order.

Reasonable effort will be made to assist and accommodate physically handicapped persons attending the meeting. Please contact Maureen Glennen at 775-485-3406, at least 48 hours prior to the meeting so that arrangements may be made.

Requests to receive the agenda must be made in writing to the Esmeralda County Clerk/Treasurer, PO Box 547, Goldfield, Nevada 89013. A form is available upon request.

If you have any questions regarding this agenda or future agendas, please do not hesitate to contact the Esmeralda County Clerk/Treasurer at 775-485-6309.

I Angela Jewell, Esmeralda County Deputy Clerk, hereby certify that in accordance with NRS 241.020 I posted or caused to be posted, this agenda to the above locations on April 29th, 2025.

A handwritten signature in black ink, appearing to read 'Angela Jewell', is written over the printed name.

Angela Jewell
Esmeralda County Chief Deputy Clerk

Minutes from the March 31st, 2025 Board of County Commissioners and Board of Highway Commission Special Meeting

March 31st, 2025

10:00 a.m.

Esmeralda County Courthouse

403 E. Crook Ave., 2nd Floor

Goldfield, Nevada

Pledge of Allegiance was spoken.

1. **CALL TO ORDER AND ROLL CALL.**

Commissioner Mary Jane Zakas – Present

Commissioner Rachel Holt – Present

Commissioner Fred Perez – Present

District Attorney Robert Glennen, III – Not Present

Clerk of Board Lori Baird – Present

Outside Auditor Dan McArthur - Present

2. **PUBLIC COMMENT.** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

None

3. ***FOR POSSIBLE ACTION/DISCUSSION/DECISION:** Review and approve the audit for year ending June 30th, 2024 This is an annual fiscal audit for the budgets of Esmeralda County, Silver Peak Town and Goldfield Town. (Dan McArthur)

Dan: Maybe I want to start on page 2. questions Page 2 is the independent audit report. If you look at the records, we have the audit adjustment. as of June 30th, '24. It says here at the top of the page, independent audit report. It says, report on the audit of financial statements and changes.

Go to the second paragraph. Based on the work we've done, it's our opinion the financial statements referred to above present fairly knowledgeable aspects with respect to the financial position of the governmental activities. The business type of activity, each major fund and aggregating fund information in the county as of June 30th, 2024, I just want to talk about that for a minute.

It talks about governmental activities. Governmental activities represents all of the funds the county has except for utility funds. Utility funds are business type activities because they operate like a business. They sell a service and somebody pays for the service. Then, there's another thing in here that talks about major funds. Governmental accounting standards require that the largest funds that the county has are to be separated from financial

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statements to be looked at more detail than the smaller funds. They're called major funds based on the dollar amount of cash, or liabilities, or revenue or expense those funds have. Then when it says on here, add the aggregate remaining fund information, that's all of the smaller funds.

Basically, the audit opinion is a clean audit opinion. The next paragraph says basis for opinions. Our basis is based on following auditing standards and government auditing standards that dictate those things. We need to deal with the evidence. We need to find these auditors to be able to give an opinion on a financial statement.

I want to turn to the next page, page 3. At the top of the page, I'll read a couple of things to you. Audit Responsibilities. Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are reasonable general statements. I'll stop right there. Reasonable assurance is non-absolute assurance. For absolute assurance, then we would just be in the courthouse all day long, every day, to get you to the point of absolute assurance. Reasonable assurance is a standard that's set out there following governmental audit standards, which means we need to go get enough evidence, accounting evidence, financial evidence to back up the numbers that are in here, which we have done.

Some people think when an audit takes place, it's like a forensics audit or a fraud audit. That's not what this is. A forensics audit is much more in-depth than this. Let me just finish part of this paragraph. The second sentence, I'll start with this statement. Whether due to fraud or error, and an issue in an audit report that alters our opinions, reasonable assurance is a high level of assurance but not absolute assurance. Therefore, it's not a guarantee that an audit conducted accepted auditing standards and governmental auditing standards will always detect a material misstatement when it exists. A misstatement is basically an error.

The risk of not detecting a material misstatement resulting from fraud is higher than one resulting from error as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is substantial likelihood that individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statement.

Dan: A reasonable user. That would be like anybody in this room. A reasonable user.

Dan: For example, if there is \$20 million in cash in the bank and there was a \$100 problem, would \$100 be significant in making the decision? Do you want to turn it on the dollar?

Dan: It wouldn't be. If the error was \$1 million dollars, would it be?

Dan: Absolutely. When we begin to do the audits, we look at what we call materiality and say, "Okay, how deep are we going to drill down and make sure everything is tied down and accurate? The weaker the controls over everything are, the more we drill down. We're here

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at this juncture later than we should be because of some weaknesses that exist. We have to do a lot more work on it than we would normally do when everything is running smooth. Everybody knows that. Okay.

Another thing that this talks about in here, another paragraph I want to go through with you here, you see the paragraph below that. You see there's several bullet points. The first one says exercise professional judgment. I want to go to the very last bullet point. This is the responsibility of an auditor. Conclude whether in our judgement, or conclude in the auditor's judgement whether there are conditions or events considered in the aggregate that raise substantial doubt about the county's ability to continue as a going concern for a reasonable period of time.

Substantial doubt means that there's so many problems we think you will basically go bankrupt in the next 12 months. A going concern means can you continue to operate as you presently operate and not get into financial difficulties or have to close the door or something. I'm being very generally if I say this. That word shows up here in a couple of places.

It also says that-- go back one page. If you would go back to page 2, page two, the bottom paragraph, it says, "This is management's responsibility not the auditor's responsibility." It says, "In preparing the financial statements, management is required to evaluate whether there are conditions or events considered in the aggregate that raise substantial doubt about the county's ability to continue as a going concern for 12 months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter. The county management has responsibility to decide are we okay financially, and the auditor does.

I just want to bring that up, because if you read that later, you might think that the auditor's saying, "Hey, maybe we're in trouble here. We're not going to make it." That's not what this says. This is saying, this is a boilerplate letter that every CPA has to use on every local government job. The wording here is identical, unless we find problems, then we add paragraphs to it. This is a boilerplate letter dictated to auditors by AICPA and governmental accounting standards as to what needs to be in the letter today. If there were a doubt that we knew could continue, we would put it in here. There's no paragraph that says, "We think you're in financial difficulty. You're not going to make it." It's not in here.

Now, that measurement date is 12 months past balance sheet date. The date on this is the June 30, '24 date. Do I think you're going to be here through June 30, 2025? That's pretty close to now, and I know you're not going to be in trouble in three months. I want to bring that up, so if you read it later, you don't read into it, "Oh, there must be a problem here," and you wouldn't put it in the letter. The comment in here about fraud, collusion, theft, things like that, that's boilerplate language. I'm not stating that there has been fraud or theft. If there had been, then I would have a separate closed session with you. I want to get some of those things clear on the table so when we study this later, there's no misunderstanding.

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With that now, my intention is to go through a lot more financial information than I normally would in a presentation. First of all, you have to have a chance to see this before I walk in the door because we just got through printing this. I can tell you what time it was when this was being printed. I want to walk through a lot of this with you that generally we would maybe discuss in a previous meeting.

I want to go to page 17 and 18. Page 17 and 18, these represent what I call a consolidation of all of the funds in one section that the county has. If you look at the county budget and took all the different funds, general fund, road fund, indigent fund, this is where they're all accumulated, so you can see them all in one. You look on page 17, you see the captioned governmental activities top of the page. Then, you see the captioned business type activities. There's governmental activities for everything except for the utilities, and business type activities for the utility fund.

You look at those at the top of the page, all the funds combined that are governmental have \$14,475,000 in cash at the end of the year. The utility funds have \$1,164,000 in cash at the end of the year. That shows at the very top line of page 17. I'm just going to use cash as a benchmark right now. You go to page 18. On page 18, anybody who normally looks at a profit and loss statement, income, and expense, net profit, well this is a government attempt doing profit, loss, but it does it backwards.

At the top of the page, it shows you all of the expenses first. Then you get towards the bottom of the page, halfway down, you see all of the revenues. I'm not sure, but I wouldn't have set it up this way myself, but that's the way government accounting standards requires it to be. This shows you expenditures by the various categories, general government, judicial, public safety, et cetera.

Okay, from there I want to take you now-- I want to go to page-- let's go to page 19. The audit opinion talks about major funds. Okay, there's only two major funds in the county. There's the general fund on page 19. You see at the top of the page it has cash at \$9,707,000 at the end of the year. The road fund, \$162,000. These two funds meet the requirements to be considered a major fund. All the rest of the funds are all totaled in this one column that says Funding Government.

Dan: I want to take you to page 81 and 82. [silence] is the General Operating Fund, the general fund of the county as of June 30, '24. Page 81 is the balance sheet for the assets, liabilities, and the equity of the general fund. Page 82 summarizes the revenues and expenditures for 2024 using comparison numbers from '23. Just to point out a few significant items. Fund balance is a big deal when it comes to the budget. Okay. Cash is an important item. I just want to talk about fund balance.

If you look on page 82 at the bottom of the page, it shows fund balance beginning of the year, end of the year. The budget for 2024 anticipated the fund balance at the beginning the year of July 1, '23 to June 30, '24. It anticipated a fund balance of \$4,401,000. You actually

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had a fund balance of \$5,525,000. You started the year with \$1,073,000 more than expected. The budget as prepared anticipated an ending fund balance as of June '24 of \$1,148,000. Fund balance is \$8,375,000. Significant increase over what was anticipated.

If we were looking at this as a for-profit organization, the third line at the bottom, it says net change in fund balance, the second column is the actual column, there would "be a net profit" of \$2,849,000 for June '24. That tells me the county is in pretty good financial condition when I see that number. June '23, there was a profit of \$1,495,000 in the far right-hand column, third line from the bottom. You see that number? From July 1 of '22, when the fund balance was \$4,029,000, see that number there, second line from the bottom, far right-hand side?

Dan: Fund balance has gone from \$4,029,000 in '23 to \$8,375,000 at the end of '24. That number is all driven by, if you look at the top of page 82, the budget for taxes at the very top line for 2024 was \$1,580,000. You received \$5,360,000, a significant net proceeds tax came in the door. That's why it's up so much. If you look at 2023. In 2023, the number was \$3,865,000. You can see how there is a significant impact on the county from property taxes. If you look at page 83, you'll be able to see this more clearly. Top of that page 83, you can see this amount in proceeds, \$3,013,000. In '24, \$2,296,023. Another item under property taxes is personal property tax, which can be submitted for you. Personal property tax sometimes isn't known at the date that the budget is prepared. A lot of these new operations bring in equipment into the county. Any business has to pay personal property tax. I know there's been some significant personal property tax revenues come in in the last few years driven by a lot of mining activities here in the county. I point out these numbers to you.

Then, if I could take you back to page 82, again As part of the audit, we are told to make sure that there were no violations of the budget. The state statute says that you cannot spend in excess of the budget amount for a function. Now, a function is not salaries and benefits. A function is like public safety, general government, things like that. Okay?

Page 82, if you look at this and you look about a third of the way down the page, you see the word, expenditures. Underneath that, it says current, and it says general government. That's a function. Under the general government function, there are many, many line items that equal that total right there. If you look down the third column, you find one negative number there, \$2,200.

Commissioner Perez: Where are you at on that?

Dan: I'm on page 82, the third column over, and I'm in the expenditures section. You see the negative \$2,200?

Commissioner Holt: Yes.

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Dan: That's a budget violation that is noted in the audit report because you can't overspend a function following the state statute. Now, that's a pretty insignificant dollar number when you look at the total expenditures in the fund this year. Nevertheless, it's by function, so this is a finding in the audit report.

Let me go from there. I want to take you now-- I want to move out of-- I want to now take you to page 88, 89.

Commissioner Holt: Okay.

Dan: We talk about the two major funds. Next is the road fund. That gives you an idea of where the road fund's at. Looking at the road fund, page 88, you see the top line Cash, you can see cash has decreased from last year to this year. Okay?

Fund balance, page 88, second line from the bottom on page 88, you see fund balance has dropped similar to the cash, not as much. That's because at the end of the year, there were some large receivables of money that hadn't come into the road fund yet. That shows third line at the top called, Due From Other Governments. That's like the fuel tax and things like that come into the road fund. If they don't get there timely by the end of the year, we have to record them as receivables.

Page 89 shows the profit and loss. There were planned expenditures for the 2024 year. I'm going to key on expenses right now. It's halfway down the page. It says Public Works. Public works is a function. Then below that are the different objects, salaries, employee benefits, service supplies, capital outlay. Expenses for this year were \$940,000. Last year, they were \$679,000. That was all within the planned budget expenditures for the year, work plan and the road department put together. There's no budget violations here. Everybody can see how the operations of the road fund took place.

All right. Now, from there, I'm going to skip the utility funds. For now, I want to take you to page 100. I'm moving to what are called major funds, non-major funds.

Dan: Now, pages 100 through 103 is the schedule of all of the special revenue funds of the county. You can look at the top, and you can see all the different funds that exist, health and welfare, community assistance, solid waste management. There are many, as all of you know. This shows the assets and liabilities for all of them.

On page 103, you see a total in there. At the top of the page, it shows totals for 2024 and a total for 2023. If you want to compare last year to this year, you can see how the special revenue funds are doing. You can see, based on the cash, that the total cash in these funds increased by almost \$600,000 from last year to this year.

I want to talk about special revenue funds for just a minute. Special revenue means that the money that came into these funds is earmarked to be used for just that purpose and nothing

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else. For example, in here, there-- she's left the room, but I want to go to page 101. The judge-- so you look at page 101, and you see juvenile court. You look at the top of the page, and it says, Goldfield county justice court and juvenile court. This is money statutorily that has to go in these funds. The NRS drives where the money goes, and the NRS dictates where the money can be used.

Meaning, you could see money in these funds, but at the commission, you don't have to follow the statute. You don't have the ability to take money out of these funds and put into the general fund to plug a hole. They have to be used for a specific NRS requirement, thus the term "special revenue." Special revenue source would be used for a special purpose. Just like the road fund money, special revenue can only be used for road-related work. Okay?

All right. Then, if I take you to page 106 and come up here. I want you to read Come up here to page--- I'm going to start on-- it starts on 104. It shows the revenues and expenses for all the special revenue funds. You see a total on page 108 in the special revenue funds. Then behind this section, there are-- I'm going to take you to page 109 and 110. There are separate reports in here for each one of the special revenue funds, starting on page 109, the health and welfare fund. There's several pages, and I don't plan on going to each one of these pages, but I do need-- I just want you to see how this rolls up together. Individually, all the funds' information are here.

We can go to several individually and talk about them. Right now, I want to give you the overall look at them. I'm sorry, there's no I just need to discuss with you too. This is on page 106, page.

Commissioner Zakas: You will be coming back to 110, Other Financing Source that's in the negative, I presume?

Dan: Sure. You want to go over there now? Page 110. I can move any place you'd like to go. On page 110.

Commissioner Zakas: I see some negatives for 2024 between budget and actual, Other Financial Sources, toward the bottom. Okay. Could you just tell us what that means?

Dan: Other Financing Sources and Uses.

Commissioner Zakas: Please.

Dan: What that means is that another financing source transfer out or transfer in is what that refers to. Some of the funds can be transferred from one fund to another fund. You can transfer money into a fund, you can transfer money out of a fund. Generally, most of the

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time money is transferred out of the general fund to support other funds that don't have enough money.

Commissioner Zakas: Okay.

Dan: Transfer in this fund, this is the health and welfare fund, so this is going to be used for those type of expenditures. The transfer out of this fund went to the indigent defense fund. Indigent is the same thing as welfare. Therefore, the money coming out of this fund, and I can take you to that fund and show you where you can see the money coming in and out. It allows you to move money to other funds as long as the other fund is using money for the same purpose the original fund was using.

Commissioner Perez: Can you give me an example of what-- if you were to move money out of the special revenue fund for the welfare, what would be an example of where you put it or even back?

Dan: Generally, you don't have it. Usually, money comes into this fund and it's done by a transfer only to the general fund.

Dan: It's usually a one-way movement in this fund. This one is an exception because the indigent defense fund was created by the prior county commission, but they wanted to track the cost of indigent defense in a separate fund. They said, "Well, we're going to take this money, and we're going to take money out of this fund and move it to the indigent defense fund so they can track and know, "This is how much we spend." There was a shooting that took place, what, a few years ago?

Commissioner Holt: Yes.

Dan: Just last year. Just last year, January. It cost the county a lot of money. To have someone in a case like that or whomever that doesn't have money legal counsel, you've got to help provide that. That's what the brackets are, saying we're taking that money and putting it into a different fund.

Commissioner Holt: What, the indigent defense fund?

Dan: Yes. We got a page in here where I can take you to this other page and show you a section.

Commissioner Zakas: It's not like we overspent it? It's like we just made it a line item?

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Dan: Correct. In fact, the over expenditures can only be a violation of the under this section where it says Expenditures.

Commissioner Zakas: Where? What page are you on?

Dan: It's on page 110.

Commissioner Zakas: Okay.

Dan: You see at the top of the page it says Revenues in black bold, and it shows Intergovernmental Expenses Expenditures in bold color.

Commissioner Zakas: Revenues, what?

Dan: Top of the page.

Commissioner Zakas: Okay.

Dan: It says revenues. If you follow about halfway down the page, it says Expenditures. This section of expenditures is the only place where there could be a budget violation. If you follow that down, you see total expenditures. Then, if we follow over to the right there and we slip into that expenditures section, there's no negative numbers. There's no budget violation there.

In the next highlighted or bold section, it says Other Financing Sources uses. That's where you see the negative numbers. It was budgeted to be negative at \$82,262. It was planned by the commissioners to get the money out of here. A transfer to the fund is not deemed an expenditure. Therefore, a negative number on this line would not be a budget violation. Does that help answer that a little bit?

Commissioner Zakas: Yes.

Commissioner Zakas: So far, looking pretty good.

Dan: Just go along with the question. I want to take you to page 51.

Commissioner Holt: Okay.

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Dan: 51. I just want to stay on the question of transfers. On page 51, at the top of the page, it says inter-fund transfers. It shows transfers in and transfers out. It shows you the funds that transfer money out, the funds that transfer money in, and you see where they net to \$216,000 at the bottom?

Commissioner Zakas: Yes.

Dan: That's a requirement. It shows we just transferred money between the funds, and the net is \$216,000. You can see that. All right. Now, there's another section I want to take you to that is, not to be confusing, but it is unusual. I want to take you to page 161. I'm going to give way to accounting here, because this generally doesn't have an impact on how you manage accounting as commissioners. If you look at this financial statement, it can be very confusing. I'll try to explain it. It still might be confusing. There's even a lot of deviation. This is really crazy, guys.

There is a rule in governmental accounting that if a fund does not have enough money, or the primary way of supporting a fund doesn't come from taxes or fees, even though on the budget it's called a special revenue fund, in the audit report, it can't be called a special revenue fund. It has to be called-- in the caption here on page 161, these are called -- it says internally reported budgetary basis funds. I don't make these rules. Somebody else does. You have to live by them.

Commissioner Zakas: Internally-reported?

Dan: Internally-reported funds.

Commissioner Zakas: That means they can't be a special fund. They might be a special fund, but we can't call them a special fund.

Dan: Inside the audit report, we can't, but inside the budget, you have to. We've got a rule over here that follows NRS, and we have a rule here we have to follow, which accounting principles.

Commissioner Zakas: Okay.

Dan: The reason that they're done this way is because these are funds that generally, and I'm going to take you to page 165, and this will really help answer the question.

Commissioner Zakas: Okay.

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Dan: On page 165, the first column says Library?

Commissioner Zakas: Yes.

Dan: Okay. The library gets 99.5% of its money from another fund. If you look down there, almost three-fourths way down the page, it says, Other Financing Sources and Uses. Operating transfer end, \$125,788. The library fund doesn't generate any property tax return. It only exists because of the money transferred to it from the county general fund. Funds that generally don't get a special revenue per statute or per an ordinance you may pass. For instance, solid waste has a special per parcel fee that has to be used only for solid waste. The library doesn't have any special source of revenue. It can't technically be called a special revenue fund in the financial because it doesn't have any special revenue. It's supported by money from another fund.

Commissioner Perez: Typically general fund?

Dan: Always. Once in a while it gets grant revenue, but it's not enough to support it. This does show on page 165, Intergovernmental Revenue, \$2,028. That's the library grant that you get every year, but that's no way enough money to support itself. There are some sections in here that relate to internally reported funds. There are several of these funds like this because they get their money from another source.

Another example, let me take you to page 175. This is for preservation funds. It may not be right when I say this, so you have to correct me, okay?

Lori: I don't know anything about that, sir.

Dan: Don't put me on the spot. The county has a room tax. okay? It was decided by a prior commission that the room tax money, when it comes in, is going to be allocated to four funds. If you look down here, you see Operating Transfer In. It's about two thirds way down the page. This fund receives a transfer every year from the Room Tax Fund. Room Tax Fund is a special revenue fund. It has a special source of revenue, which is room taxes charged for hotels or maybe Airbnb, things like that, inside the county that pay room tax.

The commission made a decision that that room tax money, some of that can go to historic preservation because going to see historical sites brings in more tourism. Room tax can provide tourism. You can see, if you look at that, you see the Operating Transfer In. Two thirds of the way down the page, you've got \$12,000 as a budget. Actually, when it came in, it was \$15,377. Last year, it was \$15,982. You can see those various funds there.

All right. Let me go from there-- I want to go to page 183.

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Dan: The county has what's called a Budget Stabilization Fund. This fund is statutorily driven. The only way it gets money is by a transfer from the County General Fund into this fund. This is a fund specifically designated by the by statutes. When the money goes into this fund, it can never be touched unless you have some form of a natural disaster. When you do, you can go and you can access money out of this fund and spend it.

As you can see, under-- you can see Operating Transfer In, this was initially funded once several years ago, and there really hasn't been any money put into it for the last several years. Right now, it's just earning interest. Just so you all know, this fund exists, and it's part of your budget.

Dan: Go to page 189. Each of the areas or towns, the Fish Lake Valley is not a town, but there's a Hotel town. The Fish Lake Valley has a park. All right. This fund doesn't have basically any specific source of revenue other than maybe donations or a few pieces of money we charge. This fund gets a transfer in from the County General Fund on an annual basis. You can see that it's basically the fourth line down, it says Operating Financing Sources Transfer In, and you can see the money that's transferred into this.

Now, Silver Peak Town and Goldfield Town also have parks. There's been an agreement with the commissioners that there'll be transfers into those parks, too. Basically, all the parks are getting an equal amount that they transfer in instead.

All right. Now I want to go to page 196 and 197. This is a new fund that was created last year by the County Commission. This fund didn't exist in 2023. This is the Emergency Services Fund. The County Commission determined that they would like to have all emergency services under one umbrella, so you can see it all in one place. Page 197 shows the activity. Now, there are some grants that came in in this year. You see the expenditures. Public safety, you see emergency management costs, emergency medical costs. You see it broken out between Goldfield Town, Silver Peak Town, Fish Lake Valley. I guess I made a mistake there. It should say Fish Lake Valley Town. Okay, we'll have to get that corrected. I'll just change a few numbers in here.

If you turn to the next page, page 198, you can see this goes on. Now, it's been there continuing with this. There's emergency management for fire. You've got Goldfield Fire, Silver Peak Fire, Fish Lake Valley Fire, Gold Point Fire. Then you see a budget down at the bottom of the page here for debt service. This was a budgeted plan to get media-insured financing to buy equipment with. All right.

We can go on to page 199. You can see the one I want to point out here, it's other financing sources, uses, operating transfer in over \$39,000. That money came from other funds inside the county. It came from the town fund. It came from the general fund. This to me is probably one of the most significant funds that were added to the finances of this year that hadn't existed in prior years.

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From there, we'll go to page 200. Now, I'm looking for special type of funds, capital project funds. Capital project funds can only be used for exactly what they say they are, capital projects. In other words, once money goes into these funds, it has to be used for a capital project. It locks it out. These funds, most of them get their money, and there isn't necessarily any tax rate for any of these funds. There's really no funding source. Generally, these funds get their money with a transfer from another fund. The only one that doesn't, if you turn to page 202 and 203. You look Ad Valorem fund, far right hand, right next to where it says totals 2024 and 2023, you can see the Ad Valorem fund. It shows the property taxes of \$62,000.

Commissioner Zakas: 203?

Dan: 203.

Commissioner Zakas: Ad Valorem? Okay. Okay, very top number?

Dan: Tell you what, let me take you to a better page now. Let me take you to page 215.

Dan: Page 215. You can see at the top of the page. You can see Property Tax Net Proceeds. You can see investment income loss. You can see the expenditure line item where there was no expenditures. This is a fund that is in the statutes. It's a fund where the county commissioners can assess a \$0.05 property tax. The tax can only be used for capital projects and nothing else. Two years ago, the commissioners made a decision they were going to institute. This was three years ago. The first year it was instituted.

The money that comes in this fund can only be used for capital projects. Basically, as the money accumulates, you can accumulate more than 10 years worth of revenue. If you're going to bring in \$62,000 a year, you have 10 years and this got up to \$620,000, you better make sure you spend something in that year. I don't know what projects you have and what you can do with it if you ever get to that point, but I just want to point that out to you. This is available to the county to use in any place in the county for a capital project.

Commissioner Holt: That's hands-on building, right?

Dan: That would be building--

Commissioner Holt: Building repair?

Dan: If it is repair, it has to be repair that is a significant repair and not a maintenance type of repair. If you're going to do a new roof on a building, that wouldn't be considered a repair. It wouldn't qualify would qualify.

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Commissioner Perez: How about the matching the grant then?

Dan: It could be used for equipment or to buy a new ambulance, it could be used for an new ambulance, it could be used for new road equipment, it could be used for a new fire truck, it would be used for new computers, all those type of things. As long as it's not used for salaries, benefits, supplies like electricity or office supplies, stuff like that. You can't use it for that.

Commissioner Perez: I have a question. What's driving this here is it tax coming from where? The \$0.05 tax.

Dan: Anybody who owns property?

Commissioner Perez: It's in the property tax?

Dan: The property tax.

Commissioner Holt: Then Dan you had said you couldn't collect more than 10 years without using it or-- I didn't catch that.

Dan: The way the law says is-- the wording used is you can accumulate 10 years' worth of revenue. I'm not an attorney but I interpret that to be that after 10 years if you've accumulated money and you haven't spent it then maybe you can levy the tax the following year is how interpret that. It doesn't say it that way. It just says you can accumulate up to 10 years of money. We will look at that generally. We'll do audits and say, "Okay, they've got 10 years' worth of money or less. They have " and we do a common report saying, "They've accumulated 15 years' worth of money."

Commissioner Perez: You would have to adjust the tax, which is way easier to spend it.

Dan: Basically, you have to reduce the tax and not levy would be my understanding. Most places, they levy it on purpose and they spend it. I've really never seen it get over that dollar, and I don't see you guys ever doing that. To me, I would use this for our future revenue capital projects funding.

Commissioner Holt: That started in 2023?

Dan: 2023

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Commissioner Holt: We put \$68,000 in to begin. \$68,000 x 10 is the amount of money you cannot go over. Is that about correct?

Dan: If it's driven by the tax line, so where it shows corporate taxes. I've got the actual number there. It's \$62,305. I would times that by 10. I would go get a legal opinion on this myself because technically, it's not top line property taxes. You collected \$26,000 in normal profit and tax. Net proceed is a different animal over here. I interpret the statute to mean it relates to the property tax not net proceed but I'm not here interpreting law. That's how I read it. If you collected more than \$269,000, which would be 10 times the \$26,985, which you got \$265,000, then you'd be above the limit. You probably shouldn't levy tax on it. That's how I would interpret that.

Commissioner Perez: We need to use it. Let's use this thing and use it.

Commissioner Holt: Here's another thought that could complicate that. Taxes on loneer, for example would really up that. Do we have to add the tax from each year for the 10 years in the file because one year of loneer could go over the 265-whatever?

Dan: That changes things. Now, you've got a whole new entity in here. That would change it, in my opinion. Taking an unused and a very simple approach to this thing is not changing new property owners or new assets that are going to be taxed. I'm assuming it will always be taxed at this red right here. The perfect world is, it's you just take the tax you've collected each year for 10 years and total those up, and that would be the number that it says you can't accumulate more than 10 years. I'm just simplifying that saying, "Okay. We're going 10 times what capped it this year. It's really you add on how much you've accrued in each of the years.

Commissioner Holt: Okay.

Dan: Okay?

Commissioner Perez: Use it

Dan: I don't think there's. That's what I think.

Commissioner Holt: Under that umbrella of capital use, would a new school building-- it would be on county property but we don't control their business?

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Dan: Generally, because a school is a separate governmental entity, you would not use this money for the school because they have their own ways to generate money for this. If you did, you would not be building this. You'd be gifting this money to the school. I don't know that the gift of this money to the school would qualify as a capital asset, and so-- I can find that out for you all.

Commissioner Perez: We can find other things to spend it. That's my thought.

Commissioner Holt: My thought is every one of our schools is ancient, needs rebuilding. That's my thought at the moment.

Dan: All right. Other funding is something I wanted to touch on. The budget process where it goes for hours, and hours, and hours. I just wanted to give you a complete overview to look on. I want to make sure because it's a priority with the commissioners. There were some real concerns about some of the fund thinking they had not been used properly and/or they there were issues. One significant one was the room tax fund. Two or three years ago, one commissioner brought up the fact that this fund is not being distributed properly.

That's why I went back to the Historic Preservation Fund just to point out, so for those who remember, the need to allocate that money between four different funds that hadn't taken place for three, or four, five years. There was a correction made that made those transfers and then backed several years to get all the money into where funding was supposed to be. There were some concerns here at one time over using those funds and the money correctly, yes. There was a concern about Solid Waste Fund. Maybe I should go to Solid Waste first. Let's go there.

Dan: Solid Waste Fund is technically made up of two funds. If you look at the top of the page it says that Esmeralda County Nevada Non-major Solid Waste Management Special Revenue Fund. You see numbers 240 to 625?

Commissioner Holt: Yes.

Dan: Those are fund numbers that exist inside the county's accounting system. Fund 625 is a fund where money is put aside mandatorily to meet State of Nevada GPA requirements for the closure of the landfill when it's full. Closure and post-closure costs. The find in this one fund-- that's why you see two numbers there as far as the fund itself. Do you see the charges for services? It says, sanitation being the partial charges to everyone in the county. In the next line, you see the investment income that's been earned on the money. You see other revenue that comes in when there's some additional fee can come in, then you see the cost of maintaining land here. You compare the years, you look at this year, you see a budget of \$211,000, I'm more obsessed with total sanitation. It's just under expenditure. It

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says expenditures, current sanitation, below that is total sanitation. Budget of \$211,000, expenditure \$132,000, came in under budget. Prior year there was expenditures of \$233,000, prior year there was \$114,000 in capital outlay because some equipment had to be purchased to maintain the landfill. Debt service; the next line, debt service, this is median term obligation for debt that has to be paid within 10 years or less.

This probably you won't find here though, isn't it? I don't remember right, showing the principle of interest payments. At the end of the year, ending fund balance, this fund has an ending fund balance of \$280,000. You see that number is very far off the page, second column on the left. We would anticipate this fund will generally increase each year because we have to set aside money every year. That money has to stay in place until the land fill closes. You have to have money for 30 years to pay to market the land.

Commissioner Holt: 30 years after it closes?

Dan: Yes.

Commissioner Holt: 30 years?

Dan: Yes. You have to set up enough money in the process to monitor 30 years after it closes. Right now, the county aligns with what the state want. This makes sense in a special way because of that.

Commissioner Perez: You're doing good.

Commissioner Holt: I agree.

Dan: Let me go from there. Part of the audit, I'm supposed to talk about things that we find. Now, I want to turn the page 222. Here's the thing that discussed with you here two weeks ago, but now we get inside the audit report. We have to put in here findings and comments. The first relates to financial period closed. This is what's supposed to happen in each month with the books, records of the county. With the financial period that's the closed time length that you're not needing the following duly accepted country procedures.

This is a comment that talks about what's supposed to happen with this criteria, the condition, what's taking place, the cause of the condition. I'm just going to say the condition is free. Monthly county period closed procedures are not performed timely. The cause of the condition is staff turnover for the county auditor's office has an impact on the completion of monthly closed procedures. There's been turnover in the auditor's office. There's been turnover in the treasurer's office. The treasurer had an employee that had been there for years left.

When those type of things happen, it really impacts the ability to continue because then you have new people come in, everybody needs to be trained. If you recall when I was here

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before, it was the last budget meeting, the last budget workshop a year ago, there was a long discussion about trying to retain people. Part of the reason this is here is that hiring and retaining people, once they're trained, they walk out the door and then just becomes involved in the county. This contributes to this monthly closed procedure.

Commissioner Zakas: I've been reading that for several years, and I think that's getting to be an old, poor excuse that they must have to pick up the slack. We are elected officials and I think we have to quit buying that excuse. That's just my opinion.

Dan: That's fine. These are comments, and to go to what you said and look down here it says repeat finding. It's the one down the page repeat finding. Yes. You can see the years where it's been in here. That just validates what you said. The next finding on the next page is this relates to pooled cash and investment reconciliation. This is part of period closed which is more detailed. Every month there should be a bank reconciliation completed. When it's completed, there's supposed to be reports brought in to the county commissioner saying here's the cash balance.

This goes along with the first recommendation or the first comment of the need to on a monthly basis, reconcile those accounts. Monthly closed relates to reconciling accounts in addition to cash. We're just drilling down here to be more specific. This is a reconciliation where you take the cash in the bank and you reconcile it with the cash on the books. Meaning the cash in the bank might say a million dollars, but the cash on the book might say \$900,000. The difference is because the county wrote \$100,000 in checks that appear on the books without putting in the bank yet.

There's a difference when the bank says cash in and when the books say cash in. That needs to be reconciled each month. Now, to simplify it, here you have very complicated reconciliations because you have so many funds. You have, I'll say, electronic payments coming in the door, electronic payments going out the door. You have money in bank accounts. You have money that's invested. There's a lot of moving parts to this reconciliation process.

Commissioner Perez: What that is, because you have so much movement, is just a snapshot that would be good to keep every month so you have a good pulse on what's happening.

Dan: It's mandatory.

Commissioner Holt: What's the penalty?

Dan: What's the penalty?

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Commissioner Holt: Statutory has penalties.

Dan: The penalty for the bank reconciliation, there's no statutory penalty for the bank reconciliation. I'll get the statute just a minute if I have it in here. Let me go to the next page. Page 224, credit card expenditures. There's been a problem off and on for the last several years with credit cards. You recall when I was here a few weeks ago, I talked about credit cards. Who's responsible? Who decided who's responsible? Having a good credit card policy. Shutting out credit cards when people don't turn in their receipts. Can't use it anymore. Right now, it's at the end of the year, June of 2024, and credit cards have not been written.

We need to make sure that for every expenditure that took place on the credit cards, there needs to be a receipt that backs it up, and the expenditure is properly reported on the books. Now, this was an issue a few years ago. It got better last year. Now, it's evolved again this year. Going back to our comments here, when I was here a few weeks ago, this is reporting to you of the problem. It's making comments and recommendations as to what to do with the problem. Now, it's going to require corrective action by the county commissioners to correct the problem, or I'll say the county.

The biggest concern that we have with this is this is where fraud can take place, or most likely does take place. That happens when somebody uses a credit card and returns their receipt in. The county pays the bill, and then it's a personal expense to negotiate that. I'm not here telling you fraud occurred. I'm telling you there needs to be a significant look at this. It's not a big dollar amount, but this is meant that the county probably should be reconciled every month. It goes back to the period in quotes each month.

Commissioner Perez: It sounds like bad business practice if you don't correct this.

Dan: You're right. Absolutely.

Commissioner Holt: Just out of curiosity, so there's some credit card blah, blah that hasn't been fixed for the year that already ended in June?

Dan: Correct.

Commissioner Holt: How do we fix that?

Dan: What needs to happen is the credit cards need to be examined. Anybody who hasn't returned a receipt for an expense they incurred needs to give you the receipt, or if they don't, they need to write you a check and bring it. That's how it is normally taken care of in a business cycle.

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Commissioner Holt: Do we know names of these individuals on the credit card that we need to go after?

Dan: You will, yes. It's easy to do that because there's monthly statements for all the credit cards. Credit cards are all assigned to individuals, so you will know which ones have been properly accounted for and which ones have not.

Commissioner Holt: That's a list that Cindy could provide for us?

Dan: I'm going to assume, but I'm going to go back to what I said a couple of weeks ago.

Commissioner Holt: We have to fix the mess for '24?

Dan: We have to fix it for '25 too. You have a right to spend it. My comment at the last meeting was, nobody assigned Cindy this responsibility. I think she ended up with the responsibility because nobody else would do it. I think there needs to be someone that, I think, I want to go to a much higher level. Commissioners need to decide specifically and make sure all three of you are good on what the credit card policy should be. I think there needs to be someone designated by the commissioners who's going to be responsible for the procedures they have to follow with the credit card policy. Have that approved in a county commission meeting to then be able to hold everybody accountable.

Over the last three or four years, I think that credit card has moved to different offices in the building. I'm not going to say this because I haven't read all the minutes to see if the commissioners said, no, let's go move it over here, over here, over here because there's nothing in the statute that I see said it's her responsibility. I don't see a place where it says it's the specialty's responsibility. I don't see a place where it says it's the auditor's responsibility.

Commissioner Perez: I see it as our responsibility.

Dan: I think you're the ones who make the decision. Here's what the policy's going to be. Here's how we want it done. Here's who we want to do it. Then you meet with whoever you want to have do it. Make sure they'll accept the responsibility, then you send out to every employee in the county who has a credit card and say, this is the policy. We'll give you-- I'm going to give you one strike and then after, that's convenient. I'll give you three strikes and three strikes and your card is paid for. That's what happens in the business world. Sometimes it's one strike and then you're done. You don't get it anymore.

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We live in an electronic world today. Many entities we deal with have credit cards. They do not issue them individually. They'll issue one to a department. That's it. They make that department head be accountable for that card. They won't give one to everybody in the entity. Some of them have cards that have to be checked out to whoever is responsible for the credit cards. You have to go to that person and say, "I need to pay for this right now. You can order it." You have to go to that person. That person then, "Fine, I'll order it for you. Give me all the paperwork." You have one person accountable rather than 15 or 20. There's many different options out there. Now, remember, who thought of it. I always pick the option that's the most stringent of all of them.

Commissioner Holt: Which is?

Dan: Which is two or three credit cards, and everybody has to check it out before they use it, or go to the person holding the card to make the charge because the more cards you put out there, the more accountability there is, the more chance for error there is, but it's more convenient for everybody to have a card. Before you can have one that you set on, I see some places where it's just a thought, no, you get my point.

Commissioner Perez: Say the last one.

Dan: There's some places where they'll have three or four cards. They'll have a generic type name on it. It might say county person. It might say county court. Anyone who has the card that relates to those departments can use it, but it's a check-in, check-out. You have one person who controls the card in that department. When the card comes back, that person who controls the card makes sure they get the receipt of whoever used it. If they don't produce a receipt for that individual, they become responsible for the payment of the bill. They don't pay it. It gets withheld from their paycheck or some other reason.

Commissioner Holt: What we can do is have the department heads come forth and say, yes, I'll do one card. I'll be responsible for it. If they don't want to, they don't need the card. Each person who's in charge of the department does exactly what you said. "You need the card for Thursday? Come here. Sign on the dotted line. Come back on Monday. Give me your receipt." Is that okay?

Dan: My personal experience is that has been the best option, but I see many who don't do that where one entity we have, they have many, many cards out there. It just makes the accountability more difficult.

Commissioner Perez: We've got big problems.

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Dan: I like to think of how the system is set up in what I call help keep honest people honest. Don't create a situation where you put them in a position that they're in a jam, and you put them in a position where they can use it for a personal payment. If they did, they should immediately come to you and give you your money immediately. I think they do something to keep honest people honest because nobody wants to go through bad things when you get in trouble with the cards.

Dan: I'm not here saying they're strong. I'm not telling them. We have accountability issues.

Commissioner Perez: I think it's as simple as some guy using the card for maybe something legitimate and you get the receipt to the right place. I've been guilty of that in my life. I actually have a county card at this point. I don't want to use it. I think the reason I even accepted it-- Oh, you know what? Excuse me. I do not. It's been cleared. I have a gas card. I have a gas card.

Commissioner Perez: What I was going to say-- Excuse me, because I mixed it up with my gas card, which I have. I took this card on thinking to myself, not as necessarily a convenience for me, but if someone were to ever call and say, "Hey, it could be anyone in maintenance on the road, or whatever, and said, "I'm trying to do this and I can't get hold of so-and-so," that if they were to call me I would have that ability to help them over the phone. I don't even know if that holds water. That was my thinking. I'd like to make a statement here.

Bob walked out the door, so I don't even know if this is the place or whatever but I'm going to say it. If we are, as a group, to try to have a discussion on what do we want to do with our gas procedures? I think it's plugging along. We'll probably have an update on that tomorrow. Someone mentioned something to me about the gas thing, and I think we'll put it all together. Like I said earlier, I think that's low-hanging fruit, and I think we're heading down the right path. It might take a little bit to get there, but I think we can. On this card thing, being that we're not allowed to talk to each other, that makes it interesting.

The other thing is to think who out there, I visualized all, we've got a representation from a few departments here and some of them are like, I'd like to say, "Oh, gee, how about you?" They might go, "There's no way. I don't want to do it." It's like I think at least I would have the statement to the departments, is there anyone willing? You don't have to say it now, but come back to us and let us know. I really think I could do this and do a good job. It's like for us, because we can't talk to each other, we can say, "Well, it could be this, it could be this, it could be this, but we can't even do that." Go ahead, Cindy.

Cindy: I understand where you're coming from, and I appreciate that. I think what we decided months ago is that we were going to do a credit card workshop, and that maybe at

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this point in time you guys tell the department heads how you want credit cards to be filled, what you will accept and what you won't accept, and then you deal with department heads at that point in time. Also, too, the credit cards deal by deal remains. Whoever takes on responsibility is going to still have to deal with the treasurer, as far as they're calling me and Carter outdated, or Carter records of that, because I have administrative ability to use cards or pull up anything else and anything like this.

That's a treasurer responsibility, the reason why it's in my office, that we took that responsibility on is because we have that ability to do so, but on the other hand, it is the most time intensive thing that Laurie has to do. That's number one. Number two, then we have to deal with attitude from whoever feels that something-- I'm very I don't even go attitude, but what's causing that Carter now, but the point is, is that our department pointed to your commissioner it's your job to navigate who does, and who doesn't, and how you want that.

It's not up to me. It is not even. You decide on this one person that's not then you're going to have to follow through, and you be accountable for.

Cindy: That the policies regarding what you can charge, and what you can't.

Commissioner Perez: I have two points to this. One is, it is our responsibility to do this. We have our hands tied to even discuss it.

Cindy: That's why you have a workshop.

Commissioner Perez: Let me finish.

Cindy: Sorry.

Commissioner Perez: I am putting it out there for these departments, because it even sounds like Dan says that you have done it just because someone has to do it. It's like, his recommendation, from what I heard at the meeting before, is that it's to our discretion. I even heard that, and this is why I'm saying this. I heard him say it's really it could be our offices thing to do, but I don't want to say that from here without discussing it with our staff. Even to say, I would put it out to all the staff. Does anyone have any ideas of how we can do this by someone that's competent to do it that will do it? Maybe it's your office. What I heard from Dan a couple of meetings ago was, you have it just because somebody had to do it. That was my under-- Is that correct?

Dan: That's how I personally feel we see it. Now, it might be visualized different and it's moved around. What I've seen, it is not a mandatory treasurer function. It might be from my

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outside preview when Cindy or Lori gets crap, basically they've had to make up the rules that they mandatorily make people follow.

Cindy: That's right.

Dan: They tried to. The commissioners are the ones who have power, the hammer, to say it's this way or it's no way. When it's Cindy or Laurie making up-- I'm not saying make it up, saying the rules, that's your rule. That's not the county's rule. Does that make sense what I'm trying to say there?

Cindy: It did.

Dan: You might see it different than I see it, but that's my thought on that, because if it's done officially as an action item, this is it, no one can give anybody any crap. The treasurers or anybody like that. They will, but they're following your rules.

Commissioner Holt: I get it. Go ahead.

Commissioner Perez: Go ahead, chair.

Commissioner Holt: I'm just going to point out that we just approved last year, I believe a credit card policy already. That as people are getting their credit cards, they're supposed to be receiving it and knowing to follow it. You made mention about reviewing an update, and so when you do a workshop or whatnot, that should be included in. It could be included to our research, that we should be following it.

Cindy: I'm going to make a statement here. You don't want to stop a motion on a dime. You need to bring it and then I need that person to bring that, or bring that, or actually read that hearing it that we're talking about. I'm going to use Maureen as an example. She buys food for you guys. She has to deal with multiple levels of charging on her credit card, just because of that Let's say the credit card is calling me and they said, "Hey, if you don't have X amount of dollars to pay by the end of the month the card is gone" and that's how they work with cards right now.

Everybody's card What happened was, I had to go back and say, "No, what we need is we had to rebuild and they got rejected, or something. She'll need a commissioner in the past has forgotten to give information. That is dangling out there. Is it her fault? Maybe. Again, she's dealing with so many different entities her that that was a problem. If I'm the person I'm supposed to say, "You've got four drivers out driving from Las Vegas to Reno. You've got a commissioner going to a conference, and I'm going to charge your credit card.

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It's very difficult, because again, if you owe a government however, you don't file-- A lot of times the owner is just going to be home but will credit conference because other people have You understand?

Commissioner Holt: Not really in connection with what I was bringing up, but I do see what you're saying. I was just suggesting, if we're having a workshop with credit cards, we should leave it to you, and possibly update the policy is what I was saying.

Cindy: I agree with that. I think that absolutely that's but unless is it the council who clear you that goes into going to get paid, but then she's not paid. I've asked her, if you don't have that bill in my office on this day, there's a ramification. Regardless of how long ago you mailed it, or you can mail it tomorrow there's still ramifications.

Dan: I'd like to make a small more comment there. The county is separated between these departments, in my thoughts, because we follow the process, no issues at all with it.

Commissioner Perez: I have an idea here, and I hear you, Carl.

Commissioner Perez: I would say, like I said earlier, it's because we have a hard time communicating with each other, and we're stuck with that. I'm throwing it out there because I heard something that Dan said, and the credit card thing I think I'm completely okay with that, but I'm throwing it out to maybe a discussion that we almost have to have one way. It has to come from you to us, either individually. We can't have much here. It's not drawing it out to all the departments. You have input. It obviously sounds like to me that you're interested in doing this, but you want a policy. Is that correct?

Cindy: It would be nice if you could follow the policy that we have, and understand that there's ramifications to alternative bills. We try to not to bill, like I have preached about, and I have stated about in the last couple of years, multiple times. If they would follow that rule, that would be great and we wouldn't be in this situation. However, as in January we all had a wake-up call again, because there was nothing showing that there was anything pending in the way last minute, and that they said to me, they don't care about our internal problems. They really don't care. That's our problem. Money had to be in the bank I had no justifications to refuse.

Commissioner Perez: Starting right here, at this point, and it doesn't have to be a decision, is that you, Well yes, it can. Then I'll let you get going to your training.

Cindy: More people in my office. It doesn't take a person to do this job.

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Commissioner Perez: Thinking of that, there's a lot of departments that want more people in their department. Going through this budget, and seeing that we're in a pretty good shape myself, I think of the wages of the people that are doing the work is, me personally, I would rather bring that up and start adding staff.

Commissioner Holt: I would too.

Commissioner Perez: Then at some point we probably can add staff.

It seems like the year that I've been here, if someone gets something in one department, the other departments all want to be in lockstep we want the same. It's like being on this side, I'm okay with doing that type of thing if we can afford it, if we need it. I think on the horizon for this county, I think we have financially, I don't know that it's in the bag, but financially, I think there's a good chance we're going to be in pretty good shape.

Dan: It's not that you're getting clarity, it's the fact that Carl's department is one of two that turns their receipts in on time with their credit cards. One of two. I have to give Carl and Sarah kudos for that. The other departments, it's a nightmare. It does take me the better part of an eight-hour day to get this done.

Dan: If we have some rules that everybody that has a county credit card has to abide by, or we take that credit card and go, "Sorry, strike one, two, three," it doesn't matter one, two, or three, whatever that strike is. There's going to be a lot of departments that don't have credit cards. Something has to be done. If Cindy wants to take the treatment, I don't mind doing it, but there's got to be some changes, and they have to be here.

Cindy: How do you guys want to do it?

Commissioner Perez: Workshop.

Commissioner Holt: Yes, workshop.

Commissioner Perez: Also, I would like from the other departments, some inputs and communication to all of us. I like Carl's idea of separating them so that departments that have their stuff together don't get punished by the others that are getting their cards jerked. If they get their cards jerked, then they're not going to be a problem anymore.

Commissioner Holt: It used to be that way, not too long ago and it seemed to work pretty good.

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Dan: Thank you for letting us explore our problem. Thank you, Mr. McArthur. All right, let's go to the point. I'll wrap up here and answer any questions you may have. Let's look at page 225. Some of these things are redundant. There are accounting control items we have to comment, and there's NRS comments. On Page 225, this is the requirement to make comments or turn up your compliance. Monthly statement of cash balances must be turned in to the accounting commission at least once a month. It says, let's read it, NRS 354282 of the matter card statute indicates to submit to the accounting commission each month at a regular meeting or a special meeting statement of the balance of each fund together with the money on deposit outstanding checks and cash on hand.

Statements were not submitted timely for several months and during the year. Statements got submitted, but they're supposed to be submitted every month. That's an NRS violation that has to be addressed, so they're submitted every month. Expenditures in excess of budget. One of these I already talked to you about. Statute says that the following funds have a violation of public works function in the general fund. Retiree insurance function, \$568 over budget. Indigent defense special revenue fund. Remember, I talked about the indigent defense fund because money was transferred from one fund to the other one.

It was overspent by \$7,690 at the time when that budget was prepared. I'm sure everyone thought there was sufficient money in the fund, but there's been some activity where the indigent defense money was used. The Sheriff's IT fund, \$3,039. Sheriff's IT fund, overspent \$3,039. Now, with all of those funds, there was money in all of the funds to spend. There was actual cash money in the funds with the exception of one, and that was the indigent defense fund. That fund actually in the report shows a negative fund balance. When the budget was prepared, everyone thought there was sufficient money in there for what the needs would be.

I think there were some things that took place that were unknown at the time. It was just missed, so there wasn't more money put in the fund. There wasn't enough money to transfer from another fund, meaning the health and welfare fund. In our comments here, we talk about that, so let me just read this comment to you about the indigent defense fund. It's the second paragraph at the bottom of the page. It says, the indigent defense internally reported special revenue fund condition function was over budget due to unanticipated indigent defense costs. This caused the fund to have a negative fund balance at year end. The negative fund balance will be corrected by a transfer from the county health and welfare special revenue fund. That negative fund balance has to be corrected, which means the fund has negative cash of exactly the amount of the budget violation.

Commissioner Perez: Was that the \$2,200 or something?

Dan: No, that's the one for \$7,690.

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Commissioner Holt: The \$2,200 is the public works function.

Dan: Only one of the funds didn't have the money to spend, even though that's where the expenditure came from. It's fixable.

Commissioner Holt: Did you fix it? That's what it says right here. Did you already fix it?

Dan: I can't fix it. It has to be done in a commission meeting to fix this problem.

Commissioner Holt: We would say we would like to transfer this amount of money?

Dan: What we do is you go and just do a transfer at the next meeting. Part of this is we go through this process, and then commissioners put together a plan of corrective action, which most likely will be put together by the county auditor's office and the county treasurer's office, and other offices will be involved. There'll be a corrective action plan from before the county commissioners will discuss on a meeting. We'll send that corrective action plan to the state and say, here's the steps we're going to do to fix each one of the violations.

Commissioner Holt: We only have to fix four?

Commissioner Perez: No, you have all these other pages.

Dan: Everyone on these page has gone through the corrective action plan. For instance, we just talked about credit cards at length, there'll be a corrective action plan that says, here's what we're going to do. Toward the corrective action plan has to come into a county commission meeting. The county commissioners have to ratify and approve the plan. I'll go back to credit cards. Here's what we're going to do to fix this credit card plan. We're going to do X, Y, and Z. Here's our plan to fix that. Here's our plan to fix how we're going to deal with credit card violations.

Here's our plan how we're going to fix budget violations. That'll all be part of the plan. The rule generally is you have 60 days from today to get that done. This is already several months behind where it should be. The state's going to want this corrective action plan probably within two weeks. From the meeting you're going to have tomorrow, two weeks from now, there'll be a regular commission meeting and that plan needs to be part of that meeting.

Commissioner Holt: How many pages back do I have to go to find it? If you're not just taking the four that are here general. Where do I have to go to be sure?

Commissioner Perez: Three pages back.

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Dan: You have to start on Page 222.

Commissioner Holt: That's just three things?

Dan: No, I'm not done with 23. Page 225 yet. Sorry. Page 225 and I'm on page 26. Page 226 at the top of the page talks about deficit fund balance. That's where it talks about \$7,690. The next item is we make some retirement contributions.

Some of the contributions were made on time for the PERS system. They're supposed to be made every month by the 15th of the following month. Some of them were late. This one, the state gets a little worked up about this.

This one was a problem several years ago. I don't see this as a big deal to fix this one. If you follow on down on this page, it says, "Progress on prior year compliance." Prior year, we had the monthly cash problem, which has already been alluded to. It's been there for several years. Basically, Page 222 through Page 226, the first thing on the top of Page 226. The rest of these, you don't have to worry about commenting on any of these. These are all necessary items that have to be in the report, but none of them are violations from this point forward. In other words, let me take you to the very bottom of Page 226.

It talks about the stabilization fund. The auditor has to comment that if you spend any money on the stabilization fund, that was used according to statute which was there a natural disaster or some other thing out of your control to use the money. If you spend zero money on the stabilization fund, that's what this states. The next page talks about business licenses on Page 247. If you ever raise business licenses, you have to go through a bunch of groups to do it to make sure you didn't raise them higher than you there's no comment about that. The next one is this, the battery by statutes capital projects. These are just statements that have to be in the report. There's nothing that's a non-compliance item, but the report mandates that we indicate how much money we spent during the prior year. You can see it's listed. There was money spent on equipment and vehicles of \$55,000, infrastructure of \$19,000, and debt service of \$2,500. What are the plans for the following year for capital projects? Year-end right now, how do you plan on spending the money? Those are just comments that do not indicate there is a violation. They are just statements that the auditor has to make need to be in our department.

Commissioner Holt: Question. At the bottom of that, it says, "The county does not plan to accumulate money in the capital projects fund for future projects." Does that mean that we don't budget it and sit on it? We have to re-budget each year for those projects so we don't sit and accumulate it?

Dan: Yes. What this is indicating is when the budget for '24, '25 wasn't approved by the commissioners, the budget was planned on spending every dime in the fund, so there is no

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plan to accumulate money to roll over next year. If we go look at the budget, it shows zero ending fund balance in the capital projects, based on what the budget says.

Cindy: I have a question then about the money that for the county vehicles going into the capital projects fund.

Dan: No, that's different because that's being budgeted by the general fund. That money in the general fund, fund balance as you can see here is there's a significant amount of money in the general fund balance. Go ahead, but to go with her comment it's been put in the budget for what? Three years now or two years?

Cindy: I think we're on the fourth year. We should be buying the vehicle this year.

Dan: Every year inside the county commissioner's budget, there's been a budget number in there for a vehicle. The money has never been used. It's the intent of the county commissioner. The county administration put that money to accumulate, then do that for so many years and then spend the money. Statutorily, the general fund doesn't necessarily accumulate money like a capital projects fund does. The question is, "Well, where do I see that then inside the financial statement?" The general fund doesn't accumulate money like that.

It just shows up in the ending fund balance. The money's there. That's the plan, but if you want to see the money accumulate sitting someplace, it needs to be sitting in capital projects even though the money's there.

Commissioner Holt: Would it be a separate one? Are there multiple capital project funds for different departments?

Dan: There are. Let me show it to you.

Commissioner Holt: Yes.

Commissioner Perez: Right here.

Dan: Well, maybe you can stop talking then.

Commissioner Holt: No, please, don't stop.

Dan: Let me take you to that page. That's Page 200 and 201. What could be done so that Maureen can do this every year, it has to be done this way. Do you see the capital projects

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fund right now or the county capital projects which is the overall general category where that car, when you transfer money out of the general fund, put it in this capital projects fund, every year, you can see how much it grows or it can stay right where it's at. There's a county capital projects fund. We have an ambulance capital projects fund only used by an ambulance.

We have the road capital projects fund. This is the money that's gone in. It can only be used for roads. Sheriff IT fund. It can only be used for IT from the Sheriff's office. There's the Gold Point capital projects fund which was used to do all the work to get Gold Point, what was the plan? Where the money?

Dan: It can be sold. Then there's the capital projects fund that can be used for anything, which is one that has the property tax refund. The commissioners by resolution, could create another capital projects fund and put it in this fund the administrative car or whatever, commissioner's capital projects.

Cindy: In the list of capital projects you're looking at the budget. The budget, we have to do that when it's time. Actually, when we report it, it's not going to happen.

Dan: I'm not suggesting it. I just want to say if you want to see it, it would have to be separate like this because the more funds you create, the more work you have. Sometimes, you want separate because if you're gone play it safe.

Dan: That is the bulk of everything I want to go through there. Well, I'm sorry. I apologize.

Commissioner Perez: Let me take your credit card then.

Commissioner Zakas: I don't know if you're launching into a new chapter but when you finish this chapter, I'm going to ask you to give us the glaring thing, two, or three that we need to focus on specifically immediately.

Dan: All right. I just want to talk just a minute about utilities involved because I've talked all about utilities. I just want to talk about them, talk about solid waste, talk about road significant fund that I just didn't pay attention. I'm going to go to Page 92. 92 is the field water utility fund. It's a profit loss in a fund. First column on Page 92 is the budget that we call it the actual expenditures. Almost halfway down the page, you see total operating expenses. Budget of 908,000. Actual spend, 594. No budget violation.

Just below that, you see operating income loss. It shows a loss of \$463,000. I want to point out, if you go three lines above that, you see depreciation. Depreciation expense is \$363,000. That's not cash out the door. We have now full accrual accounting on utilities. That's

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depreciation. Depreciation is the wasting away of all of the utilities that have been put in the ground to deliver water. It means cash left the door, it means over so many years you're going to have this asset depreciate to the point you have to put a new one in. It's just letting the user know, yes, we've lost, we think that much value as the assets begin to get old. Just so that's really clear, I don't want people to think, "Hey, we lost this much in cash."

Then you have to know there's operating expenses, operating revenues, and you get into non-operating revenue expense. I really don't have a need to get heavy into this, but I just wanted you to see what's taking place in the water enterprise fund, because I want to go from that page. I want to go to the sewer fund. It's on page 95. This is very similar as to the water fund, lower in dollar amounts. You see the operating sewer revenues, you see operating expenses and operating income loss.

They have the same loss. Notice budget a loss. If you look at the loss and the actual column shows a loss of \$118,000. You go up a couple of lines, you see the depreciation expense, \$149,000. Again, that's not cash out the door. It's an accounting entry to show that assets are slowly depreciating in value. If I were to take the 149,000 out of here, it would immediately eliminate that loss of \$118,000. not cash type basis. This is County.

Dan: It's on page 98.

Commissioner Zakas: How come operating income is in parentheses of 146,000? Oh, I'm sorry. I'm on page 95 still.

Dan: It's on page 95.

Commissioner Zakas: Yes. I'm trying to figure out just that.

Dan: The budget shows operating income, it shows \$146,000 and that was the budget. When the commissioners approved the budget for '24, they planned on this being negative.

Dan: The only way to make it-- That's a great question. Let's talk about that for a minute. The only way to remove that negative number would be to have you raise rates by 300 or 400% on the citizens who are using the current system. That means you're going to collect enough money and have it in the bank so when the sewer system is so old or the water system is so old, you'll have so much money in the bank, you don't have to go borrow any money for the new system. If you have enough money saved up, you can just go pay cash for it. Does that make sense?

Commissioner Zakas: Yes.

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Dan: I know that USDA funds a lot of these projects, has been trying to push a lot of the local entities to raise the rates, so you'll get to a point where you don't have to borrow money anymore. The problem that I see if in a governmental setting, when you have citizens see that you have in the bank, \$7 million, they want to know why you're in charging them so much for their utility bill because you got \$7 million in the bank and what's your problem? Very seldom do I see the rates ever high enough to cover the depreciation cost.

If you look on page 94, and you see the captions there, current assets, pool of cash or restricted assets, you see current, you see capital assets. The sewer system cost is \$7,469,000. That's where the depreciation number's coming from, is that that sewer system slowly depreciating away and below it, it shows you the depreciation's been reported on the books to date. You would have to increase the rate for everyone significantly, that's why that's negative.

Now, I see it everywhere I go, no commission, no board wants to raise rates so high that you're covering appreciation even though that's ideal, perfect business thinking, it's hard to go sell that to the citizens.

Commissioner Zakas: Thank you.

Dan: Okay. Page 98 is Silver Peak utilities tells you the same. It's got the same issue on page 98. It shows operating in that loss, budgeted to have a loss, depreciation mostly, I add the depreciation back. It doesn't show loss in the actual numbers here, and covered all of the things I think I should cover inside the financial to make sure go through it going through this with you or just take and read it for a week, come back for a meeting like this and approve it but we just didn't have the time to get that done, initially.

Commissioner Zakas: Are you suggesting we approve it this meeting?

Dan: Honestly, you don't have a choice.

Commissioner Zakas: There's no extension on this. I get it.

Dan: This has to be the department of taxation.

Commissioner Zakas: Do you want we drive it up there or send it electronically?

Dan: No. The plan is that if you approve this, I shouldn't say it, technically, you don't approve this, you accept it. My conversation with the state is, as long as we get an electronic copy of this e-mail to them and it's e-mailed from midnight tonight, then you make a requirement.

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Commissioner Zakas: You can do that?

Dan: Once you say this, then I'm going to call my office and say give PDF electronic copy done to get us statement.

Commissioner Zakas: Are you going to give us those three little summary things that we need to focus on before we do a motion?

Dan: To me, the summary things, I'm going to put this in an overall nutshell. To me, the summary things really are everything I talked about when I was here today. To me, the summary thing is to put together an overall policy and procedure that the county commissioners approved, to have all the control procedures in it. To me, that's the most important thing that you can do.

Commissioner Zakas: An overall policy that includes—

Commissioner Perez: That's by next week or two weeks.

Dan: No. In two weeks is the corrective action plan to say, here's the things you can do. That mandatory has to address everything in here, but that'll be put together and it'll be for you to look at within two weeks.

Commissioner Perez: Is this something your office is putting together?

Dan: Generally what happens is, is we work with Cynthia, we work we put the draft together and they go through it and then come to you and you say, "Yes, we like this," or, "No, we don't," in the meeting and in that meeting you say what you like or you don't like or what you want added. Then it gets approved in that meeting department of that section.

Commissioner Zakas: That must be not tomorrow, but of the next meeting?

Dan: Two weeks from tomorrow.

Dan: The overall control procedure, so when I came in, I had the workshop two or three weeks ago, we went through all the different things in that workshop about responsibilities, to be responsible. I talked about the credit cards. Maybe I misspoke saying that-- No. She'll say differently, but I still believe Cindy took that on and I don't think she was actually assigned that responsibility on the capacity.

I think that overall internal control plan and procedure's the most important. That to me solves everything inside this room.

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Commissioner Perez: I would agree.

Dan: I do think that you have a wage problem. I really believe that. I've seen a rotating door, and I see that the money you have in that fund balance right now, you're out of my, I'm taking my hat off right now.

Commissioner Zakas: The point is, it would be our right to remove abundant money from the general fund toward increased wages, \$100,000 for \$1 per hour for each employee, roughly.

Dan: I think because you compete for her team and for all of us.

Commissioner Zakas: For ourselves and ourselves.

Dan: You're going to answer that, but I can answer it.

Cindy: I understand there's different perspectives as to why someone can pay the wages, right? I totally get that. When you have fire department people who are getting paid wages that are higher than someone who comes and shows up every single day to do their job, do grants, they get the benefits, but they don't usually volunteer to have a primary job to begin with. The benefits, as you've always been talking about, we provide benefits. In some cases, that's not important. Now, I know the EMTs and firefighters do a damn good job, and they deserve everything.

They deal with stuff that anybody else couldn't handle. Not everybody can. I totally agree that they have the rights to get that. Then you have someone who's a clerk, someone who just comes in, and they're going, "This is really great, so I'm making \$2 less an hour or \$1 less an hour, and the benefits are great, but I can't put benefits on the table to keep my family. My benefits don't put gas in my car for me to drive here. It doesn't put propane in my tank. Okay? There has to be some sort of a wage adjustment.

At the end of the day, after the benefit is given to the person, they can exist.

Commissioner Zakas: I agree. I'll stop there.

Commissioner Perez: I think what I'm hearing there is you, which I would agree, and I know Dan would agree with me, that the wages of this courthouse have to come up. How will they come up? I think you have to proceed with caution, in my book, because you have all this stuff that's supposed to be coming in on the horizon, and you don't want to count your chickens before they hatch. More than likely, they're going to start hatching. I think when

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you compare this courthouse to the emergency program, to me, in my mind, it's a different animal.

Cindy: I'm not disputing that. I will not dispute that remark.

Commissioner Perez: You've made the comparison with that.

Cindy: People look at the hourly wage. I've already explained to people, if you're in law enforcement, you have everything right to get your hourly wage that they deserve. They put their life on the line every single time they walk out of their vehicle or into their vehicle. I get that. They make life and death decisions every day that they're on the job. I get that. They deserve that. I'm not saying EMTs don't deserve it. What I'm trying to say is that we acknowledge their value, so let's put the value also in the everyday working people here in the courtroom.

Commissioner Perez: I think we're headed that way. I don't even think I would dispute that.

Commissioner Perez: I think you have to be careful when you're talking about a volunteer person and looking at maybe a wage that they've went out on a call or they're going to make this much money.

Cindy: I think I'm trying to say the value. We recognize the value of the wage in the fire department. Except I don't believe you do. I'm just saying, I believe you deserve everything. I'm just trying to make it an analogy or a picture of what we're having here. I don't want to have an argument with whether or not they do or don't have or whatever. That's not my point. My point is that it's very difficult for anybody who has a supervisor position to get someone to come and work here in the county when your employee is here for a month or two and has to decide, "Should I keep working or do I need to stay home and save money?" That's disgusting if that's the person who's put in that position.

Commissioner Perez: I believe, Cindy, that all three of us here absolutely agree with you.

Commissioner Perez: I would like to say that I am not completely familiar with how the fire system works. I know that the law enforcement is a different system and I know that Nick has made some of the same comments. We're a poor county. I think something may change on that. I believe all of these. In my mind right now, you've got the courthouse workers and all the maintenance people, and you have the sheriff's department, you have fire and ambulance. They're all different animals and they all have different things that you have to address with them.

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I said earlier, when someone wants a raise here, then everyone else is going to come in, and it's like we have to bring this up together. As the income of the county raises, I think everyone has our attention. We know the necessity of it. I believe we'll bring it up together. Other than the fact that I want to make a statement, when it comes, if it comes, I think we have to be careful not to be drunken sailors. If we raise the rates of everyone in this county, and everyone's happy, and then all of a sudden something turns in the industry or something like that, then we're stuck.

At that point, you're going to be laying people off or cutting wages, and you absolutely don't want to be doing that.

Danielle: I don't know that I have anything to say. It's just offensive that we get compared to a secretary in the board. It's offensive. To those of us that go out and deal with the worst of the worst in the middle of the night in the snow, it's offensive to me to be compared to someone in this courthouse. Anyone in this courthouse, with the exception of the sheriff.

Cindy: I was complimenting that you guys do a damn hard job and I give you the credit for it.

Commissioner Zakas: Are we getting close to the commotion now? Is that where we have come to? You have finished your presentation?

Commissioner Zakas: Are you allowing us a couple of questions before we move forward?

Commissioner Zakas: Okay. My first question is, pretty quickly we're going to have pages and pages of statistics and wonderful people coming to get their budget for next year. When does that begin?

Commissioner Zakas: Okay, we're good for that. That was actually going to-- I think, be on our agenda tomorrow.

Dan: Yes, it's on the calendar up there on our budget meeting. It's on the 8th, it looks like. Not April 8th, but the workshop. I'll probably put that up there so everybody can recognize.

Commissioner Zakas: No, I understand, but I'm asking Dan if that will work for you because we only talked to him about it last time.

Commissioner Zakas: I'm just asking.

Commissioner Zakas: I wasn't sure because we made some-- It's the tentative due in on the 15th. Right?

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Commissioner Perez: Yes.

Commissioner Zakas: The next commissioner.

Commissioner Perez: Here we are.

Commissioner Zakas: First and then—

Commissioner Perez: Tomorrow, we're actually here. It's a week from tomorrow.

Commissioner Holt: Yes. I'm not opposed to a workshop every single day. I don't have to wait a whole week to come back to do it, is all I'm saying.

Commissioner Zakas: Yes, but we have to remember we have to call an open meeting in order to be able to advertise it. We have to at least allow some time to do that.

Commissioner Holt: Agreed. Let's get our plan so we can do it.

Commissioner Zakas: Yes. My thinking is it's great that we pick dates, but we want to correlate and make sure.

Commissioner Zakas: I'd like a motion to recess real quick, because I could use a recess.

Commissioner Zakas: I move that we have a short recess back here at recess.

Dan: At 12:30.

Commissioner Zakas: Back here at 12:30.

Commissioner Perez: Second.

Commissioner Zakas: All right, motion made and seconded. All in favor? All right, recess until 12:30. Okay.

Commissioner Holt: We're good then. Call back to order the Esmeralda County Special Meeting workshop. We're back to order. Clarification number one. We do not use any kind of county money to refurbish the school, let alone build them. That is totally separate, correct?

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Commissioner Holt: Just to recap before I ask my question. You clarify that we do not use any county money to put new roofs on the schools or to build a new school but that comes from the federal or somewhere else.

Dan: I'll clarify the position. Inside the county, there is property tax rates specifically for the schools. That tax rate is collected from all of the citizens just like the taxes for the county. All that tax money then gets sent to the State of Nevada by statute. County citizens do pay money for the schools. Then the money goes to the state and the state turns it around and sends it back to the schools.

Commissioner Holt: That was that big check we got and sent to them.

Dan: The school district has the ability to put in place any tax rate for construction or capital projects for building a building. They can go in and get initial fund, and they then create a tax rate inside the county and the citizens pay that tax rate to pay for the school building.

Commissioner Holt: I see.

Dan: In differentiating between is everything is inside the county. County citizens do pay for the school. There is a tax rate for that but it goes to the state and then back to the county. They call it Pupil-Centered Funding now. It's something the legislation put in a few years ago. It's way different than it ever has been and now, it doesn't show up on the county's financial statements as it related to property tax but it really relates to property tax because the citizens when they see their property tax bill, it says right on it, the school district property tax.

If you go in their financial statement on the budget, you see nowhere on there where it says property tax. It's the screwiest thing ever. The reason it's called the Pupil-Centered Funding is because that's what legislature did. I know it's confusing but the taxpayer will know what's going on here. Can the county commissioners use county money to pay for a school building? I don't know if there's a statute that says you cannot but you would gift them money if you were to do that. That's answered part of your question without going deeper.

Commissioner Holt: I'm following you.

Dan: If you gift them money to do that. I haven't seen that done in the past. The only time I've ever seen that done is where I've seen in Nye County and you have the amount. It spirals here. I guess if you've got the money too. There are payments equal to that tax that came into the county, which was money that the federal government was paying all the counties surrounding Jefferson Mountain. Money every year because Jefferson Mountain is going to

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come in at that point in time and I've seen that money used by Nye County to government school buildings.

If that came again, you'd work it to the same payment. It's equal to the tax money from the federal government and I think DC used that money to go to help the school district out the building. Generally, the school district has the ability themselves to create a payroll tax to upgrade their building or build a building, remember.

Commissioner Perez: You can get the money but guess who's in control of what the building will look like out of this building or when the building is done? The school district is in control of all that, the building. It's cool.

Commissioner Holt: Thank you. Dan, isn't it net proceeds? Also, a percentage of our net proceeds go through the school.

Dan: It actually ends up-- it goes to the state too.

Commissioner Holt: They tell us and they do the split out.

Dan: It then goes back to the school. They don't cover that as being property tax.

Commissioner Perez: It gets more and more interrupted. The weird thing about this is, is that the bill added value to that?

Commissioner Holt: After a while.

Dan: The Pupil-Centered through money effect.

Commissioner Perez: Is it the first, what? 10 million goes to the state to distribute to the school district. Before we even get the money, the school district gets funded. Then we get the money through other County, we have to wait for that.

Commissioner Holt: All right. Thank you.

Dan: This goes back to one of the reasons why they elected the Pupil-Centered system, so they could-- Clark County and Washoe, they are not mining counties.

Commissioner Perez: They get the money, anyway.

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Commissioner Holt: Inflation. Did anybody else want to comment before I open my last question, I think? My last question is I have heard that we pay retirees' health insurance or something, something for the retirees. Why do we do that?

Commissioner Perez: It's to appreciate the work they did over here.

Commissioner Holt: I'm thinking that when they retire, they're going to have their purse, their social security, their Medicare and I don't know why we are doing it when we're a poor, little county. I'm just asking.

Dan: It's a decision the county commissioners made years ago. Many counties do that where they pay for their vouchers for the retirees. It's very common among the government to see to that.

Commissioner Holt: Don't the retirees pay a portion of them as well? It's not 100%.

Vera: It varies. It's a very small portion.

Commissioner Holt: They pay a portion and then we just supplement towards that. How much Vera? What portion?

Vera: It's \$150 but I'd have to look at the numbers but it's not very much.

Commissioner Holt: How does somebody qualify for that if they work three months and quit?

Vera: I believe it's 10 years.

Commissioner Holt: That's not bad.

Vera: Insurance and then it's a different kind. It's not the same thing less than their wages.

Commissioner Holt: We went \$600 in the hole for that this year. Is that what I saw on the budget or on the audit? We went in the hole \$600 this year because of rising costs.

Commissioner Perez: Normally it's paid for them.

Commissioner Holt: Correct.

Commissioner Perez: That's correct.

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Commissioner Holt: We need to up our game for next year. How many people are we talking about? 50, 40, 20, 10?

Vera: We have one on medical.

Commissioner Holt: We're only looking at about 11 people?

Commissioner Holt: Oh, that's not bad. Not everyone, when they retire, needs to get all those. It's going in the hole. \$600 for 11 people. It's really a cost issue.

Vera: We also had insurance on the 11th, October, that didn't help that much.

Commissioner Holt: We should plan ahead for that, or at least we need to bring it before the board that we do want to continue it. That's all I wanted to ask.

Paul: I sent an e-mail to your office twice this last month. I can look them up and give you the exact dates. It's in reference. You guys normally ask for our EPWG grant. I call it a file. It's how Susan has shown me how to keep track of budget and expenditures as well as receipts that come in from Cindy's office with the input money. This year, I was unable to get that to you. I was gone when I think it was requested. How does that impact the audit or what's the variable for that?

Dan: It doesn't impact the audit this year at all. One of the reasons is, and I think that's a good question that Paul's asking me. Local governments that receive any kind of grant money or federal money, it's grant related. Once the expenditure, you look at that, exceeds \$750,000, then we have to do an additional audit on the county. This year, you did not exceed the \$750,000 based on what we looked at, so we don't have to do that audit to that extent this year. No negative impact on the audit at all.

Paul: Excellent. I just want to make sure we're doing our part. We have a comment for the commissioners. Commissioners, I was confused yesterday. I think you were back on track as far as you guys are going to move forward for an audit, but it sounded like some of the conversation earlier was about budgets. I think it would be fair that the county department have an opportunity to talk about budgets in a forum that everyone's participating in. In the future, if that's going to be the case, then we certainly have the opportunity to respond appropriately, especially if our departments are being mentioned.

Commissioner Holt: Paul, the only time we ever get to chat is when we're all together. We never know what might pop up, and some of that overlap just had to be. When we get down

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to decision-making, you can bet your bottom dollar, everyone will be invited to the table for input.

Paul: Thank you, commissioners. I have to jump onto another meeting. I just wanted to clarify. Dan, have a good day. Thank you for the work you do. Thanks, everybody in the courthouse, for the work you do. Thank you.

Commissioner Holt: Thank you.

Commissioner Perez for the record, I make the motion to accept the audit for the year ending June 30th, 2024; Commissioner Zakas second the motion; all in favor; motion carried.

4. **PUBLIC COMMENT.** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

None

5. ***ADJOURNMENT:**

Commissioner Perez made the motion to adjourn the special meeting at 12:43pm; Commissioner Zakas second the motion; all in favor; motion carried.

Minutes from the April 1st, 2025 Board of County Commissioners and Board of Highway Commission Meeting

April 1st, 2025

10:00 a.m.

Esmeralda County Courthouse

403 E. Crook Ave., 2nd Floor

Goldfield, Nevada

Pledge of Allegiance was spoken.

All Public Comments have a three-minute time limit per person

1. CALL TO ORDER AND ROLL CALL.

Commissioner Mary Jane Zakas – Present

Commissioner Rachel Holt – Present

Commissioner Fred Perez – Present

District Attorney Robert Glennen – Present

Clerk of Board Angela Jewell - Present

2. PUBLIC COMMENT. (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

None

3. *APPROVAL OF EXPENDITURES.

County List of Expenditures

General Batch 1 \$245,435.16

General Batch 2 \$45,729.72

Road Batch 1 \$11,407.51

Road Batch 2 \$134.99

Grand Total \$302,707.38

Commissioner Zakas made the motion to accept the county list of expenditures; Commissioner Perez second the motion; all in favor; motion carried.

Agenda #8 Item Expenditure \$35,325.25

Commissioner Zakas made the motion to accept the agenda #8 expenditure; Commissioner Perez second the motion; all in favor; motion carried.

Annual Budgetary Transfer \$10,000.00

Commissioner Zakas made the motion to accept the annual budgetary transfer to the landfill closure fund; Commissioner Perez second the motion; all in favor; motion carried.

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Dominion Voting Bill \$23,004.96

Commissioner Zakas made the motion to approve the dominion voting bill; Commissioner Holt second the motion; all in favor; motion carried.

4. ***DISCUSSION/DECISION/APPROVAL:** Rejected Vendor Bills from Auditor's Office.

None

5. ***APPROVAL OF THE MINUTES FROM: February 18th, 2025 Board of County Commissioners and Board of Highway Commission Meeting, March 4th, 2025 Board of County Commissioners and Board of Highway Commission Meeting & March 4th, 2025 Esmeralda County Board of Commissioners Supplemental Meeting Minutes.**

Danielle Johnson for the record, there were issues with the February 18th, 2025 board minutes and needed to be fixed before approving them.

Angela Jewell for the record, I'll get them fixed and have them on the next board meeting for approval.

Commissioner Perez made the motion to accept the March 4th, 2025 Board of County Commissioners and Board of Highway Commission Meeting & March 4th, 2025 Esmeralda County Board of Commissioners Supplemental Meeting Minutes and to fix the February 18th, 2025 board meeting minutes; Commissioner Zakas second the motion; all in favor; motion carried.

6. **UPDATE OF CURRENT AND FUTURE MEETINGS AND ACTIVITIES OF:**

Robert Glennen – District Attorney – None

Nick Dondero – Sheriff – None

LaCinda Elgan – Clerk/Treasurer - This is my meeting that I'm attending right now. As you well probably know, that President Trump has issued an executive order regarding voting. Just to be clear, to highlight what's going on, and I'll be getting more information I'll be happy to share with you. We're talking about, of course, you want to make sure that everybody is a true citizen of the United States. That's one of the things, and that sounds great. Danny and I agree with that. However, implementing that might be a little bit more difficult. The only ID that we have that states that you are a US citizen is the passport. They're working on how we can work with our existing voters to prove that they are US citizens. In some cases, and in my experience, I've had people provide their birth certificate. They're debating whether or not that is still valid and how they're going to implement rules and regs to comply with all that. Let's go to the good news. The good news is that because of our equipment that we've already ahead of the curve.

Kathy Keyes – Assessor – Update from last meeting about Brandi's notary, we finally got the notary certificate and her book, so she's finally certified to be notary in our county, we are

Minutes from the April 1st, 2025 Board of County Commissioners and Board of Highway Commission Meeting

sending out tax cap letters and we also sent out county inventory list, they are due the first Monday in April.

Vera Boyer – Auditor/Recorder - None

Danielle Johnson – Justice of the Peace – In the packet (can view her report at the end of the minutes)

Adrian Roberts – Goldfield Utilities/Es. Co. Public Works Supervisor – None

Carl Shrider – Road Dept. Supervisor – In the Packet (back of the minutes to review his report)
Carl Shrider – Solid Waste Supervisor – In the Packet (back of the minutes to review his report)

Maureen Glennen – Commissioners' Administrative Assistant – None on the administrative side but an update on the senior transportation side of things, new tires on the cruze, we have a new driver that is cleaning and washing the vehicles twice a month and we are waiting on a possibly new driver for the senior transportation.

Sylvia Rich – Public Administrator – None

Robert Glennen – Public Guardian – None

Esmeralda County Land Use Advisory Committee – Commissioner Perez for the record, I'm not really even on this, but I am. It's under the SUP development agreement. They had two meetings last week. The second meeting, it was determined that we're going to-- for the people that are involved in this, they're going to go online. I don't know if you'd call it a forum, but some type of format where they're going to put the documents up that they have. They're going to bat them around for about a month, where people can have input. Then, they're going to take that information, consolidate it again, and try to tweak it.

That's a real rough draft of the direction we're heading. There's been a goal set that we have a product sometime in June for the SUP development agreement. It's been batted around for at least a year that I know about, possibly longer. I think we're making some headway. We've got really good people involved in this. I'm pretty excited about it. I'm at the point where I've been leading this, and now I get to sit back, watch it happen. My position at this point is, I would say, county, county, county, to make sure that we're represented in whatever comes out at the other end.

I've been asking different people. I met with Nancy Boland yesterday about this subject and a lot of other ones. It was neat to really have a meeting with her to even go over what's going on in the county and other things. That was really cool to meet with someone that has a lot of knowledge. That's my land use thing, which is something that really-- Mary Jane, you're the land use liaison, I guess, you would say. I thank you for letting me come in here and do this. It possibly has created some waves in that, but I don't know that it's going to be a big problem because these guys are online doing their thing, and they're going to come and report to the land use. They'll do this for a couple of months, and I think hopefully we'll be done.

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DEM Coordinator – Paul Melendrez – In the packet (view his report at the end of the minutes)

Esmeralda County Fire District – Chief Jeff Bushnell – In the packet (view his report at the end of the minutes)

Fish Lake Valley Park Board – None

Esmeralda County Library Board – None

Goldfield Visitor Center – Natalie Colunga for the record, We had 234 visitors in March. Five 20-plus days, and one day over 50 visitors. It was pretty much that really nice, warm weekend, a couple of weeks, two weekends in a row that started it all. I think spring break had started for some places. You can clearly see the traffic. We received \$292 in donations, so we received more in donations than we had visitors. Usually, it's around average. We have room roundup coming up. Russ is also going to what we call now summer seasonal hours. He's only working on Saturdays and Sundays. He will now be working Fridays, Saturdays, and Sundays now that the traffic on the highway. That's it.

Esmeralda County Grant Writer Manager – None

Ioneer Liaison – Nancy Boland – None

Goldfield Water Advisory Committee – Sharon Artlip – Meeting next Wednesday and the commissioners should be receiving the ordinance soon.

7. **Update of Current and Future Meetings and Activities of Commissioner's Zakas, Holt, and Perez.** (This is only an update. No decisions will be made.)

Commissioner Zakas for the record, I have spent most of my time working on the paperwork to be efficient with the audit and all of the other things we're attempting to do, so on the computer and reading. I haven't attended any meetings, but I will be attending one. I've got a full pack on the 17th and 18th. I hope to bring back some good information from there.

Commissioner Holt for the record, I have a meeting next week, yet to be determined, with Desert Research Institute to go over their technical assistance with our water resource plan. Been meeting with USDA and the Road Department to discuss funding for our Silver Peak Road. Just a quick status, that we are currently on pause while we're hunting up our match money, but we are taking steps forward. Just running around normal as a county commissioner for the rest of the time.

Commissioner Perez for the record, I would say I went to the NACO meeting on Friday. I don't have the information, but it's coming. This year, and I may have mentioned it in another meeting, the national capital of Washington, DC Christmas tree is going to be taken out of the

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Toiyabe-Humboldt National Forest. That's exciting. It's the first time it's ever come out of Nevada. They've asked for, I'm pretty sure it was-- it was either 40,000 or 50,000 ornaments they want from the state. There's going to be a number that they want from the counties. Ours is tiny, so it's like, I think, whatever we can do.

I think they're going to ask the schools to participate in that. They talked about trying to turn it over really fast so that they could catch the schools at the end of the year before they let out for summer rather than do a crunch thing. I don't know which way it's going to go, but they figured, this tree stuff's going to happen probably in, I don't know, what, October? The schools starting might be tough. That might be something we might want our schools to participate in, so the kids can make ornaments or whoever wants to do it, that we can get them to this tree project.

A couple of weekends ago, there was a couple of couples that came from Oregon, and they both had trucking businesses. They said they got to move the Christmas tree from Oregon to Washington, DC in 2002. They said it was an absolute blast, from just how they were treated in the parade that went there, to having their trucks inspected for explosives. They were treated like kings, and they just said they had a fun time. I relayed that to the NACO people, and I hope their trucker people had the same fun.

Other NACO stuff, it was nothing. That, to me, was the most important thing. I reported to them that we're doing this SEP development, which I mentioned earlier, so I don't really have to get into that.

The Gold Point water situation, I hesitate to even bring this up, but I want to keep people informed. It's coming to a head with the activity that's going on. I don't want to get into a bunch of detail. So that the public knows, because I brought from the Gold Point water users a big folder after my NACO meeting on Friday to an attorney who is representing us, the county, in the Pure Energy Albemarle, Esmeralda County action that's going on there.

I met Shawn Carlson, and he seemed like a good guy. I just think it's been stalled out there, and it's moving along. I think the people that are closely involved, they know this. It's not a real secret of what's going on. I would like to say this publicly, my goal is that the people that are in opposition can get together, sit down at the table, and come up with a solution. That is absolutely my goal. I see it. I see that it totally can happen. That's that.

I got a phone call from the USDA, and it's regarding the Silver Peak Road. I had a little conversation with Bob, and actually, I think Bob was before the phone call, and he said, "What's going on here? It sounds like Esmeralda gave up a \$2 million grant." I thought about that for a while, and I said to Bob, I said, "It has to be the Silver Peak Road. I'm not positive, but it has to be." I told Bob, I said, "Don't lose any sleep over this. I think it's a nothing burger. Don't worry about it." That's what I said to him.

Then, the call came from the USDA gal, who was very kind. She asked me, "What's going on with this?" Let's say two months before I sat down in the chair here, I was approached by a person in town who handles this type of stuff. I don't want to use names on any of this, and was invited into phone calls, meetings, and I went into this stuff. When it came time where I sat in the chair, Rachel took over for me because she was a signer and had more grant experience than me. Silver Peak Road is in my district, and I'm working with Carl. Sorry I used your name, but you're right here. Working with Carl on this.

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I went down and met with a USDA guy and took pictures, got details of all this kind of stuff. If I can put all this in a nutshell, it would be that the people that are involved in this grant were going down a path. It was Federal Highway Administration or something like that. I might not have the acronym correct, but they went after a grant with them. FEMA turned them down. It wasn't a good fit. It was decided that we're going to go after USDA for lots of different reasons, being timing, how long is the road going to be temporary fix, and so this stuff went on.

The USDA grant match was 75%, 25%. The FHA FEMA Highway Administration was 95%, 5%. A lot of it was decisions were made on which way do we go, what makes the most sense. From what I can gather, and it has not been confirmed because people wanted to confirm it, and I believe it is true-- I didn't participate in this, so I can't give you the confirmation-- is that USDA was told that they would be getting a possible withdrawal letter for their grant with the county, but the USDA said, "Hold on to that letter. We'll just pause it because if that other FHA one falls through, you will have us as a backup."

Somehow stuff started flying around, and it was like-- I have a statement to make after I get done here. It started flying around, and I could not believe it. Getting back to the first I heard about it with Bob, is don't waste too much brain cells on this because it's a nothing burger. I think to myself, for the effort that the people that do these grants, to have someone even question the fact that they're trying to do something nefarious or something like that, it's not pleasant to me. My statement is going to be, and you're going to hear it a lot from me because it has more to do with this, I think I'm done with that grant thing, but my statement is, we throw around the word communication constantly in here, and if we can have better communication, everything's going to be better. I've sat here for the last few meetings in the last month. A lot of it was with Dan MacArthur, I got to talk to Dan about this yesterday. I said, when I see two people in the back of this room having a little argument or chitchat or whatever they're doing, that's communication. If I write a note on a piece of paper and I put it on a brick and throw it through your window, that's communication. What I would like to say is we do need communication, but beyond communication, we need cooperation.

I think if anything, me going forward, to help out any situation in this courthouse, the rock throwing all that's going to be my motto. Communication is important, but cooperation is way more important. If the people that were questioning what's going on, making decisions on a grant or this and that and we're supposed to be open and do this, I thought to myself, we have the Gold Point Fire Department, which I just talked to Jeffrey about. Herb Robbins and I, with all our wisdom of not knowing much about that stuff, is like we designed a building in our mind, if I remember right, I think it was 40 by 80 with three bays with double doors, for the thing.

To come to feel like I'm required to the public to come to this and ask how many doors, what color do the doors have to be, I think is ridiculous. I think just like I have said earlier if I put a lot of faith in people and I would hope those people would have faith in me that Herb and I, maybe with Jeffrey and Paul, can build a fire station in a tiny little town that can service the southern end of the district. We're not trying to hide anything with that.

I'd say hats off to this crew that put together the Silver Peak Road. I personally know who they are and I commend them for that. Hopefully this doesn't discourage them to keep doing the same thing. I would invite people that think they want to look at this stuff because there's connections to the CDBG, whatever, and there's connections, try writing a grant. That would be good for everybody. Find a project and write a grant and you will see what it takes.

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I will not sit there and pick you apart for whatever you are doing. You design how many doors you want in your fire station, whatever it has to be. You go through all your NEPA process, all those types of things. You write, I think it's like 36 letters to all the different agencies and all these people. I welcome you guys to do that, and with the energy that you may have you may be successful and we might have a couple new grant writers in the county, but I would say, coming back, I will end this with, it's cooperation, not just communication.

I will take that statement and that I believe that we can-- I feel like I sound like a politician at this point, but we're a really neat community. We really are absolutely a very cool community, very unique in many ways. I think people laugh at us as a tiny little government, they think it's like a circus or this or that. I think we need to come together and work together and preserve this town, preserve what we are and move forward. Thank you for your time. I knew I rambled, but that's what I have to say. Thank you.

ELECTED OFFICIAL / DEPARTMENT SUPERVISOR / GENERAL PUBLIC ACTION ITEMS:

8. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Requesting commission approval to put newly purchased Justice Court vehicle on county insurance. Vehicle will not to purchased with county funds. This request is just to have the vehicle added to the county vehicle insurance as it will be exempt. (Judge Johnson)

Judge Johnson for the record, I'm here to ask to put the vehicle I purchased for the Justice Court to use and there's a Nevada Revised Statue that I can specifically use for certain things and that's where the money was taken from, I have this vehicle only for Justice Court so that if my bailiff has to go to training, which he will, in that vehicle. My clerks can also use that vehicle as well, all I'm asking if you can put it on the county insurance and the county won't pay a dime for this nor will the tax payers either. It's a 2025 Honda CRV and I got it through state purchase, which is an easy process to use.

Commissioner Perez made the motion to approve to put newly purchased Justice Court vehicle on county insurance so that vehicle insurance as it will be exempt; Commissioner Zakas second the motion; all in favor; motion carried.

Commissioner Holt request to take a 10-minute recess and convene back at 11:40am; Commissioner Zakas second the motion to recess; all in favor; motion carried.

9. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss and approve the job descriptions, responsibilities and the corresponding pay. (LaCinda Elgan)

Commissioner Holt for the record, I'm calling back to order the Esmeralda County Board of Commissioners and Board of Highway Commissioner Meeting, let continue with agenda item #9.

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LaCinda for the record, When I was doing these job descriptions, I went through what we do in our office, as far as our responsibilities. What I depend on, a person who has title of chief deputy, be that chief deputy clerk, chief deputy clerk treasurer or I have chief deputy clerk treasurer, senior chief deputy. Part of this is the thinking that we have is, if I get fully staffed, we're going to have a situation where, if I'm not in a position, let's say for example, I'm on vacation and something happens, I'm in a position where I don't have my cell phone with me and there needs to be a decision made by the chief deputy who has a lot of responsibility, clerk and the chief deputy treasurer, who's going to be the person in charge?

That's why I came up with the senior chief deputy clerk treasurer, because they have the knowledge and the experience to be over both entities. We have two elected positions in my office. This is other than what we also inherit by statute, by the tax receiver, and stuff like this, and there's licenses. That's an example. To have the responsibility also seems to be, you get paid for the responsibility. Also, too, during elections, and I think we talked about this a couple weeks ago, where the agreement is that you have a person designated to be the election person, who's going to be working with no week, and who's going to be doing the mock elections, and who's going to be doing the voter registration, a key person in the office, so that there's a go-to person other than myself.

That's important to have, as we learned from the executive order that we just discussed briefly this morning from President Trump. Elections are no longer just something you do for six months out of the year, every other year. It is now a daily in some cases, but it is a monthly responsibility, like having that meeting today. This is why it's so important to have staff that gets paid well, who will stay, because then I can have someone over here, I'm training, Angela should have been in that meeting. It's important.

I know that chief deputies do get an additional hour of money per month as a responsibility, but I upped it up a little bit. I mirrored what the assessor put in her job description, as far as instead of a dollar something an hour, it's \$2 an hour to reward the person and say, "I'm paying you two for this responsibility," and I know that they're willing to step up to that responsibility.

Commissioner Holt for the record, you have three people, correct, three positions?

LaCinda for the record, In a perfect world, yes. I need someone to be able to, it's one thing to be trained to be in the office, to answer the phone and take payments. I'm in training with Lori right now, and I had a nice discussion with Mr. McArthur. We used to, we have more bank accounts that have been imposed on us. We used to have two, now we have eight. Each one of these bank accounts need to be reconciled individually. Then now they've been, once that's done, with all the requirements of the ins and outs on that, the debits and credits that we deal with, they have to be translated to another account, who then we have to translate that into bank reconciliation.

We sit down, Angela and myself, we have a bunch of questions. We're working on this. This is what I told you I wanted to do with QuickBooks. QuickBooks provides an auxiliary type

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accounting system that is where we can create the detail we need without having to bug Vera to do all these different accounts in the main system. The main system is the end result. We're starting here with broad scope that we dial down into each individual function, and then we narrow it down to what needs to go into the title system.

To have the responsibility, as a clerk, even though you're a clerk of the court or work clerking, you still have the responsibility of making sure the documents are filed accordingly by the law, by the judge's requirements, all the details that go along with that, as well as being able to create receipts, as well as reconciliation. There are different levels there. It's one thing to say, "I can go and sit in the court with the judge. I can file documents within the realm of my knowledge." It's another thing to be able to scan and be able to put those documents in our case management system, and then also communicate with attorneys as far as what's needed and what's not needed, same with the clerks or the staff from the judge's office.

All those take a little bit of experience. Angela, in this case, has had a lot of experience with that. Lori is getting the experience and additional responsibilities of working with the tax system, which is the DevNet, the tax collection system. We're working on that right now. How can we fine-tune that even better between collecting data from DevNet, translating that into reports that give us the information that's required by the independent auditor?

DevNet does not do accrual accounting. It's straight accounting. We're responsible for doing the accruals for two months. How are we going to create those reports? How are we going to create the codes? How can we then translate that into a reconciled statement, then turn that data over to my senior chief deputy, who's going to then do the reconciliation that's going to the independent auditor, showing the fund balances, all that stuff. This is a fun challenge.

I know that might be an oxymoron in some cases, but it's a challenge, but yet it's exciting because we all have a lot of input. Angela had some great questions for Mr. McArthur yesterday. He was so kind and patient to take the time to sit down and talk to her. This is something that's in a positive direction. We didn't have it for a while. We now realize that the alternate that we were using was not up to the standard that I think Mr. McArthur expects out of our office. This is why we're doing what we're doing.

Commissioner Zakas for the record, commissioner asked where your is your job description for your job?

LaCinda for the record, I'm a elected official and my job duties and descriptions are set by Nevada Revised Statues, no need to have a job description my title in the office.

Commissioner Zakas for the record, I did happened to read the NRS and the NRSs do indicate that you may have a clerk one and another clerk but it doesn't segregate ability or differences.

LaCinda for the record, it says I can have a chief deputy, which I know that because then we wouldn't been able to implement that in the past. Chief Deputy is a title, in the statue.

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Commissioner Zakas for the record, I will have to look a little further because I could have been under the clerk section instead of under the treasurer section. What I'm wondering is the point that I'm coming to is not the verbiage, the point that I'm coming to is when you're hiring a person, who to say if both those people quit and now you need somebody coming in who knows nothing, that has been trained and the only position you have is chief deputy and senior chief deputy.

LaCinda for the record, I already have a clerk position, look this what I told to do and so, now I'm here to bring back to you to accept it or not.

LaCinda for the record, I was told to create and explain the job duties and what the difference my chief deputy clerk, chief deputy treasurer and the requirements of those and then the requirement of the chief deputy clerk does.

Commissioner Holt for the record, I have question for clarity, on the meeting on February 18th, 2025, your agenda item said it would only be \$125 extra a month, but the job description, Angela currently is the chief deputy and its listed as \$2 addition an hour, then for the senior chief deputy, its an additional or is that \$4? Because, it takes away her chief deputy and she goes to the senior. It's \$4 on top of her pay or is it additional?

LaCinda for the record, I was trying to create-- kill two birds with one stone in this case, or three, four birds. What I wanted to do is raise the requirement for this. Instead of us giving \$250, I wanted to go to-- which is like \$1.40 something an hour, \$1.44, \$1.50, something like that an hour, as opposed-- I'd like to bump it up to \$2. Because you're asking, and we've talked about this multiple times, where I want to implement my second grade, what does a title give you? If you meet the requirements to go to this title, then this is the hourly wage that you increase to. Because we've had this discussion in the past.

I was trying to, like I said, mirror what the assessor was doing as far as what her chief deputies and whatever were doing, and I was going to be consistent because consistency is-- I know, in some aspects people like consistency, when you have here, here, and all these different rates and functions, it makes for a lot of discussion that contentious at times.

Commissioner Zakas for the record, Ralph told me that \$4 an hour increase is \$8,000 a year, and I'm thinking we haven't even done the budget yet and we don't know-- I personally don't know your budget and how well you've stayed in it, how much more you're going to ask for or how much we're even going to have on the table. Would you be opposed if we-- I'm not saying we wouldn't do it, but would you be opposed to waiting a small while for us to get our ducks in in a row?

LaCinda for the record, I understand what your saying, my concern is that if there's another office getting the same amount of money, why does my office have to wait?

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Commissioner Zakas for the record, as Fred pointed out, we don't know what the budget is going to look like, so can you wait until then?

Commissioner Holt for the record, I want to go back to my question just again. I understand why you're doing it, but the question is what rate are you looking to put on because I have three different numbers. I just want to make sure we get-- because we have to make our motion, if we come to that, clearly so that the leader, doesn't have to push through.

LaCinda for the record, I thought this was so reasonable that you guys wouldn't have a problem with it. Then you asked me to do this. Then I found out that another office is looking at it in probably more of a real world attitude, but people need to have money to make a living to do this, like we talked about yesterday.

Commissioner Holt for the record, I did my short math, I'm not the best at the chief deputy, that rate for this, and I'm not sure if that's what she's making now, brings it up to \$320 more a month, and then of course \$640. My thinking was, are you looking at, because you don't have that one position filled, that this year's budget could absorb that cost? Because you didn't have that, I don't think you had that budgeted initially.

LaCinda for the record, we had couple of people quit.

Commissioner Holt for the record, that's what I'm saying, because I know you haven't had your position filled all year in this budget, are you thinking of having that position money to filled that senior position?

LaCinda for the record, I'm not sure because I haven't looked at my budget nor what's left in there right now.

Commissioner Perez for the record, You typically read things online, and then hopefully, even before the final evening, I was reading these. I started with the same question. I listened to this discussion, and it's really, I think, good to hear, because we haven't been able to talk about this. I remember your other requests. Starting with, I read this, and I thought to myself, "Cindy, where's your job description?"

I know you say it's in statute, but I don't know what it is. I would make the note, at this point, under the guise of what I said earlier, is communication and cooperation. I mean that. I sit here, and, "I'm going to say this, but then I'm going to cooperate." I'm going to say that yesterday, with Dan McArthur here, was three seconds left in the fourth quarter, and a hail Mary pass to make the deadline out of something that seems like, and I don't know for sure, because I don't have your job description, is, why was the audit so late?

I'm looking at next year, I don't need to look back, but I asked that question, so I'm looking at next year, and thinking, "Is there anything that your department office could do, so that we

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don't run into that position next year?" I said, I have faith in people, I have faith in you, I have faith in Angela, and I have faith in Lori. For me, one of the other little questions I have, is if you guys get this raise, just as proposed, when we come into budget meetings, and we're going to start raising other people's things, and this is just a question, if we used a percentage, that comes off of this also, which I don't have a problem with, because I think as a little government, we really do need to get this stuff up. We really do.

It's like, "Oh, it'd be nice to give everyone a \$10 an hour raise," but I think that would be silly to do. It would be irresponsible. I think the numbers, batting the numbers around, I don't know that I have an issue with these numbers, but I will just come out and say, performance in your office, I would say, can you guys step it up, probably, in a nice way?

LaCinda for the record, I guess maybe you missed the remark I made a little earlier. We took a different approach, as far as some of the accounting we did, with taxes and some other things, that caused problems, like they do the same expression we did, we're in the fourth quarter with three seconds to go. It wasn't up to the standards that I felt like we needed to do, and it did because some problems. With the knowledge that I already have, I talked to Angela, and I said, "We're not going to do this anymore, I know this will work better."

She, after working through all this, agreed with me 100%. We talked to Mr. McArthur about that yesterday afternoon, in addition to what Angela asked him, because there's other issues, because we're not the Lone Rangers when it comes to the financials in the county. They need some of the information that we deal with has to be contingent upon someone else doing something else also. With that said, that's just life. I'm sure, if I'm just going to say, probably feels the same about me, but the thing of it is, when you reconcile things, statements, and when you do this stuff, and you don't have certain things coming through in a timely manner, it makes it harder for the person to reconcile.

That's why we broke down everything, when we have new reports. We've readjusted how we view our system. Just because something was like this 10, 15, 20 years ago, does not mean we keep doing that, because obviously, this last year proved that we can do it a lot better, and we've implemented it. That's the discussion we had with Dan, that's what I'm doing with Lori right now in training. Angela's been part of this already.

I know communication is a really key word, but for example, HSA. A particular person, I have not had any information from them to put them in HSA. Until that person comes to me, and I explain to them what needs to be done, and if they were told not yet to go talk to me, that puts a delay in a function in the county.

Commissioner Perez for the record, I think our future, and trying to smooth it out, is not to point the finger at anyone else. I really believe the word that I've said multiple times today, and you're probably going to hear the rest of it as long as I'm around here, is cooperation. I think what I'm asking you is, I don't know that I'm opposed, at all, for these gals to get a raise. At all. Earlier I had like, to get nitpicky, which I don't even want to be, is like, if we do this today, and

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we come into, "we want to bring it up for everybody," and it's like-- I believe that our little government is coming into better times than they've been in. We have the ability to do things that we haven't been able to do. I believe that there's a necessity in your office to have a little attention, maybe more than others, because of the responsibility, possibly.

That's maybe another argument for another day, but I think I could stand on that, a huge responsibility. We saw it yesterday. I think we saw it coming together with Dan and us, that it's like, I think he feels better than he did four months ago. That's movement. My thought is, I think I'm asking for just point blank, two words, performance out of this office. I plan on asking for performance from every office. I believe that performance is going to come from cooperation.

After much discussion and getting clarity, the final thought of the discussion is that, we are only here to get the approval of job descriptions from the clerk/treasurer's office as it was asked by Commissioner Holt from last meeting, which we have provided and that rate of money on these descriptions will be determined in a later meeting or after the new budget year is completed for FY25-26 for those rates, now all we need is a motion.

Adrian Roberts for the record, now would I need to do the same process for my office as well?

Commissioner Holt for the record, that is correct.

Commissioner Holt made the motion to approve the job description, responsibilities and pay with the contingent on Angela waiting till the new budget year and the clerk/treasurer checking our finances to reassure that you can take these steps; Commissioner Perez second the motion; all in favor; motion carried.

10. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Agenda to request change access to Fish Lake Valley site per attached maps accessing Lone Mountain Prospect via Gap Spring Road also changing Water Haulage Route from Hot Ditch Road per attached maps. (Joshua Gossanyi)

Joshua Gossanyi for the record, two years ago we came into the county, and we drilled two projects, one officially in Silver Peak. During those operations we built agreement with the county. Short story with that agreement is takes on responsibility for rural maintenance while we're using those roads and we share that maintenance with others that may be using it. That varies other operators in the area.

We are now doing a second round of exploration activity in the area. Currently have a rig in Silver Peak, Northeast of Silver Peak Drill. We're going to move that rig over to the Fish Lake side here in the coming weeks. In our first round of operations at Fish Lake, we had some issues with the section road, it was very soft. Other operators had a similar issue with that section of the road in the southeast side of the [unintelligible 01:06:59] out there in Fish Lake County.

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To avoid unnecessary damage to that road as well as excessive work that usually doesn't seem to make the road a whole lot better, I'm proposing that we change our access routes to our drilling area.

There's two changes there. One change is water truck access via the West side of the plant and going around it the long way. The second change is bringing our heavy equipment in, on gap Spring Road from the North there where it up with Highway 10.

I've discussed this with Carl. It's a good solution to, like I said, minimize impact to the roads as well as making maintenance manageable. It's our agenda item today, to simply amend that road maintenance agreement to just add these two maps to it. All the other maintenance agreement remain state. Then I also emailed an updated insurance certificate yesterday, just so the county has proof that our insurance is valid today, any question?

Commissioner Zakas for the record, It appears that you're going to take the water from the Fish Lake hot well that you've labeled here around somewhere. Is that the way I'm reading the map here?

Joshua for the record, That's correct, yes. We've been purchasing water from the county, and in the past, we have that water agreement to get it from the Fish Lake Hot Box.

Carl Shrider for the record, The prior map for this road maintenance agreement was coming off 264, off Hot Ditch, and the Hot Ditch to the east on a different route. With the new map show is that they were all from same location, same water stuff, same deal.

It just, instead of going across the South end of the which is the soft area they talking about, a lot of concerns, a lot of maintenance, companies have spent a lot of trying to haul rock in there, tightening up the road, but there's no bottom where we once it gets wet. At that point they will go to the Hot Box and turn head back towards Jeff Springs and go around the around the other end of it.

Commissioner Zakas for the record, Carl, you've investigated all this and you're okay with it, I see your signature on there.

Carl Shrider for the record, that's correct, no issues here.

Commissioner Holt made the motion to approve the change access to Fish Lake Valley site per attached maps accessing Lone Mountain Prospect via Gap Spring Road also changing water haulage route from Hot Ditch Road per attached maps; Commissioner Zakas second the motion; all in favor; motion carried.

11. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** AMEND and ADOPT Esmeralda County Ordinance 25-OR-01, as presented in mock-up form during hearing on March 18. "An Ordinance

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adopting a Development Agreement with Loneer Rhyolite Ridge LLC for the proposed development of the Rhyolite Ridge Lithium-Boron Project located in Esmeralda County on BLM Managed lands approximately 13 miles northeast of Dyer, and all other matters properly related thereto". (Tyson Falk)

Tyson Falk for the record, The agenda is pretty straightforward and I'll just for record, lots we've got to discussed by the end. To get here, February 4th the initial bill reading was heard and in this county commission in order to approve the publication. The notice of the public hearing. It was published in the newspaper.

The public hearing was held on March 18th and now, we are here following statute for possible adoption or amended adoption of this agreement. In your backup, I have two versions of this agreement. One of them is the redline and pretty much that redline is purely formatting changes against the final. That incorporated the changes in the amended mock-up that we discussed during the March 18th hearing and I'm here to open up.

We do have some folks online. Who might we have? Tom Erwin on my side, attorney representing loneer. We also have Rob others and with us other parties here. I'll let them introduce themselves as well. That's all I have. I'm here to answer questions.

Commissioner Holt for the record, Does anyone have any questions? Any questions in the audience? Comments? None right now. I guess I just have a quick one. I guess it's more of just clarification, Tyson. It's Commissioner Holt. If we don't go for grants and we don't get grants, my understanding then is that then that you guys would reimburse us. loneer would reimburse Esmeralda County for those costs listed in the development agreement. Am I understanding that correctly?

Commissioner Zakas for the record, In the agreement, what are you going to do in six months? What are you going to do in two years and what are you going to do in five? It's here but I just want you to put it on the table because it's so nice.

Tyson Falk for the record, The agreement in terms of reimbursement, in terms of monetary contributions towards you is listed in Section 6. It's broken into three phases. The first phase is the mobilization of construction. Once we are ready to proceed, we will give the county notice that we'll be mobilizing for construction. That's the first stage. That phase has specific payment amounts for personnel, for capital purchases, lots of work.

The second phase is when we move into, we'll call it the middle phase of construction. That's when we'll be putting up the iron structures. Actually putting in buildings, putting in some construction for the early construction period, which is the primarily [unintelligible 02:15:10] and stuff. At that stage, there's also payments amounts for again salaries for that phase. That's the second phase.

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Then there's the third phase and that's when we'll start to finalize the construction of the processing facility, installing electrical. Once you're getting close, that also have payments tied to that phase. That's how we've broken up. We have a projected schedule of about three years. We tie them to the specific dates and each one of those dates we will give notice to the county that we're entering that phase and there are more payments obligations after that particular payment. Tom, do you want to chime in there at all?

Tom Erwin for the record, Section 5. That one requires a review in every 24 months at the request of the county or loneer, at least. If the county requests a review, it will notify loneer. loneer is obligated within two months to provide a report the project development progress so that the parties can work together to prior to making the agreement.

Commissioner Perez for the record, This almost seems to me anticlimactic at this point because of all the energy that's put in this and I don't know. I'm okay. I've seen it. I've asked my questions. Tyson, you've been wonderful coming back to me. To be honest with you, I've been skeptical of conversations with you but again, like I said earlier, the trust that I trust people. I'm very trusting and maybe someday I'll wish I wasn't so trusting.

Tyson, you have developed in that, I would not go as far as say, friendship but a business relationship with me that if I have anything that I want to say to you, I feel I can get on the phone probably almost any time of the day. I wouldn't do it to you at night while you're sleeping. We've had those conversations, and I appreciate that. For all the people that are leaning on Tyson in the loneer company, I think, you got a good man. You have a good man in Tyson Falk. I would like to say that. Like I said, this is probably one of the most exciting times in recent history here, and it's just so quiet. It's just amazing.

Commissioner Holt for the record, I did check with Bob. I was just a little concerned with the word 'amend', because if you changed the ordinance too much for the development agreement, we'd have to start over. He said there wasn't any changes. There wasn't enough changes to do that. I felt better knowing, because with all that attention brought to us that we're not following things.

Ralph Keyes for the record, I've gotten used to saying that former part, but after twelve years on the board, a good six to eight of that was dealing with the loneer folks and they've already told transparent before coming to the county anytime they want to talk about things over the years. That's the way the negotiation went as they developed those payments.

The attorneys did a great job. He put a lot of effort into it. I think it's time to move forward. It's a small role. loneer is a great company. They're going to offer us lots of nice entities for the county and for their public safety and others. I just want to thank Tyson. Like I said, he has always been available day or night. Always there for us, always willing to help, and only have good things to say about loneer company.

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Just want to let you know that I feel very confident in this development agreement, because I was one of the ones that helped draft it. We've had lots of hours, many discussions, some contentious. We asked for a lot, and we got a lot. I don't think there's anything further to do on this. I think it should be approved. That would be my recommendation as former commissioner on the development agreement process.

I just want to thank everybody. The commissioners, if you have any questions, please feel free to ask. With that said, I would recommend that it be approved.

Chris Wagenseller for the record, I just want to let you know, just for your information, the loneer has responded to our water protest for White Mountain Ranch. Got a copy about an hour ago. You may want to look at those before you decide. I'm just throwing that information out there.

Tyson Falk for the record, If Rob's on, I would invite him to opine here but that is right. We have responded to the protests, and we actually have a meeting with Commissioner Fred set up for tomorrow to walk through that answering the questions that were proposed within that agreement. I will say that within this development agreement is our commitment to abiding by the operation that was approved through the legal process, to reinforce that.

Rob Steppard for the record, To Tyson's point, within the developer agreement that we have committed to following what is in the plan operations, which is not increasing pumping in the valley. I'm not sure if this has anything to do with this actual vote, but we certainly have a meeting scheduled with the individuals that filed a protest. loneer's commitment is still to maintain current pumping levels within the valley. None of that will change.

In fact, our technical responses, through attorneys, through consultants, but our commitment remains the same, and there's nothing to change that.

Commissioner Perez for the record, We're going to have this meeting tomorrow, and me being the new guy, and not trying to get duped by anything, even by Tyson, I had a meeting with Nancy yesterday. We talked about all kinds of things. We talked about this. Nancy didn't seem to be alarmed. If she's online, maybe she would have a comment about this, but our protest is still in. I think I'm willing to proceed with this because the protest is in, they've done a response, and it's still a matter that can get ironed out.

I think this agreement is going to go on no matter what happens with the White Mountain Ranch stuff. There's a lot of detail in there that we don't need to open up a can of worms right here at the last second. I think that some of this has already been addressed by the fact that we made the protest, but I don't know, I think at that point, I mean, maybe a little more discussion here is fine, but like I said earlier in this, it's quiet until right now, and I think everyone's blood pressure went up, but I think we're on a good path, like Rob said, and what he said in his comments. I think I would invite more discussion on this, but I think I'm okay.

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Tyson Falk for the record, I would just note that the process of water application is entirely separate from what we're talking about here in terms of this development agreement, which is between the county and loneer. We said that we apply for water, of course, we need to. That is a separate process. The county has and can continue to participate along with the other partners. That is a separate process.

Our agreement and our commitments are within this development group, but just note that not even this precludes any of that from happening, and as evidenced by what Mr. White's already said also. I think it's important to make that distinction, that this is between loneer and the county.

Ralph Keyes for the record, the agreement it says that loneers commits to no increased water usage in the Fish Lake Valley. It's clear. That's great, simple wording, that's what it says, that's what they had agreed to, that's what we've agreed to, agree to and that was the best answer. It was very simple, there's going to be no increased pumping, there's going to be no net loss of additional water for the loneer project.

If anything it will help the valley in my opinion because they won't be pumping from close to the Valley, it will be further out in the trenches of the valley. I think the loneer folks can have a benefit to the community as far as that goes. They've agreed to that. They're going in that direction, that's what they've committed to. I don't see why will be question about that. I'm confident in loneer.

Adrian Roberts for the record, This will affect the aquifer or the aggregate for Fish Lake Valley?

Tyson Falk for the record, No, as a condition of our permit, beyond our commitment that what Commissioner Keyes just made within the development agreement, that is a requirement. It was approved by the BLM, and we have to meet that requirement. To answer that directly, no, we cannot change as a result of our activities. We cannot increase the pumping in the valley, so we have to manage to get that reduced water when we ultimately up to site. That is a condition that we have to meet to a bunch of different regulatory authorities. So no.

Adrian Roberts for the record, The next question I have is, what's going to happen with the wastewater once you end up with that?

Tom Erwin for the record, the White Mountain Ranch water rights provides that on termination of the company which uses the water, the water is returned to White Mountain Ranch, except for a portion that will be required for the rate evaporation. Just as an aside, Rob can probably add to this, the county's intention is to pump water from an aquifer near the mine site will have to go the technical and economic reasons.

In addition to White Mountain Ranch water rights, the company has agreements in place for additional water rights, and one of the purposes of those agreements is so that the company is in a position to reduce pumpage from those water rights to balance out any impact on the Fish

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Lake Valley aquifer. It will be balanced that out by reducing outreach from other sources in the valley.

Tom Erwin for the record, Yes, agreements tend to speak for themselves, and further towards information on the agreement that was originally tabled for the provision by which the county would waive its right to object to the government's water rights applications, and that was deleted from the agreement at the county's request and we conceded at that point. The agreement was originally tabled I think more than a year ago, and it's based on the template provided by the county so we based this on that at the request of all parties.

One of those requests from the county was for Loneer to forego its request that the county waive its right to object to the company's water rights application. In the future, if the company takes actions related to its water rights company obligated to notify the county, to provide the information related to those applications. The county has the right to respond to those just as it was done, and that's the case. That is consistent with my understanding.

Commissioner Zakas makes the motion to approve amend and adopt Esmeralda County Ordinance 25-OR-01, as presented in mock-up form during hearing on March 18. "An Ordinance adopting a Development Agreement with Loneer Rhyolite Ridge LLC for the proposed development of the Rhyolite Ridge Lithium-Boron Project located in Esmeralda County on BLM Managed lands approximately 13 miles northeast of Dyer, and all other matters properly related thereto"; Commissioner Perez second the motion; all in favor; motion carried.

12. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss and decide options for Clearinghouse information with deadlines for comments and determine who should receive these notifications and monitor the comments for the County. (Maureen Glennen/Commission Office)

Maureen Glennen for the record, I am on the list, and I receive all of the clearing house information and I now if it's for our involving Esmeralda County and I, in the past, was sending them to Susan and Nancy and we're not going to be having them. I need direction on where I need to send information and if we have another expert that is stepping in, who that might be.

Commissioner Holt for the record, All right, because it is a challenge without Nancy and Susan's guidance, because each one's different is what I was thinking, Because right now, the one you included and just in the future if we click that one to click here to view the complete notice, it'll give you a summary. I believe this one's green link if I'm seeing it right.

Commissioner Perez for the record, I would be willing to get one, and I think I see Chris Wagenseller up there. Would you be interested in getting these clearinghouse notifications, Chris Wagenseller?

Minutes from the April 1st, 2025 Board of County Commissioners and Board of Highway Commission Meeting

Chris Wagenseller for the record, I'm not an expert like Susan or Nancy, but I don't feel I'm qualified to do that.

Commissioner Perez for the record, In the meantime, while were are looking for another person to do so, would you be willing to at least look at them?

Chris Wagenseller for the record, yes I can do that.

Commissioner Holt for the record, I know because we didn't get to really look in and we would look to see any county roads so we want Carl to look at it. Depending on the location, is it something Adrian would need in public works? Again, you guys, or if it's requiring water, Dwight Smith, would be my thoughts. I don't know about this Green Link, I have to dive in, but the problem comes in, they only give you so much notice, to do so.

Maureen Glennen for the record, that one's going to be on the agenda on the 15th so we can comment together and get it to them by the 18th.

Commissioner Holt for the record, I would say definitely without looking and diving in because I did look, but I didn't look very deep. Definitely, Carl, just because it's such a big area. It's got to go through some roads. Fred and Chris, and if you guys determine looking at it that you think Dwight needs it or a hydrogeologist, maybe then we can reach out for Dwight to have him look into it too.

Commissioner Perez for the record, One comment that I will make on this is, I got a sense in the last land use or not. Well, I guess it was the land use committee. The SUP development agreement is that there was a list of responsibilities for the county, and I think this falls under that. It will come up to where some of these things will be assigned probably to somebody in some position in the future.

Commissioner Holt for the record, I'm thinking in the future, our county manager would also be on this clearinghouse list and then start spearheading the options of, oh, this is a Carl, this is a Dwight, this is a, oh, Fred's district. I need to drive him in Mary Jane's district, et cetera, but until we have that role finally filled and started, we do need to be because we don't want to. This Green Link is one of the biggest things going through our whole state right now. I definitely want.

If you haven't already done so, reach out to Carl because he's roads and solid waste in case they have any. Obviously, maybe Chief Bushnell as far as for emergencies, if it's an area that would be a concern for him because those are all the things that we just looked up for everybody else. Who else?

Minutes from the April 1st, 2025 Board of County Commissioners and Board of Highway Commission Meeting

Jeffrey Bushnell for the record, I did receive these notifications as well and you're more than welcome to include my name on it as well.

Commissioner Holt for the record, I appreciate that just because we want to start catching this. We have more eyes on it, but better. As it's been drilled into us recently, this being the cooperative agency from the BLM is our chance to get a voice in. If we don't get that voice in, we can't about it later. Basically, it comes down to it. We want to stay on top of it. Moving forward, I think it'll be good. Like I said, the county manager will be the spearhead, and that will take off a little pressure off for you because then they can reach out to individuals, or you can too.

Paul Melendrez for the record, In the past several years when the Public Utilities Commission or notices come out, it's been the position of your Department of Emergency Management in Esmeralda County that we would simply respond as a general respondent and say that we would reserve the right to review prior to projects proceeding based on the need for public safety and or response. We decided to do a blanket response. There are some of these larger ones that we've already responded to with a very generic language, but our voice is certainly added to that.

You see those lists, there's so many respondents. The big projects, we have been doing that, and so now with your county fire department emergency management together, we will certainly continue to do that, but just know that our general response is pretty generic until we're presented with the facts that they will be setting up in the county.

No action was taken on this agenda item.

13. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss and decide additional dates for budget workshops so that we can get everyone's requests before the Board by the mid-May preliminary budget submission. (Maureen Glennen/Commission Office)

Maureen Glennen for the record, We were talking to Dan yesterday. He said the actual first deadline is April 15th, and that's a preliminary, and he's not as concerned about getting our budget finalized. We'll turn in what we have by then, but the other major deadline is the 31st of May, so that's the one we're really concerned with making sure we meet. He said he can do one day a week for the next however many weeks. At this point, I think that'd be eight weeks. We know we can do Tuesdays at least every other week. I'm not sure if we'd want to do Tuesdays in the afternoon on days we have commissioner meetings just because they can run late, but what do you guys prefer?

Commissioner Zakas for the record, could it be possible to start our meetings earlier than 10am or maybe do the budget hearings before our commissioner meeting at 10am?

Minutes from the April 1st, 2025 Board of County Commissioners and Board of Highway Commission Meeting

Commissioner Perez for the record, I think we should probably and in my opinion have them on Wednesdays.

Vera Boyer for the record, the budget hearing in the commission room, or in the commission meeting on May 20th, 2025 per the statute and it has to be a public hearing on this day.

Commissioner Holt for the record, Wednesday April 16th, 2025, May 7th, 2025 and July 23rd, 2025. I'm looking at the page that she provided us in the back.

Commissioner Zakas for the record, I just want to confirm, we have April 16th, May 7th and May 21st.

Final of the dates for the budget workshop are: April 16th, 2025, May 7th, 2025, May 20th, 2025 Public Hearing Budget and May 21st, 2025.

No action was taken on this agenda item.

14. **CORRESPONDENCE:** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

None

15. **PUBLIC COMMENT:** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

None

16. ***FOR POSSIBLE ACTION** – Closure of meeting, pursuant to NRS 288.220 for purposes of conducting labor negotiations, conferring regarding labor negotiations, issues, and other personnel matters.

None

17. ***FOR POSSIBLE ACTION** – Discussion, deliberation, and possible decision on labor negotiations, issues, and other personnel matters.

None

18. ***FOR POSSIBLE ACTION** – Recess meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.

Minutes from the April 1st, 2025 Board of County Commissioners and Board of Highway Commission Meeting

Commissioner Holt made the motion to recess the meeting; Commissioner Zakas second the motion; all in favor; motion carried.

Commissioner Holt made the motion to re-open the commissioner meeting; Commissioner Zakas second the motion; all in favor; motion carried.

19. ***FOR POSSIBLE ACTION** – Discussion, deliberation, and possible decision on conference with legal counsel regarding potential or current litigation presented in recessed meeting.

Commissioner Holt for the record, the board discussed about the supreme court.

20. **PUBLIC COMMENT:** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

None

21. ***ADJOURNMENT:**

Commissioner Perez made the motion to adjourn the meeting at 2:35pm; Commissioner Zakas second the motion; all in favor; motion carried.



ESMERALDA COUNTY FIRE DISTRICT

P.O. Box 12 Goldfield, NV 89013
(775) 745-3647

Esmeralda County, Nevada



Deputy Chief /DEM Coordinator J.Paul Melendrez

To: Esmeralda County Board of Commissioners

From: J. Paul Melendrez, Deputy Chief of Operations / DEM Coordinator

I hope this report finds you all well as spring arrives and the weather continues to improve.

The month of March was highly productive. We began with the Board of County Commissioners meeting, where significant progress was made for public safety. That same day, I participated in the EPWG quarterly meeting, where it was reinforced that counties receiving EPWG funds must spend their grant awards by June 2026. Esmeralda County has approximately \$320,000 that must be allocated. These funds will be designated for equipment, personnel, emergency management operations, and training.

I am currently working with Chief Bushnell, and together we have identified the need for an emergency response Chief Officer vehicle. We have been pre-approved by the State Department of Emergency Management to move forward with the necessary purchases to enhance emergency response. Additionally, a second grant award covering a five-year period will be granted after June 2026. However, as you are aware, many federal programs are at risk, which raises concerns about future funding for emergency management. We are working with the State to ensure our County is represented in this area.

During the EPWG meeting, there was also a discussion regarding the costs associated with the Yucca Mountain nuclear waste facility. It was determined that fees will be increasing, with more details to follow as the situation develops. This increase may result in additional EPWG funding for counties that currently receive these funds.

As part of our ongoing efforts to improve the county's Emergency Operations Center (EOC), we have requested updated information on EOC equipment that I initially requested last year. We are working through this process and anticipate installing new equipment, including an interactive camera system, a large-screen monitor, and a computer for WebEOC. This system will allow us to directly communicate with the state and collaborate with other counties more effectively. More updates will follow as this project progresses.

Additionally, I attended the DOWL update with Mineral County as we continue developing our Hazard Mitigation Plan. This is an exciting milestone, as this project is grant-funded and represents a collaborative effort between Esmeralda and Mineral Counties to create a regional hazard mitigation plan. I encourage you to attend the LEPC meetings for updates on the plan's progress, as these meetings include collaboration from all involved departments.

The budget workshop with Mr. MacArthur was very informative. He provided clear direction, and, as you know, we committed to improving communication between the County Fire Department and the Office of Emergency Management. To support this goal, we have implemented weekly communication efforts via telephone or email, reaching out to department heads to ask if they require any assistance from the Fire Department or the Office of Emergency Management.

We are in the process of rescheduling a meeting with POOL/PACT. Marshal Smith and I have identified the county's Safety Committee members. While this has been a work in progress, we are steadily moving forward with the project. I appreciate the department heads for assigning personnel to this effort. Additionally, as part of our participation in the Enterprise Risk Management Program through POOL/PACT, we will be utilizing these Safety Committee contacts to advance the program.

We have been working with the State Department of Emergency Management to update grant access, including granting Chief Bushnell access to assist with utilizing funds for emergency response within the county.

Our recent LEPC meeting was highly successful and has allowed us to move forward with securing recurring grants. A special thank you to Patty Brownfield for her assistance in helping us acquire additional emergency response equipment for the county.

I am pleased to report that a reimbursement of \$28,192.12 from the EPWG grant was received by the Clerk's Office and has been deposited into the county budget.

Esmeralda County's Department of Emergency Management participated in the Statewide Readiness Day, where we attended presentations by state personnel on EMAC. This provided valuable information to be shared across all counties in Nevada.

The County Fire Department and the Department of Emergency Management look forward to your full support on April 1 at the Board of County Commissioners meeting regarding the developer agreement between Esmeralda County and Ioneer. This has been an ongoing process, and we are eager to see the results of this public-private partnership. Thank you, commissioners, for your continued support in this area.

I am also pleased to report that our third-party billing system for ambulance runs continues to be successful. Thank you, Danielle Johnson, for your dedication. This additional responsibility helps keep our department on track and financially stable.

Looking ahead to April, we will be updating and calibrating our radiological equipment, a process conducted annually by the State Department of Emergency Management. We are currently coordinating the schedule to ensure all county-assigned radiological equipment is maintained.

Additionally, I have been working with the Nevada State Fire Marshal's Office to establish dates for hazardous materials training. We anticipate more details to be available in the first week of April.

March was an incredibly productive and busy month, and we remain committed to improving our equipment, response capabilities, and department efficiency. As we move forward into the rest of the year, our primary focus will be on training our personnel and strengthening overall department cohesion.

One County, One Fight.

Paul Melendrez
Deputy Chief / DEM Coordinator

Cc :Chief Jeffrey Bushnell
Esmeralda County Fire District

P.O. Box 12 Goldfield, NV 89013
(775) 745-3647

Esmeralda County, Nevada

Chief Jeffrey Bushnell - jbushnell@esmeraldacountynv.gov

April 1, 2025

Board of County Commissioners
P.O. Box 517
Goldfield, NV 89013
(775) 485-3406
bocc@esmeraldacountynv.gov

Dear Board of Commissioners,

As we kick off Spring we have been hard at work throughout the county preparing for the upcoming growth of our Department. A few of the specific accomplishments we've completed this past month are below:

- **Training Schedule:**

Paul Melendrez, Deputy Chief over Training and Operations, has been working to develop our 2025 firefighter training schedule through the end of the year. We look forward to beginning implementation this coming month combining both classroom and hands on training. This is a huge step towards the inhouse training program we are developing across our County Fire District under direction of the State Fire Marshalls Office.

- **Local Emergency Planning Committee:**

This past month our Local Emergency Planning Committee meet and voted on the upcoming OPTE and UWS Grant opportunities. We appreciate your board authorization to submit the OPTE grant application for an additional Zoll X series Heart Monitor / AED for Station 2 in Silver Peak. This now equips the first out Ambulances at each of our stations with an essential patient cardiac monitor that is standardized across the county. The upcoming United We Stand (UWS) grant will be presented in the upcoming commissioners meeting for your authorization to apply for additional Extrication Jaws of Life and Spreader equipment. We look forward to approval from both grants and are immensely grateful for the funding they provide.

- **Radio Communication:**

I have been actively working in conjunction with Sheriff Dondero and The Nevada Shared Radio System team along with L3Harris to begin transitioning to Nevada State Shared Radio System. As communication is essential, before, during and after an incident of any kind we are striving to get this transition completed as quickly as possible.

- **EPWG Funding:**

This past month I joined Paul Melendrez in meeting with Jarod Franco, the Chief Financial Officer, of the Nevada State Department of Emergency Management. We discussed the available EPWG funding through the State Department of Emergency Management and two immediate needs we will be presenting to the board for approval in the coming weeks. A hazardous response chief officer vehicle equipped and capable of responding to any incident around the county, as well as additional radios to increase our communication during incident response. These have both been pre-approved through the State Department of Emergency Management and will be reimbursed in full at no expense to the county following your approval.

- **Budget Planning:**

We have compiled our budget for the upcoming fiscal year based on the needs identified across our County Fire District. I look forward to answering any questions and presenting in the upcoming budget workshops. We greatly appreciate the support of each one of you to help our emergency services to be better equipped for the needs we face.

If you have any questions about the accomplishments noted above or other matters please feel free to reach out directly.

Respectfully submitted,



Jeffrey Bushnell
Chief
Esmeralda County Fire District

cc: Paul Melendrez
Deputy Chief / DEM Coordinator

Criminal cases – 11 pending felony cases

2 pending gross misdemeanor cases

19 pending misdemeanor cases

536 pending misdemeanor traffic cases

471 pending civil infraction cases

202 new civil infraction cases

212 disposed civil infraction cases

9 hearings

12 pending civil cases

We also hired a new bailiff, DJ Cornell, he is working out great and soon will be going to POST. We are working with the Sheriff's Office to ensure that he is not over stepping their roll in the system and the security of the Courthouse. We are very excited for this change here in Esmeralda County. I have told this board and the previous board that big things are coming here, I will continue to keep the board posted with things as they change. I would also like to inform the board, that when I specifically go to a class, it will not be presented to the Board until I return. This is for my safety and ensuring that the world does not know where I am when I am traveling. I hope you all understand, if you have any questions or concerns, do not hesitate to talk to me. I will absolutely tell you all individually what I am doing, but it is not safe for me to tell you in a public forum before the scheduled event happens.



Esmeralda County Road and Solid Waste

CARL B. SHRIDER, SUPERVISOR
PO Box 129 · 266 Bellevue Ave N
Goldfield, Nevada 89013
P 775-485-3448 · F 775-485-3457

Road Dept update 4/1/25

Roads Maintained-

Water Road, Tule Coral Road, Brodie, County Road 53, Railroad Springs Cutoff Road, Mtn Jackson Road, Cedar Springs, Stonewall Road, Lone Mtn Road, Road 51, Road 52, Emigrant Pass Road, Road 53, Penson, Freedom Road, Billy Wright Road, hauling clay cap on Freedom Road, hauled and placed clay cap on portion of Penson Road, pot hole repairs on Brodie Way Silver Peak, White Wolf.

Maintenance Performed-

- Replace tire on Pickup Unit 29.
- Replaced drive line on Pickup Unit 31.
- Installed Fuel Tank on Pickup Unit 27.
- Replace transmission to filter hose Grader Unit 213.
- Remove and replace transfer case Pickup Unit 31.
- Repair fuel lines Pickup Unit 31.
- Replace fuel pump Pickup Unit 31.
- Repair tow bar Pickup Unit 31.
- Install auger on Skid Steer Unit 309
- Replace front right tire on Grader Unit 214.
- Replaced battery on Grader Unit 210.
- Replaced cutting edges on Grader Unit 215.
- Service on Grader Unit 215.
- Service on Grader Unit 218.
- Replace 6-wheel drive harness Grader Unit 214.

Other projects and communications-

Budget meeting.

Communications with Red Ridge Solar.

Pool Pact meeting.

Transported Loader Unit 310 from Landfill to Goldfield Road Shop.

Transfer used 5 barrels motor oil from Silver Peak Transfer Station to Goldfield Shop.

Transported Grader Unit 207 to Stonewall Road.

Transported Grader Unit 207 from Stonewall Road to Goldfield.

Transported Grader Unit 215 from Stonewall Road to Goldfield

Transported Grader Unit 218 from Blair Junction to Gilbert Road #169.

Snow removal on Goldfield streets.

Snow removal Silver Peak Road.

Work on upcoming budget.

Communications with Loneer regarding ordinance.

Communications with Best in the Desert on race cancellations May 2nd and 3rd.

Sign maintenance Gold Point streets.



Esmeralda County Road and Solid Waste

CARL B. SHRIDER, SUPERVISOR
PO Box 129 · 266 Bellevue Ave N
Goldfield, Nevada 89013
P 775-485-3448 · F 775-485-3457

Solid Waste Update 4/1/25

1. No February monthly total due to agenda request due before month end.
2. Total waste disposed at Landfill including transfer stations for the month of January totals 1,012 yards.
3. Transferred 5 barrels of used motor oil from Silver Peak Transfer Station to Goldfield Road Shop.
4. MSHA Training for Solid Waste employee.
5. Replaced articulation hoses on Compactor Unit 706.
6. Repaired rear lights on Roll Off Unit 708.
7. Currently have one drop boxes rented out.
8. Position still open for full time Solid Waste Operator.

Minutes from the April 15th, 2025 Board of County Commissioners and Board of Highway Commission Special Meeting

April 15th, 2025

10:00 a.m.

Esmeralda County Courthouse

403 E. Crook Ave., 2nd Floor

Goldfield, Nevada

Pledge of Allegiance was spoken.

ALL PUBLIC COMMENTS HAVE A THREE-MINUTE TIME LIMIT PER PERSON

1. CALL TO ORDER AND ROLL CALL.

Commissioner Mary Jane Zakas – Present

Commissioner Rachel Holt – Present

Commissioner Fred Perez – Present

District Attorney Robert Glennen, III – Present

Clerk of Board Lori Baird - Present

2. PUBLIC COMMENT. (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

Commissioner Holt for the record, I was asked not to do public comment at this time and if we could open agenda items #18 & #19, as that person is available now.

3. *APPROVAL OF EXPENDITURES.

County List of Expenditures – Budgetary Transfers FY 24-25

PILT Transfer \$160,000.00

GF Capital Replacement Transfer \$32,304.00

GF Capital Replacement Transfer \$32,304.00

Grand Total \$224,608.00

Commissioner Zakas made the motion to approve the budgetary transfer fy24-25; Commissioner Perez second the motion; all in favor; motion carried.

County List of Expenditures – FY24-25

General Batch 1 \$156,395.99

General Batch 2 \$99,160.67

Road Batch 1 \$6,866.10

State/Quarterly Payment \$449,938.40

Payroll \$258,465.89

Grand Total \$520,888.65

Minutes from the April 15th, 2025 Board of County Commissioners and Board of Highway Commission Special Meeting

Commissioner Zakas made the motion to approve to the county list of expenditures fy24-25; Commissioner Perez second the motion; all in favor; motion carried.

County List of Expenditures for Agenda Item #14
2025 Chevy Tahoe \$72,875.44
Grand Total \$72,875.44

Commissioner Holt made the motion to approve county list of expenditures for agenda item #14; Commissioner Zakas second the motion; all in favor; motion carried.

County List of Expenditure Agenda Items #26 & #27
ROC Bill \$30,233.46
Grand Total \$30,233.46

Commissioner Zakas made the motion to approve county list of expenditure agenda items #26 & #27; Commissioner Perez second the motion; all in favor; motion carried.

4. ***DISCUSSION/DECISION/APPROVAL:** Rejected Vendor Bills from Auditor's Office.

None

5. ***FINANCIAL REPORTS**
February 2025

Office	Amount	Date Submitted
Assessor	\$3,793.18	March 31 st , 2025
Clerk's	\$1,340.19	March 31 st , 2025
Justice Court	\$49,949.27	April 2 nd , 2025
Recorder	\$0.00	
Sheriff's	\$481.00	April 2 nd , 2025
Tax Collector	\$123,605.11	March 31 st , 2025
GF Utilities	\$14,986.15	March 31 st , 2025
SP Utilities	\$4,505.57	March 31 st , 2025
Total	\$198,660.47	

Commissioner Holt read in the financial reports and add them to the minutes.

6. ***TREASURER'S REPORT**

Commissioner Zakas for the record, asked if your going give us something in writing for this report.

Angela Jewell for the record, currently I don't have anything in writing nor anything for the commissioners to look at either. I would like to say that here in the next month, I'll be **working**

Minutes from the April 15th, 2025 Board of County Commissioners and Board of Highway Commission Special Meeting

with Hillary and Dan about our reconciliations and have a report to give you in the second meeting in May.

7. ***AUDITOR'S REPORT**

None

8. ***APPROVAL OF MINUTES: February 18th, 2025 Board of County Commissioners and Board of Highway Commission Meeting Minutes, March 18th, 2025 Board of County Commissioners and Board of Highway Commission Meeting Minutes.**

Commissioner Perez made the motion to approve February 18th, 2025 Board of County Commissioners and Board of Highway Commission Meeting Minutes and March 18th, 2025 Board of County Commissioners and Board of Highway Commission Meeting Minutes; Commissioner Zakas second the motion; all in favor; motion carried.

9. **Update of Current and Future Meetings and Activities of Commissioner's Zakas, Holt, and Perez.** (This is only an update. No decisions will be made.)

Commissioner Zakas for the record, Pool-Pact annual meeting on Thursday, met with Josh on the concession stand at the Fish Lake Valley Park and took a tour of the rodeo ground replacing old fence posts and painting fencing.

Commissioner Holt for the record, nothing to report.

Commissioner Perez for the record, NACO meeting on April 25th, 2025, flyer that Nevada gets the honor of providing the Christmas tree for our nation's capital and I am presenting the first Esmeralda County Christmas ornament a log cabin one. Also working on previous Commissioner Winsor list for Silver Peak when he left office, sprinklers for the ball park, cemetery and ballpark bathrooms, meeting with Green link about the La Barth House.

10. **Update of current and Future meetings and activities of Elected Officials and Department Supervisors as needed.** (This is only an update. No decisions will be made.)

Maureen Glennen for the record, for Senior Transportation going on next quarter oil changes and may have found 3 cars from Reno for a new vehicle, we have a couple of a Toyota cross, chevy equinox which are under 30,000.00 and one around 31,000.00.

11. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** We are trying to connect 1 water lines 1500' from apart for ample water to operate Gold Reduction Mill. Must cross dirt road 30ft. (Bruce Young)

Bruce Young for the record, I'm requesting to cross a dirt road that doesn't have much traffic.

Minutes from the April 15th, 2025 Board of County Commissioners and Board of Highway Commission Special Meeting

Commissioner Zakas for the record, what about the existing water tank, will you not be using it anymore?

Bruce Young for the record, I had no help putting in water line and tank from Gold Point people and the tank is from Lida to Gold Point.

Commissioner Zakas for the record, this is auxiliary water supply – do you own that land?

Bruce Young for the record, no I don't own the land, it belongs to the BLM (Bureau Land Management)

Commissioner Zakas for the record, did the BLM give you a permit to use the land?

Sheriff Dondero for the record, I met with BLM out at that side yesterday and there's no permit, no right away and no one is to be digging out there. You don't have permission to on that land.

Commissioner Holt for the record, since you don't have the rights or permission to be on the land until you talk to the BLM and once you do and get permission, then bring it back to us and then we can decide from there.

Commissioners Zakas for the record, you will need to bring all your documents.

No Action was taken on this item.

12. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Approve and sign a UWS grant from the State Emergency Response Committee providing equipment to our local emergency services for Esmeralda County. This grant will reimburse Esmeralda County 100% for monies spent on emergency equipment. So, there is no liability to Esmeralda. (Patricia Brownfield)

Patricia Brownfield for the record, we have done this one every year where I do this grant for the State Emergency Response Committee, this a grant I do so we can get the supplies and equipment we need, just need a commissioner to sign off so we can get this process going.

Commissioner Zakas made the motion to approve and sign a UWS grant from the State Emergency Response Committee providing equipment to our local emergency services for Esmeralda County. This grant will reimburse Esmeralda County 100% for monies spent on emergency equipment. So, there is no liability to Esmeralda; Commissioner Perez second the motion; all in favor; motion carried.

13. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** The Desert Research Institute's (DRI) Community Environmental Monitoring Program (CEMP) started managing the meteorological and radiological monitoring station at the Goldfield Library in 1999. The CEMP proposes installing

Minutes from the April 15th, 2025 Board of County Commissioners and Board of Highway Commission Special Meeting

a seismometer at the Goldfield Library. Three options are provided in the presentation file. There are two large, rusted nonfunctional signs that north/northwest of the CEMP station that were installed by a different DRI project funded by the National Oceanic and Atmospheric Association. Those signs are nonfunctional and will be removed this summer. The CEMP would install the seismometer in that location. The accompanying presentation file identifies three locations for your consideration. (Beverly Parker)

Beverly Parker for the record, I have provided a presentation booklet about the what the desert research institute's (DRI) community environmental monitoring program (CEMP) is and what's is used for, this one is primarily for Goldfield station next to the Goldfield Library. (See the presentation back of the minutes)

Commissioner Zakas made the motion to accept location #1 for The Desert Research Institute's (DRI) Community Environmental Monitoring Program (CEMP) started managing the meteorological and radiological monitoring station at the Goldfield Library in 1999. The CEMP proposes installing a seismometer at the Goldfield Library. Three options are provided in the presentation file. There are two large, rusted nonfunctional signs that north/northwest of the CEMP station that were installed by a different DRI project funded by the National Oceanic and Atmospheric Association. Those signs are nonfunctional and will be removed this summer. The CEMP would install the seismometer in that location; Commissioner Perez second the motion; all in favor; motion carried.

14. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Approve purchase of 2025 Chevy Tahoe SSV chief officer command vehicle equipped for county wide hazardous incident response not to exceed the amount of \$80,000.00. Funding will be grant reimbursed in entirety through the Nevada Department of Emergency Management EPWG funds and will be of no expense to the County. Direct Auditor/Recorders office to process payment by end of day. (Chief Bushnell)

Commissioner Zakas for the record, my concern is for your health & safety – will you be safe responding to calls to save us?

Chief Bushnell for the record, yes inside there will be a breathing apparatus and it's impossible to go to a lot and purchase a vehicle that we need.

Commissioner Perez for the record, which one would you prefer?

Chief Bushnell for the record, I prefer this one at \$72,875.44.

Commissioner Holt for the record, have you checked with the clerk/treasurer office to do that?

Chief Bushnell for the record, I didn't check about doing an ach payment with them.

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Vera Boyer for the record, once it's approved by the board then I can have the check cut and get out tomorrow but not today.

Commissioner Holt made the motion to Approve purchase of 2025 Chevy Tahoe SSV chief officer command vehicle equipped for county wide hazardous incident response not to exceed the amount of \$72,875.44. Funding will be grant reimbursed in entirety through the Nevada Department of Emergency Management EPWG funds and will be of no expense to the County. Direct Auditor/Recorders office to process payment by end of day; Commissioner Zakas second the motion; all in favor; motion carried.

15. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss and decide to apply for Travel Nevada Rural Marketing Grant FY26. (Natalie Colunga)

Natalie Colunga for the record, no orders for brochures because the pricing went up. We received \$189 in donations from the visitor center so far this year. Applied for 4,000 grant – waiver match recommended that we reapply for this.

Robert Glennen for the record, donations grant goes to the county?

Natalie Colunga for the record, yes it does and it closes 30th of April.

Commissioner Zakas made the motion to apply for Travel Nevada Rural Marketing Grant FY26 and matching the funds; Commissioner Perez second the motion; all in favor; motion carried.

16. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** To approve the letter of correction for the audit ending 06/30/2024. (Vera Boyer)

Vera Boyer for the record, this is the standard letter that the board signs every year.

Commissioner Zakas for the record, it looks like we have a few things to do, Vera.

Vera Boyer for the record, we have resources coming in to help with the clerk/treasurer's office.

Commissioner Zakas for the record, whom would that be?

Vera Boyer for the record, that's up to Cindy's office not mine, we are trying to get thru the budget first.

LaCinda Elgan for the record, we have already had conversations with Dan McArthur's office about software and they helping us.

Commissioner Zakas for the record, Tyler's a little bit complicated to use.

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LaCinda Elgan for the record, our water system account puts in payments and readings, sometimes create human error can occur but learning that is a part of the job. Taxes are implemented with new bills, posting payments, ending balances with letters to let them the customers know they have a balance due and with PNP, Lori must reconcile the bank statement as well.

Commissioner Zakas for the record, is it a paper book?

LaCinda Elgan for the record, no. We use these for our back up to show our work on how they are generated for us to reconcile at the end of the month.

Angela Jewell for the record, with our back up to show everything that is put in our different systems, we use spreadsheets (excel), copy of the deposit which on how much money is going to the bank, we use the sheets from Goldfield & Silver Peak water books on how much money is collected and how they were posted to the system, when comes Devnet for the tax portion side of things, we use the posting sheets and the copy of the deposit slip to the bank, which Lori is in training on how this all working and using the bank statements and credit cards statements that we used reconcile each month.

LaCinda Elgan for the record, the ledgers are kept electronically from the Tyler system.

Commissioner Zakas for the record, I'm going to guess there is no way to stream all of this into one?

LaCinda Elgan for the record, no.

Commissioner Zakas for the record, so when you turn in your budget, then I'll understand why you are asking for x, y, & z.

Commissioner Perez made the motion to approve the letter of correction for the audit ending 06/30/2024; Commissioner Zakas second the motion; all in favor; motion carried.

17. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss the formal protest requesting denial of application no. 84235 in Alkali Spring Valley (HA 142) applicant – WK Mining (USA) LTD of Elko, Nevada and approve the re-application fee for application 84235 was filed on August 13th, 2014 and timely protested by Esmeralda County on October 8th, 2014. The application is being republished by the Nevada Department of Water Resources. (Public Works Adrian Roberts)

Commissioner Holt for the record, Adrian just left and said they have had to refile the publication and they are protesting the same thing as before.

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Commissioner Zakas for the record, Chris Wagenseller needs to check for a thirty-dollar check (\$30.00).

Commissioner Holt for the record, it was in the list of expenditures.

Commissioner Zakas made the motion that we refile the protest requesting denial of application no. 84235 in Alkali Spring Valley (HA 1420 applicant – WK Mining (USA) LTD of Elko, Nevada and approve the re-application fee for the application 84235 was filed on August 13th, 2024 and timely protested by Esmeralda County on October 8th, 2014. The application is being republished by the Nevada Department of Water Resources; Commissioner Perez second the motion; all in favor; motion carried.

18. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss and decide whether to retain Bob Bare, Esq., to issue a legal opinion as to whether Brian Kunzi Esq., representing Nicholas Dondero as Sheriff while also representing Esmeralda County in Nevada Supreme Court Appeal No. 88214 is a conflict of interest. (District Attorney Robert Glennen)

Agenda 18 & 19 was open together.

Commissioner Holt for the record, after opening this item, I personally wanted to point out, and say my opinion, that we had the decision from the Supreme Court to where they made it-- I personally felt it clearly states that they declined to consider the county's constitutional arguments, made on behalf of Dondero. As the county lacks standing to assert his individual constitutional rights, they also say, "We have also carefully considered all of the county's arguments that are not specifically addressed here, and conclude they lack merit." My thinking is that the county should not move forward. I wanted to just put that out there.

Commissioner Zakas for the record, I'm going to wait, I've been meaning to ask if you want to speak before we ask Mr. Kunzi to speak.

Commissioner Perez for the record, No. I don't know much about this, I know a little bit and I have some opinions, but no, I don't have to make any comments at this point.

Brian Kunzi for the record, my comment on these will be interesting because, I don't understand why would be hired as a legal opinion regarding the conflict of legal opinion. The conflict basically goes to the attorney, not necessarily to the client. I'm a little puzzled by that, on why that would be necessary to hire-- pay any retainers, with regards to legal opinion, as to whether they believe a conflict of interest between myself-- No, not myself, but between Mr. Dondero and Esmeralda County. That's not the way these things are done. Again, issues on conflict with another attorney is given to the attorney, not to the client. That one I just find a bit odd.

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District Attorney Robert Glennen for the record, the commission is a client in this case, and can seek their own opinion regarding possible conflict. I will tell you that the district attorney of Esmeralda County does have a conflict in representing both an elected official who getting recused, has action against him to remove him from office, and a commission, the Esmeralda County commissioner, who had an interest in keeping other elected officials, an interest in keeping things running smoothly, and an interest in making sure the whole county is protected, and represented. That's what this matter is for. Just outside legal opinion for the commissioners regarding if there's any potential conflict. Obviously, Mr. Kunzi is facing said potential conflict, and has his own beliefs regarding conflict. Probably, and I don't know if Brian would agree with me, but it's probably true that the court, the Supreme Court, whatever court we face, is going to decide if there's a conflict. We will spend our money to hire somebody on that outside to do it.

Brian Kunzi for the record, my question on this is that I'm hired by Esmeralda County to represent their interests. This is why I would like to know if Sheriff Dondero has terminated his relationship with the other attorney. My view on this, is that we have been side-by-side from the very beginning. I don't see that there's any difference. The Esmeralda County commissioners' control what happens with regards to representation of Esmeralda County. The instructions I've certainly been given is to support and defend this process with regards to what's been happening with their sheriff. There is zero difference between Sheriff Dondero's position, and Esmeralda County's position, as controlled by the Board of County Commissioners. There may be people in Esmeralda County that don't agree with this, but that doesn't create a conflict, because the client is Esmeralda County client, through the Board of County Commissioners. I don't believe that there has ever been any belief or concern that the position of Esmeralda County Board of County Commissioners, is in any way contrary to the positions that are being presented on behalf of Sheriff Dondero.

Commissioner Zakas for the record, could you wait on your question? Excuse me. Audience, please wait, we're gathering some information, please. Mr. Kunzi, could you please verify whether we would need to sign a new contract when we're still under the same procedure of defending through however many steps are necessary? Money, could you address money please?

Brian Kunzi for the record, yes, certainly. I don't believe there's any-- You retained me to handle this matter, and I agree that I will handle this matter to as far as it needs to go. I don't care if that means the United States Supreme Court. I don't need to do that. Obviously, I'm not charging Esmeralda County for any of my legal fees. The only fee that could potentially come up, is if we have any filing fee with the 9th Circuit. I think that the travel doesn't likely involve any of that. That was something that I would bring back to the board to discuss.

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The reality is the way both cases are done anymore is, and I'm asserting this, is likely to be a virtual. If there are any hearings allowed, it's likely to be done virtually, anyway. I don't see anything. Certainly not any current meeting for there to be any discussion regarding costs. I haven't heard any of that.

Commissioner Zakas for the record, you saw this representation as from beginning to end, wherever the end ends. Is that correct? So, we're in the middle of a process.

Brian Kunzi for the record, That's to my interpretation. You hired me to handle this case, and this case means from beginning to, I will do what I need to do. I'm honored to be here.

Dana for the record, my name is Dana from Fish Lake Valley and I have questions for Mr. Kunzi, it looks like there's a contract and its valid case for the Sheriff, so can you follow up with the questions?

Brian Kunzi for the record, that would be a big question, because right now we're in the process of basically filing for what's called a review. What we've done was a pre-panel from the Supreme Court. The rules that will allow us to pursue and I have a lot of concerns, and a lot of legal issues were raised with regards to that order. I believe it's appropriate to challenge what they're stating in there as for their basis. We have a lot of disagreements with how the court is represented, particularly since the court is bringing in new facts that have never even been presented below, which is completely inappropriate. I think that there's a reasonable chance that we will get a full review of the Supreme Court, which will then allow us to really analyze, and get in and address all the issues. Really, what we're going to do, as we go through this procedure, is if the Supreme Court rules against us, then there's potential we can appeal to the next circuit, and then potentially appeal to the Supreme Court, given the issues that we do see in this case. I would ask the board to consider whether they want to continue moving forward, which will be, item Number 19. Decide whether you do want to continue proceeding.

Dana for the record, yes, I just wanted to share an observation. It's sounds like this technical paperwork challenge, versus not having the ability to not be opposed and made hear that stuff in the commentary. As a follow-up, I think it was a comment made, that the commissioner, the Esmeralda County Commissioners are representing the residents of Esmeralda County. Maybe this is directed to Mary Jane Zakas. I was not aware of residents participating in a petition or anything granting the commissioner the ability to pursue something without our authorization.

Brian Kunzi for the record, well they have that authority by the Nevada Statues, it's in the name of Esmeralda County pursue any matter in the name of Esmeralda County, I guess.

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Dana for the record, it's an arbitrary that the commissioner made it without any input from the residents in State of Nevada?

Brian Kunzi for the record, this was put on the agenda. There was a meeting. It was put on the agenda, the agenda was posted properly, advising everybody that there was going to be a discussion about Esmeralda County getting involved in this litigation. It was a full hearing, a public hearing. At that meeting, the board decided to, it was a unanimous 2-1 vote to proceed with the litigation, that's how that happened.

Dana for the record, is that funded by the Esmeralda County residents?

Brian Kunzi for the record, there hasn't been any type of occurrence.

Crystal Saunders for the record, I'm so sorry. I'm representing women that don't. This is wasting our money, because it's taking time and resources for better things for us, and we're not okay with this. We didn't get a petition like that lady said. We don't want him. This is getting weird. We're not into this weird reality where a sheriff can't carry a gun. Take a picture with the gun. I don't let-- I want to be safe. I have kids. This is insane. Kunzi, the Supreme Court is smarter than you. You're giving us horrible advice. This is insane. This is done. You guys quit dragging it out.

Crystal Saunders for the record, I'm trying. I agree. Mary Jane, I respect facing the Supreme Court. This is done. Don't drag this out. We've got great things we can do with this county. Let's do it. I'm so sad and scared for this. I'm so sorry. This is not okay. This is not, we're not okay. Esmeralda County, give us a voice. We don't want to support this man. This is scary. Mary Jane, you know, this is not good. Please. That lady was right. I really respect. Thank you for your time. I got to sit down because this is insane.

Nancy Knight for the record, I'm a retired EMT after 27 years in Fish Lake Valley. I didn't really realize this was what I was walking into, but I got to say something. 66% of the residents of Esmeralda County, Fish Lake, Silver Peak, Goldfield voted for this sheriff. All of this stuff is trying to undermine, trying to undermine his term of office. We have drunks now being pulled over. Heck, which had not been happening. People are being arrested, which had not been happening. Fish Lake is flourishing because of the law enforcement we now have out there, that we did not have with the prior administration. I encourage you to support our sheriff because if you do, you'll be supporting Fish Lake Valley.

Crystal Saunders for the record, I voted before I knew about this sealed document. I want my vote back. I voted for him. I didn't know. This is a big deal. When you find out that you voted for a man under false pretenses. I want my vote back. I'm going to sit down.

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Commissioner Holt for the record, Calm down. Everybody, calm down. We're not going to go crazy. That means all of us. People are entitled to their opinion, if it gets heated or not. She's being respectful. She's not yelling, she's not cussing, she's not being ugly. She's entitled to her opinion. Thank you.

Commissioner Zakas for the record, Mr. Kunzi, are you still on the line? I'm not sure if he's there, in case you had a question that needed to be addressed to him and not to us. I believe he is not. Mr. Kunzi, have you hung up? Gone?

Brian Kunzi for the record, what is interesting about this case is that a sheriff, or, let's say that Nick Dondero, ran for sheriff and was elected sheriff. He had nothing in his record that would keep him from becoming sheriff. Yes, he had a charged conviction. That conviction has been sealed, and he's been restored from all his civil rights as a basis of that action. If that's wrong did not happen. Now, what's happening is the state then after his election, they pushed through a bill that would prevent him from getting certifications. By now, basically saying that if you have anything conviction of a domestic battery, you cannot serve as a law officer. We are challenging that from the standpoint of constitutionality of what's called a retroactive legislation. You can't take something away from somebody when they have a right to it. This is called equal standing law. It is something that everybody ought to be concerned about when I don't care what level of government is doing this, they're doing things to penalize people, but it is not fair for them to do that. They're violating a constitutional right that prohibit this type of activity. I understand the emotions of whether you wanted him as a sheriff or anything else. I'm not involved in politics at all. I'm involved very much in the integrity of the legal system and fighting these types of injustices when they're being forced down our throat to do. That's what we're fighting about.

Ken Elgan for the record, Mr. Kunzi did not the Supreme Court address the retroactive in their judgment.

Brian Kunzi for the record, the panel did address it. It's interesting that one of the things they do in addressing it, is they bring in the facts that we are part of the record. That's part of what we are of on. Here's the whole thing. The other thing, is this is procedural from the standpoint of what all that happened now is this court judge did not grant the summary motion, which means the state automatically wins. The court wanted to have a hearing. Now, then they went to the Supreme Court, said, "No, no, no, we shouldn't have to go through all of these items." That's what the court's doing. It's interesting that the court is basically saying that there was no reason, because there's no factual dispute below if you're raising these facts that aren't even in the record, that aren't even accurate. It seems to be taking the task, and they need to be challenged. Again, it's one of those things that maybe, can be dangerous. Just because one court has made a

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decision that you shouldn't take it to a higher level court to make that decision if you have a disagreement with it. This is not a frivolous disagreement, a legitimate disagreement, and use the challenge of what they're doing.

Linda Medina for the record, it's a procedural exercise. This is becoming common. I'm surprised. I get your background, and it's impressive, but it becomes a procedural exercise. Nick Dondero was and we can go through the procedural challenge. I'm hearing it, but he is ineligible to have vote, and he is not capable to be our active sheriff. This is not a fiscal thing. I'm just appalled that we're even having a conversation like this. He could have stepped down a long time ago. He's incurring funding from all the residents to pay taxes, and he cannot take the floor on this job. This is like, it is comical for a small town that we live in, and it is dividing our community, unfortunately, because he continued to keep this ridiculous, ridiculous procedural exercise.

Ken Elgan for the record, Mr. Kunzi, would it be possible for you to represent Mr. Dondero as an individual, and he finance it himself, and not the county and the taxpayers?

Brian Kunzi for the record, I can't, no, because I can't do a private practice. I can't represent him in any capacity, but I can represent him in his capacity as the sheriff. Again- the whole thing is, it's like, I really wish I could. I don't know if we're going to be able to block the fact that this issue goes way beyond just Sheriff Dondero. There are very significant issues in here that, quite frankly, need to be taken off the books, because we don't know how this is going to be used in the future to have a public agency. As a public agency, we feel like we have to be ready to go after anybody we want to go after. There is a major issue with the way folks have done this, and how they basically declined and refused to allow him to get his certification. Again, it's like, we cannot let government get away with things like this. It's not funny coming from a government attorney, but that's my passion. I'm not afraid to tell my clients they're doing something that I believe is unconstitutional. That's my job as their attorney. I don't hesitate in doing that. I don't have that feeling in this particular case.

Ken Elgan for the record, Mr. Kunzi, you made a statement earlier that you didn't think this was winnable, but you thought that it should be pursued. Why waste time doing it if you don't think you can win it?

Brian Kunzi for the record, no, I didn't.

Ken Elgan for the record, no, you did say that.

Commissioner Perez for the record, are you talking about just a few minutes ago?

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Ken Elgan for the record, yes.

Brian Kunzi for the record, It's an interesting case. I can't guarantee we're going to win. This isn't whether I think we're not going to win. We have some very good arguments. If my comments are taken that way, I will dispel that right away. No, I think we have a very good chance of winning.

Ken Elgan for the record, I've been asked to read a letter into the record, if I may, Chairman.

Ken Elgan for the record, Dear Commissioner Rachel Holt and Fred Perez, I want to thank the state of that for taking the necessary steps to remove Nick Dondero from his position as sheriff. This decision has brought relief to many in Esmeralda County, especially those who felt unsafe under his leadership. However, I am writing to urge you as commissioners, to ensure that he is not reinstated or allowed to hold any position in any law enforcement moving forward. The decision to keep Dondero in office even after the courts removed him, was a grave misstep that disrespected the community and ignored the voices of those who opposed him. Many residents, especially women, have been silenced out of fear of retaliation. Creating an environment where speaking out feels unsafe. This is unacceptable, and the community values justice and accountability. Dondero's documented history, including his domestic violence conviction and the threats of violence, makes him a glaring liability. Trusting him with the responsibility of investigating crimes or protecting the public is not just irresponsible, it is common-sense ridiculous. His presence in law enforcement undermines the very principles of safety and trust that our community depends on. Allocating funds to defend Dondero's position not only wastes resources, but also betrays the trust of residents who have overwhelmingly rejected his leadership. Every dollar spent on his defense, is a dollar taken away from initiatives that genuinely benefit and protect our community. To continue supporting him through public resources would disregard the will and the well-being of the majority. Esmeralda County deserves leaders who prioritize integrity, accountability, and the well-being of its people. I plead with you to respect the trust and safety of our community in ensuring that Dondero is not reinstated. Let this be a turning point where Esmeralda County stands firmly against lawlessness and prioritizes the voices of its residents. Thank you for your time and for the consideration of the voices of the majority who seek a safer and more just future. Sincerely, Crystal Halpin Saunders.

Commissioner Holt for the record, Thank you. Mr. Kunzi, I do have a question as well regarding the possible conflict. This is Chairman Holt. How can you advise the sheriff on what's best for him personally, such as whether to resign or continue litigation, if at the same time you're advising the county, which needs to remove him, to comply with the writ?

Brian Kunzi for the record, I'm not advising the county to remove him.

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Commissioner Holt for the record, no, but the Supreme Court has ordered it, and if we have to move forward with it, we would have to comply with the writ.

Brian Kunzi for the record, as soon as I file an appeal of the next action, that order is no longer in place. It is a law amendment from the county sheriff, but he's not likely to get into by the courts. The case is not the end of the final court who has the authority to make a decision on this matter. There isn't any conflict with violating any type of court order or anything else. I believe the process works.

Commissioner Holt for the record, I personally feel that the highest court of the state of Nevada, saying that we don't have really a leg to stand on, says that we really, as a county, shouldn't go forward. Now, if Sheriff Dondero wants to go forward, he has all the rights in the world to do so. I just don't think the county should agree. I think we should actually listen to the Supreme Court, and stay out of this from now on.

Brian Kunzi for the record, let me explain that this is not the Supreme Court. This is a panel of the Supreme Court that they've used to ease their caseload. The process here, there's a legal process. I'm not creating a process here. This is what exists. If you disagree with what is called a panel decision, we can appeal that to the full board consideration by all of the judges. I don't have to rely upon the three judges. That's the process that we're asking for before we go to court.

Commissioner Holt for the record, we if we don't agree?

Brian Kunzi for the record, I'll explain it. Even if the Nevada Supreme Court said this is not a violation of federal constitutional protection, they're not the final authority. The final authority is the United States Supreme Court, when it comes to issues of federal constitutional principles. Again, this is a process. Every piece of litigation goes through this cycle in this particular matter, the Nevada Supreme Court is not the final authority.

Commissioner Holt for the record, what if a majority of us don't agree with you and we actually agree with the panel from the Supreme Court?

Mr. Kunzi for the record, we cannot refer like the majority of the Court County position is.

Commissioner Holt for the record, that's why I wanted it brought back before.

Linda Medina for the record, this sounds to me like it's a procedural exercise more than the legal upside of that Dondero should not be in office. I agree, he should be stepping down, instead of us going through the exercise of asking him to step down. Regardless, my question is, since the

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commissioner seems to have higher views is it the commissioner that can dismiss you from this exercise?

Mr. Kunzi for the record, this issue runs entirely with the Board of County Commissioners. I don't have a vested interest in any of this. I have a good deal of personal interest. There's some very interesting issues, but it's up to the Board of County Commissioners to decide whether or not to move forward or not.

DA Glennen for the record, Robert Glennen, District Attorney, if I could.

Linda Medina for the record, I have a question for the Board of Commissioners. Can you please vote to have this stopped now?

DA Glennen: Robert Glennen, District Attorney for the record, I'd like to intervene and state that it's my understanding, Mr. Kunzi, that right now, you represent our duly elected sheriff, and that we're here to decide if you're also going to represent the County Commissioners at the same time. Am I on base, Brian?

Brian Kunzi for the record, pardon?

DA Glennen for the record, it's my understanding right now you represent our duly elected sheriff in this matter.

Brian Kunzi for the record, what I've been representing the Board of County Commissioners, not Esmeralda County. There is a difference in the item to-- He did not get put on there when there was a conflict.

DA Glennen for the record, right, okay. You do not presently represent Nick Dondero in this matter?

Brian Kunzi for the record, Pardon?

DA Glennen for the record, right now you do not represent Nick Dondero in this matter?

Brian Kunzi for the record, not at this point, no.

DA Glennen for the record, then, if you do not represent Nick, then there is no conflict that we need to hire Mr. Baird.

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Brian Kunzi for the record, I just want to know who Mr. Baird is giving a legal opinion to, as far as the conflict.

DA Glennen for the record, it would be my belief, reading the agenda item and preparing it, that Mr. Baird would be issuing an opinion to the Board of County Commissioners whether there is a conflict between you representing Nick Dondero and the commissioners and whether that would be an actual, or a potential conflict, to the extent that the commissioners would have to protect themselves regarding that.

Mr. Kunzi for the record, you're saying a client can't waive a conflict?

DA Glennen for the record, no, a client can't waive it. That's why we would ask for a third party to tell us what we can do or not do.

Brian Kunzi for the record, the use of effort, that has to go here. The client can waive a conflict. It doesn't matter what you do with Mr. Baird. His opinion is regarding conflict against the client and both clients agree to waive a conflict. I think that's a waste of time.

Commissioner Holt for the record, yes, but if the client isn't aware of the conflict, we would need to be told what the conflict was. Sorry, Commissioner Holt.

DA Glennen for the record, right, and I would agree to your comment, except to the extent that there is a difference between an actual conflict, actual present conflict that the clients cannot waive, and a potential conflict which the clients can waive, with the proper written information.

Mr. Kunzi for the record, well, that's a very interesting commission.

Linda Medina for the record, how can we as a commissioner from Esmeralda County to consider removing from this particular procedural exercise? Because it sounds like it all goes back to the commissioners of Esmeralda County, of which many residents does not support the continuation of this particular, again, procedural exercise.

Commissioner Holt for the record, Ms. Linda, this is Commissioner Holt. I'll answer. It would be for us to actually make a motion on our item, and it would be to not continue to employ Brian Kunzi. It would be as simple as that. That's why it's on there for us to decide if we want to move forward. Do we have another comment? Bill would like to speak. Is he on?

DA Glennen for the record, he's on the phone.

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Commissioner Holt for the record, Bill Beltz, are you available on the phone? He's going to try to get it through.

Bill Beltz for the record, I believe that Dondero has every right in the world to do whatever he wants to, but it shouldn't be on the back of our town. The money that we've spent so far has been taking us down this road for two and a half years, and I spoke to the court, and we got a pretty explicit letter. I read all that stuff that came out of the Supreme Court, and one of the things that bothered me, is when he first got elected here, he didn't even bother to try to go to stand up for himself, the Esmeralda County citizens shouldn't have to. Two and a half years is plenty long enough. If he goes on his own, and he wins this case, I'll support that too. We need to move on, and every dollar spent is like taken away from somebody else. Plenty of issues in Esmeralda County to take care of, and they should be dealt with.

Commissioner Perez for the record, okay, for a lot of people who don't know me, I'm very new to this position. The first time I stepped foot in Esmeralda County was about 2003. I was a part-timer in Gold Point. There's two gentlemen out here in the audience that are responsible for me being here. I chose to retire here about a year and a half ago, and make this my home. I come in here, and I see a lot of things going on with people bickering about stuff in the courthouse, in the county. I'm just going to come out and say this. From the view, I sat in the courthouse at Nick's trial across the hallway, and I remember there was a similar argument going on just like this. Do we support him? Brian Kunzi offered to do this pro bono, and it was almost like it took the rug right out of the people who said, how do we pay for this? Which is the first thing I learned in politics is, how do you pay for it? Who's going to pay for it? How is it going to get paid for?

I think stepping back at a year and a half ago, when I came here, and I watched different people trying to form opinions, and I personally don't have a problem with Nick Dondero, and from where I'm sitting right here, I think he's actually doing a pretty damn good job. I don't know a lot about his case, I know it was a battery case. When I sat into that courtroom and listened to Judge Wanker handle the case, I thought to myself, "Oh my God, this guy needs representation. Whether he's right or wrong, or whether the people out here are doing whatever, he needs representation. I hear people say, well, I would support him if he was on his own doing his own thing. He is our elected sheriff. We have a gentleman from another county who's willing to support him. I think if we look at items number 18 and 19, it looks like there's going to be two motions. One is do we retain Bob Baird, which Brian Kunzi seems to think is maybe not worth doing. I would, maybe, refer to Bob on that one, but I know for a fact that when we get to 19, is do we carry on with Brian Kunzi? I sat in that courtroom and I thought, that guy needs representation. I do not know the details of what went on back there. I know it was sealed, and my belief is that it's something that I think this community needs to cooperate on, but I strongly believe he needs representation. Will he win? I don't know. The fact that the money going towards this, it looks like we've got someone willing to do it pro bono. I know on 19, that I would vote that Nick Dondero has representation. I don't know the details of it. I know some. I've had

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people in the community call me, and on both sides, and it was like someone called me one time and started telling me all this dirt on Nick, and they didn't stop there. They kept going on down the whole Sheriff's Department, and I thought, why do I have to listen to that? Because if this person's trashing everyone in the department, and I haven't seen it. I absolutely haven't seen it. I've seen Nick and his staff asking great questions, trying to build a good police force, and I know it's tough to speak for my wife, but I don't think she has any fear that Nick Dondero's in there, and we live way out in the middle of nowhere. If anything, I feel like I'm a phone call away from someone coming within an hour, just because I'm so far away.

Brian Kunzi for the record, I just want to explain something I think that people don't seem to understand. The reason I'm on this case is because Mr. Glennen determined that he had a conflict. The process we have here is that when a district attorney has a conflict, it's very common for us, particularly rural counties, to go to another district attorney and ask them to handle this case. We know his office [unintelligible 00:50:33] I just want to say that very recently, Mr. Glennen handled a very ugly domestic violence case here in Nye County, that involved one of our former county commissioners. We appreciate Bob's effort in handling that. Again, I can get to this, basically this whole concept of cooperation with our fellow DAs in other counties that had conflict and counsel, and I graciously offered my services. Again, the only thing that's required, is that expenses. I told Bob, while you're doing this job for us, we paid for all the travel and all that type of stuff out of pocket; it's just my time, that doing this is part of how we operate here, particularly in rural Nevada, where one DA has a conflict, we will step up and take responsibility for him, and that's why I'm here.

Commissioner Perez for the record, I have another comment to finish my statement. On the financial side we have Brian Kunzi doing this, and maybe we'll incur some costs, but I think it would be minimal. Maybe this question is to Bob and Brian. If we decide not to represent him, is there any chance that Nick could come back to the county? That's a question in mind. Are we opening ourselves up for a lawsuit for whatever? A question to Bob or Brian.

DA Glennen for the record, you want to start or not, Brian?

Commissioner Holt for the record, I would like to remind everybody in this room and on the phone, on the computer, you need to state your name before you say anything. I have to have it for the record. Thank you.

Commissioner Holt for the record, Go ahead, Mr. Kunzi.

Brian Kunzi for the record, I don't see anything there because there's nothing to require. The county could pay for legal fees, but for a matter that particularly involving an individual, there's

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nothing to really prohibit. I don't believe there's anything that the county has an obligation to this. It truly is on Sheriff Dondero to do what he needs to do to get the certification he needs why he hasn't been able to do that, but that is the thing he needs to do to retain sheriff, I don't think the county has an obligation to actually provide that, but I also don't believe there's necessarily a conclusion on joining forces either.

DA Glennen for the record, yes, people can sue.

DA Glennen for the record, As the DA of Esmeralda County, I've had way too long a night. I almost said Nye County. I say that people sue each other for a whole lot of reasons. I've been shocked the lawsuits that have come up, and that right now he's seeking-- our duly elected sheriff is seeking injunctive relief. "Hey, give me my job back." If that doesn't work, he's always welcome, under the system, to seek compensation. "Hey, I should get three more years, two and a half more years of being paid [unintelligible 00:54:50] or since the state legislature passed a law telling me I'm removed from office. I could see a possibility of that. I'm not saying that's a good lawsuit. All right, sorry to interrupt you, Linda.

Linda Medina for the record, Thank you. My question is back to attorney, is I'm going to just say it again that this really was a procedural exercise. I recall you mentioning that the reason why they're down this path on this procedural exercise, is because you're challenging a new law and this is retrospective. You're challenging a retro of having his background. If he was to run again today, as sheriff, he would be ineligible. Is that a fair statement?

Brian Kunzi for the record, well, again, that's more complex because of what we're doing. I want to go back to this issue of procedural. Procedure is just the procedure of what we have to follow to accomplish what we want to accomplish.

Brian Kunzi for the record, I know. We're not actually arguing about procedure. We're actually arguing about really what's the application of the law. Again, one of the major issues is whether or not you should be able to use a measure like this, to remove somebody from office.

Linda Medina for the record, I think that you're we're going through a process. We call it whatever it is. My question to you, Bob, is you mentioned that you're challenging the fact that a law after he became sheriff and this can apply to any sheriff. This is not really about Nick Dondero. Again, he should've stepped down by now. But if he was to run or anybody would run tomorrow, would we be having this kind of conversation, because it would be fully disclosed. Every resident would've had the ability to know that your background is good or bad, but they would have gone to the voting, and they would have voted for [unintelligible 00:57:27]. We would have no debate at this point.

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Linda Medina for the record, Is he eligible, yes or no?

Brian Kunzi for the record, No. If somebody who is runs for office, and a conviction for domestic battery, they will not be allowed to run. There's nothing illegal about this.

Linda Medina for the record, Then that's it. He will not be eligible.

Brian Kunzi for the record, When he was elected sheriff-- let me finish. When he was elected sheriff, he's given the power and authority as Esmerelda county sheriff. They are now taking that away from him with permission that did not exist when he was.

Linda Medina for the record, you're answering my question, you're reiterating exactly my point. If anybody at this point ran, there would be full disclosure, and he would not even be eligible for it, but yet we're fighting, you're challenging the word procedural, but it is a procedural exercise that you're challenging that he's got a gotcha on a thing, and it's wrong for the residents. We need to reestablish ourselves, get a county sheriff that has the ability to have a gun, protect us. You're right, all the deputies support him at this point, has been wonderful. Again, this is not personal. We're making it procedural- not we're making it procedural. He is not eligible and he should have been forthcoming with the voters, the residents that actually voted for him. It's wrong and from a battered woman. Any battered woman it's despicable that we're defending somebody, and then to pay for it. He actually did that. I would say, I'm going to request the commissioners again, to please put a stop to this. Just discontinue this exercise. Just get back on track. He needs to resign and let's get a special election, and get a sheriff that's going to have so we can get him to protect our community.

My name is Dante Moreover for the record, even at this juncture, if Nick Dondero were to use his firearms in the pursuit of County, right now, could be challenged legally, because even though his conviction for battery was sealed, according to the judicial panel, the Supreme Court, he is not supposed to carry a firearm as a sheriff. We would be in legal jeopardy if he were to use a firearm at this point.

Brian Kunzi for the record, In that way, it's a very interesting second amendment issue that certainly needs to be addressed. Again, he's still he was restored to all of his civil rights, which meant he was restored to his right to bear a firearm. Actually, since they're not raising any type of second amendment issues, at least they were very careful about making sure they don't do that, because that's what we support now. That's actually not true.

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Dante for the record, This is not a second amendment issue. This is, as an elected sheriff, it is under the current situation, not passing votes. Apparently, the three-person judicial panel disagrees with me about this. Now, you're right. You can pursue this as far as you think you need to pursue it. At this point, to me, if he were to use the firearm in an exercise of law enforcement, it would be challenging. It has nothing to do with second amendment. If that's an elected official in the commission of his duty, is he eligible to use a firearm? I think that's challengeable at this point.

Athena for the record, Is that point to exercise. I think and I admire that you wanted but, again, I'm going to go back to the commissioner. It's not what we should be saying We should be saying and get that to the community that we used to have before I think some of this stuff started. My plea is against the commissioner. Let's stop this craziness for now, and let's get back to getting a sheriff that's eligible under the new law that is all about that retro thing, and then let's move on.

Commissioner Zakas for the record, If I can suggest, I've seen others take three negative comments and then three positive comments and maybe do it another time and then close it off. I'm only hearing one or two. Maybe we need to have-- You need to decide how we're doing this.

Nancy Knighten for the record, Esmeralda County, Fish Lake Valley, retired EMT. I got on my phone a text, I'm standing back there, from Wendy Sanderson telling me, it's Wendy, they won't let me speak, can you find someone to read this for me? I'm going to read it for Wendy Sanderson. There are many of us that not only support Dondero, we absolutely support our counties fighting to protect our residents' constitutional rights. We support the attorney fighting for our residents for free with the exception of expenses. What I'm hearing is that the county commissioner is not willing to protect the rights of the residents. Somebody read this for me, please. I just did. Thank you.

Patricia Brownfield for the record, are we not on item 18, which is to discuss whether to retain Bob Baird for legal opinion on conflict of interest?

Commissioner Holt for the record, we're on both items 18 and 19.

David Vondrack for the record, from Fish Lake Valley. Thank you for your comment, Mr. Perez. I'm one of the few people that was privileged to read the statement of fact to Judge Wanker, a 44-page document. I was shocked and appalled to find out what had happened to Sheriff Dondero. That case was sealed for a reason. I know it was sealed. You would be appalled and you would be shocked. Once it's found out who unsealed that document, there's going to be hell to pay for that person or persons. That's what Judge Wanker ordered in that courtroom last year for those two attorneys from the Attorney General's Office, is to find out who unsealed that

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document. She wanted to know. Once that's found out, that's going to start to unravel this and there's going to be some trouble for some people. Thank you.

I just want to remind people, I've had a chance to read this document. Sheriff Dondero lied to Judge Wanker, and we can all go home. That's what you want to think of a 44-page document. Every person in this room and every woman in this room can alleviate their concern about any kind of domestic situation. I'm not done talking.

Crystal Saunders for the record, can he carry a weapon? Are you asking us to have a sheriff? You don't need to worry about Dondero. He sounds broke. It's the citizens that are going to sue him. We're not protected and we feel unsafe, and the bad guys are breaking into our homes, and we have a sheriff with a water gun. The water gun sheriff. Because from what I understand, can I have a picture? Are you carrying a weapon right now, Dondero? Are you allowed to? Is he allowed to? I want a picture. Let's have a picture of Dondero with his weapon.

You know this can go on so many ways, but the elephant in the room, can this man carry a weapon? Are you asking me to have a sheriff that can't protect me and my children? My husband? My sisters? My brothers? My dad? I just want to know. He's a master manipulator, I understand that. This is not okay. Can that man carry a weapon? Are you asking me to have a sheriff with a water gun? Are you asking me that? I just want to know. How is he protecting me? How am I going to be protected? I'm going to stop talking and listen. I'm so sorry. Go for it.

Drew Kelley for the record, I basically have three short points. The first point is the ex post facto factor in this kerfuffle. The US Constitution, and I'm told the Nevada Constitution, both prohibit ex post facto laws. You cannot change the law after the fact and then prosecute somebody on that. That's point one. Point two is that when this situation became known at least a year and a half ago, the people of Esmeralda County had a very effective way of solving it. They could have recalled the sheriff. I didn't see a recall petition, and I've been here for six or seven years now. The exact date is uncertain. The other thing is people are concerned about their not being protected? Well, I have a gun shop here in Goldfield. You can come in and buy a gun if you can pass the background check any time you want. Thank you.

David Vondrack for the record, One quick one. I just received information regarding firearms that Nick Dondero is allowed to carry a concealed weapon in California, Arizona, this county, and by the firearms administration, and from some official federal. What was it? Federal-- Anyway, we've got one, two, three, four, five, six entities that have all been carried from concealed weapons. Thank you.

Crystal Saunders for the record, yes. You can get those if you don't answer the boxes correctly? Can we use county funds and maybe see why we have? You can't have a concealed weapon with- - He could have lied on that and gotten it, so he has a concealed weapon. If he shoots the bad

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guys, are we going to get sued? You got one guy with a questionable background, and then the bad guy over here-- I mean, we're going to get sued like crazy. This is a liability. He could have lied to get that concealed weapon permit, like what? You check the box. You can't have it if you're a domestic.

Robert Glennen for the record, We have another legal mind here who can correct me if I'm wrong. As District Attorney, the issue is, there's a law that says he can no longer carry a firearm as the sheriff with a past conviction. Under the past conviction law, if you order your conviction sealed, you have a right to say it never happened. I'm not saying that that covers this case, because the Supreme Court in Nevada has just told us it doesn't. Certainly, somebody could reasonably rely on their attorney telling them, "Hey, this was sealed, you can say it never happened." At least legally, I can say that that is being supported.

Bill Beltz for the record, Even the more I listen to all this, it still all comes down to Sheriff Dondero. It's his conviction. It's his field record. He's the one that ran for office. No one else was in there. No one It wasn't accepted because it was written prior to the new law. The new law has got nothing to do with going through the post. That was already back. If he wants us to know that that's his. Yet, we anticipated hiring a sheriff and having our legal system just like it used to be. This, he brought to himself. For us to take care of his crime is bizarre and just again, if he wants GoFundMe and hire a lawyer, to the Supreme Court. Esmeralda County doesn't need to go to the Supreme Court. Thank you.

Commissioner Perez made the motion to not retain Bob Baird; Commissioner Zakas second the motion; all in favor; motion carried.

19. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss and decide whether the County continues to employ Brian Kunzi, Esq., to pursue rehearing motions and possible Writ of Certiorari to the US Supreme Court in State Ex Rel. Ford vs. Dondero, Nev. Sup. Ct. No. 88214, and if so, sign a retainer agreement. (Commissioners)

Ken Elgan for the record, I think you need to name Mr. Kunzi as who's representing as in your prior commitment with him on a pro bono basis. What you've done now is authorize anybody to represent him.

Commissioner Holt for the record, I would like to also, because that would be my comment. Because in the motion to intervene, we never saw the motion to actually intervene before it was filed. We never had a letter of engagement and we never had any scope of work with any type of thing. There was also no updates up until, what, maybe two or three meetings ago when he said the Nevada Supreme Court was close to making a decision. I would make sure that if you guys wanted to move forward with this, that you have a letter of engagement, so we know the

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scope. That if he's going to file, we should agree as a county if he's representing us. If not, and he's representing Nick, then we would get him. If we're involved in paying, we need to have the scope.

Robert Glennen for the record, the Esmeralda District Attorney has prepared a letter of engagement for Mr. Kunzi to review and revise at his wish.

Commissioner Holt for the record, it'll be good to look at and discuss, what do we do with that then? Would I have to come back to another meeting for approval of that letter of engagement?

Robert Glennen for the record, you can authorize the commission chair to sign the letter of engagement if you wish.

Commissioner Zakas for the record, Mr. Kunzi, do we need to have a letter of engagement? Ordinarily, when you're representing your county, you don't? Bob does not need one when he's representing ours. You two have merely switched places as a courtesy. Do we still need that?

Brian Kunzi for the record, I do not believe that's necessary because of the context of what we're doing. I am basically stepping into the shoes of your district attorney, which was done by a pretty good action that you took, to basically start to get the conflict and to allow me. That's all the steps are required. All the steps are required is that if the DA deserves a conflict and someone's going to step in, then you accept that. I believe that anything other than what's been already in the public record needs to be done.

Commissioner Holt for the record, I disagree with you, Mr. Kunzi, because we hire lawyers all the time when Bob's in conflict.

Brian Kunzi for the record, Rachel, could you please repeat that.

Commissioner Holt for the record, okay. I said, Mr. Kunzi, I disagree, because as a county, we sign agreements with lawyers that we hire all the time when Mr. Glennen is in conflict. I do think we should have a letter of engagement just to have an idea of the scope. That's my opinion.

DA Glennen for the record, then, step back as a procedural referee in here. Procedurally, the Commission can vote to hire Mr. Kunzi with a letter of engagement, or we could agree to hire Mr. Kunzi without a written letter of engagement. What matters is what the two of you decide you want to do on this motion, on this agenda item.

Commissioner Perez for the record, question to Brian, I would assume, well, it sounds like it's already in the making. What is the letter calling?

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Commissioner Perez for the record, it's called an engagement letter, I would assume you don't have any issue with that, and that if you did this, that we could get one from you.

Brian Kunzi for the record, I don't know. Probably we do this very quickly, and oftentimes, particularly when it's another public entity who's taking over the case, the statute provides for that. Basically, what it says is that I step into the shoe as your VA, or one of the requirements of the statute is that the county does have to be responsible for any costs incurred, that no legal fees. Again, I think in the context of one public district attorney, standing in for another district attorney, statute for this process in which you're just appointing me in this particular case, or not you want me to continue with this.

Commissioner Perez for the record, I make the motion that the County continues to employ Brian Kunzi, Esq., to pursue rehearing motions and possible Writ of Certiorari to the US Supreme Court in State Ex Rel. Ford vs. Dondero, Nev. Sup. Ct. No. 88214 and sign a retainer agreement and the work he does is pro bono; Commissioner Zakas second the motion; all in favor; motion carried.

20. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss and decide to sign and continue the Interlocal Contract between Public Agencies and the State of Nevada and Esmeralda County for Community Health Services. (Commissioners)

Commissioner Zakas made the motion to sign and continue the Interlocal Contract between Public Agencies and the State of Nevada and Esmeralda County for Community Health Services; Commissioner Perez second the motion; all in favor; motion carried.

21. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss, Decision and approval of a supplemental engagement letter with Kaempfer Crowell with respect to water right applications 93949, 93950 and 93951 with funding to come from professional fees. (Commissioner Holt)

Commissioner Perez made the motion to approve of a supplemental engagement letter with Kaempfer Crowell with respect to water right applications 93949, 93950 and 93951 with funding to come from professional fees; Commissioner Zakas second the motion; all in favor; motion carried.

22. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss and decide on William Garay's counter offer to the County Manager job offer letter. (Commissioner Holt)

Commissioner Holt for the record, I reached out to Pool-Pact stated that this job was created as a full time position and they gave me guidelines on what to do with this.

Commissioner Perez for the record, I talked to Bill Garay yesterday, and I feel strong about his talent, dedication and love for this county. I also talked it over with Dan McArthur as well.

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Commissioner Perez for the record, Bill, were you able to listen in the meeting about this item, did you get the information?

Bill Garay for the record, no I did not.

Commissioner Perez for the record, the board has some concerns and Commissioner Holt brought up some Pool-Pact items as well.

Bill Garay for the record, going to decline the offer.

No action on this item, moved to agenda item #23.

23. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss and decide on an offer of employment to Joseph Dunn for County Manager Position. (Commissioner Holt)

Commissioner Holt for the record, Mr. Garay is not accepting the job offer.

Commissioner Holt for the record, would you like Maureen to write a new letter? Maureen would you reach out to Mr. Dunn.

Joe Dunn for the record, since I don't have a letter in front of me, I would accept it the offer.

Commissioner Perez for the record, I'm good on this, I would like time to talk to you and get to know you.

Commissioner Perez made the motion to offer of employment to Joseph Dunn for County Manager Position and with Maureen doing a offer letter before he leaves; Commissioner Zakas second the motion; all in favor; motion carried.

24. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Discuss and decide on hiring paychex for payroll service with three tier opportunity and can include Human Resources. This program will simplify and stream line the process and can keep you in compliance with all the Human Resource requirements. (Lanea Warren/Commissioner Zakas)

Lanea Warren for the record, I spoke to Commissioner Zakas about this because she had few questions about our program and I'm here for any questions that Commissioners might have and also I provided information to Commissioner Zakas about our programs we offered as well.

Commissioner Holt for the record, what price range are you talking about?

Lanea for the record, we have three price bundles.

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Commissioner Holt for the record, what range are we looking at opening tax payers dollars?

Lanea for the record, it would be \$2500.00 per month for payroll services.

Commissioner Holt for the record, what are the numbers?

Vera Boyer for the record, 100 with ambulance and payroll.

Commissioner Holt for the record, about 100.

Kelley Miller for the record, it would be \$577.00 and \$19.01 for employees and \$1527.94 per payroll run.

Commissioner Zakas for the record, is this for one bundle or 3 for that price?

Kelley for the record, that would be for level 3. We would need \$4,000.00 for set up fee for a one time fee in January.

Commissioner Holt for the record, so \$260 Pool-Pact and \$24k per year with LP Insurance, not in favor for it.

Lori Baird for the record, I agree with Commissioner Holt, we don't need to spend more money for outside.

Commissioner Perez for the record, the county manager could address this.

Vera Boyer for the record, can I have the contact information and payroll information as well.

Commissioner Perez made the motion to take no action on this item; Commissioner Holt second the motion; all in favor; motion carried.

25. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Change the Dominion Obligation from 2032 to 2025: a one year and one quarter as in Lander County commitment only. I left it as is; it would be of \$250,000.00 NRS requires large purchases/commitments to be advertised in the newspaper so the public can have input. This document does not have a board signature showing it was approved NRS 332.400 must have a clause for insufficient funds. NRS 332.095 Governing body must assign a person and no other can perform without govern consent. (Commissioner Zakas)

Commissioner Zakas for the record, I talked to the guy from Virginia City (don't remember his name but he is a commissioner) about the election before 2030.

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LaCinda Elgan for the record, Virginia City is a part of Storey County EMS (Election Management System) we are required by the State to have them, the eight year contract amount will not change for eight years (licensing fees) this contracted fee is cost effective for us, the State reimburses us for the costs and if you decide you want to change from Dominion to another voting equipment, we would have to purchase new equipment and pay more.

Commissioner Zakas for the record, we don't have a contract either to protect our machines.

LaCinda Elgan for the record, we don't need a contract to protect our machines its for us to use our machines for the software and licensing.

Commissioner Zakas for the record, where is the contract with Dominion?

LaCinda Elgan for the record, we don't need to have one, we can change who we use anytime.

Angela Jewell for the record, Vera has a copy of our agreement (8 year contract) that is signed from prior commissioners and its signed with Dominion.

Commissioner Zakas for the record, we pay a lot of money every year for insurance, programs, etc.

LaCinda Elgan for the record, we get money back from the State.

Angela Jewell for the record, the bill you just paid last month, we get half that back from the State.

Commissioner Zakas for the record, my point is to 2032 at 22k per year, it has to be in the newspaper.

Angela Jewell for the record, no it does not have to go into the newspaper, our neighbor county Nye, doesn't do that and it never has been done.

Commissioner Zakas for the record, legally do we have to legally advertise for it, its over 50k in cost.

LaCinda Elgan for the record, its only 12k because we get half it reimbursed back to the county.

Commissioner Zakas for the record, Bob, do we need to put this in the newspaper?

LaCinda Elgan for the record, lets put this on the next agenda and we can ask Nye County if they do this or not.

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Commissioner Perez for the record, I had a conversation with Cindy a few months ago and its one of those things we have to pay and we get reimbursed back.

Commissioner Zakas for the record, I am good now with you explaining it all and we get some money back.

No action on this item.

26. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Create a line item for fuel inventory (gasoline and diesel). Decide if it is a separate account or in the general fund. Round one: pay for the fuel asap after delivery. Round two: turn logs into department head. Department head turn paper work into auditor. Money from their budget transfers back into inventory to keep it perpetual. (Commissioner Zakas)

Vera Boyer for the record, are doing one account for fuel because road department is a separate account for budget, I mean we can do it out of general but we will have to do out of public works/utility and road is a separate department.

Vera Boyer for the record, the prices change every week and based on the delivery price.

Adrian Roberts for the record, do we get changed what price of fuel that gets delivery to us.

Vera Boyer for the record, the account number would be 100-112-52279-000 named as county fuel.

Commissioner Holt made the motion to create a line item for fuel inventory with the account number 100-112-52279-000 named as county fuel; Commissioner Zakas second the motion; all in favor; motion carried.

27. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** To approve a resolution to deal with Rebel Oil to establishing procedures for refilling of fuel tanks at three locations. With this resolution, fuel account will be created to pay the invoices. (Vera Boyer)

Commissioner Perez made the motion to approve resolution 25-R-18 to deal with Rebel Oil to establishing procedures for refilling of fuel tanks at three locations, with this resolution, fuel account will be created to pay the invoices; Commissioner Zakas second the motion; all in favor; motion carried.

28. ***FOR POSSIBLE ACTION: DISCUSSION/DECISION:** Possible directions to go with county credit cards: A. Stay with corporate which has one administrator to handle all cards all the time. B. Down size to each department head being an administrator for two or three cards for their department

Minutes from the April 15th, 2025 Board of County Commissioners and Board of Highway Commission Special Meeting

use. C. Eliminate all cards not essential for a department to function. D. Other. (Commissioner Zakas)

There were much discussion about this item and we had people comment, make suggestions on this agenda item, but at this time no action was taken and Commissioner Zakas made a motion to set aside this item until we have the workshop; Commissioner Perez second the motion; all in favor; motion carried.

29. ***PUBLIC COMMENT.** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

Natalie Colunga for the record, Goldfield Main Street this Saturday at the Goldfield Community Center will crafts for children, Easter bunny, Masonic Lodge will sell hot dogs, Dinky Diner and Goldfield Fire & Ambulance association movie at 7pm at the Dinky Diner and hotdogs/hamburgers for sale as well as snacks.

Commissioner Holt is reading a public comment from Kirk Fowler and all the questions and replied "no comments" to all of them. (review public comment from Mr. Fowler, this is at the end of the minutes)

Robert Glennen for the record, commissioners have no obligation to answer questions without documentation.

Commissioner Zakas for the record, thank you the ambulance & fire that responded at the accident in Fish Lake Valley two weeks ago.

30. **CORRESPONDENCE:**

Maureen Glennen for the record, Esmeralda County Commissioners, thank you along with a short history of the Dyer Airport. The airport was leased from BLM by Mr. Bud Johns prior to 1990. Our father, Wilbur (Joe) moved onto the property with Mr. Johns' approval and began upgrading and maintaining the runway. Painted tires to mark thresholds, removed hazards, repaired fences, surface maintenance, et cetera, of the runway.

He did this for many years. When Dick Tremaine moved here, we helped him unload the hangar he brought. Dick was a powerhouse and took full responsibility for runway maintenance. Dick was an avid pilot, maintained the airport for many years until it became the county airport. Before that, the house hangar still belonged to BLM and fell into disrepair even though a local pilot, Bob Moss, did some maintenance and utilized the hangar for a short time.

After Dick maintained the airport for many years, the fate of the airport came into question because of BLM. Dick Tremaine took action, interacted with the county officials to keep the airport open. Dick's son-in-law, Greg Jasper, is picking up where Dick left off. Greg is working with

Minutes from the April 15th, 2025 Board of County Commissioners and Board of Highway Commission Special Meeting

Commissioner Mary Jane Zakes and others to ensure the airport meets requirements and safety standards. To the best of my knowledge, that's the short history provided is correct.

Now for the thank you. Several years back, the county had a severe flood issue. They stepped up and did extensive work at the airport. They inadvertently drove a deep ditch through the excess taxiway. Greg and I mentioned this to Mary Jane, who contacted the road department. Thank you Mary Jane, the county road department officials, and Ed Pratt for an amazingly quick response to correct the issue and still maintain adequate flood control.

The previous, before the flood, airport configuration has been restored. As we move into the future, Dick Tremaine Airport, Dyer Airport, will see a huge increase in traffic as population in Dyer continues to grow. Thank you. The Mace family. Richard Mace.

Robert Glennen for the record, as an aside, the commissioners can, at their wish, by policy, by vote, read every correspondence or put in the record of the correspondence.

Maurenn Glennen for the record, yes, you can choose to read it or not read it. I think every commissioner has to have a correspondence with two commissioners. If somebody does only give it to one commissioner, it goes all the way to the letter. It goes back to them, one of you don't make the decisions. All three, so all three have to stand up.

31. ***FOR POSSIBLE ACTION** – Closure of meeting, pursuant to NRS 288.220 for purposes of conducting labor negotiations, conferring regarding labor negotiations, issues, and other personnel matters.

Commissioner Holt made the motion to close the doors for a meeting; Commissioner Zakas second the motion; all in favor; motion carried.

Commissioner Holt made the motion to open the doors from the close meeting; Commissioner Zakas second the motion; all in favor; motion carried.

32. ***FOR POSSIBLE ACTION** – Discussion, deliberation, and possible decision on labor negotiations, issues, and other personnel matters.

Commissioner Holt for the record, they had discuss an HR issue and it is on the path to be rectified.

33. ***FOR POSSIBLE ACTION** – Recess meeting, pursuant to NRS 241.015(2)(b)(2) for purposes of conferring with legal counsel regarding potential or current litigation.

Commissioner Holt made the motion to recess the meeting; Commissioner Perez second the motion; all in favor; motion carried.

Minutes from the April 15th, 2025 Board of County Commissioners and Board of Highway Commission Special Meeting

Commissioner Holt made the motion to open the doors from a recess meeting; Commissioner Perez second the motion; all in favor; motion carried.

34. ***FOR POSSIBLE ACTION** – Discussion, deliberation, and possible decision on conference with legal counsel regarding potential or current litigation presented in recessed meeting.

Commissioner Holt for the record, we had a discussion with Dwight & Sev about the water right protests and will go on an agenda item in the future.

35. *** PUBLIC COMMENT.** (Discussion only. Action may not be taken on any matter brought up under this agenda item. It must be placed on an agenda, at a later meeting for action.)

None

36. ***ADJOURNMENT:**

Commissioner Perez made the motion to adjourn the meeting at 4:45pm; Commissioner Zakas second the motion; all in favor; motion carried.

OFFICE

MONTH AMOUNT

DATE SUBMITTED

Mar-25

ASSESSOR

3,793.18

March 31st, 2025

CLERK'S

1,340.19

March 31st, 2025

JUSTICE COURT

49,949.27

April 2nd, 2025

RECORDER

-

SHERIFF'S

481.00

April 2nd, 2025

TAX COLLECTOR

123,605.11

March 31st, 2025

GF UTILITIES

14,986.15

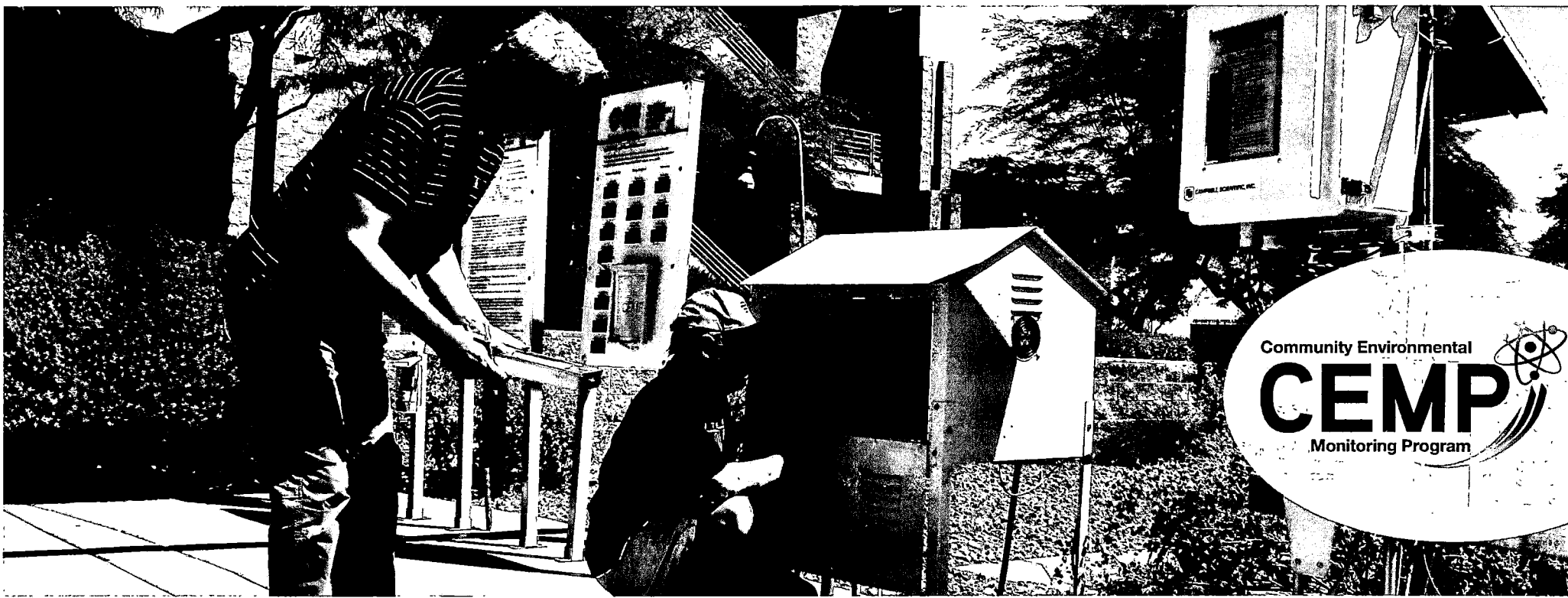
March 31st, 2025

SP UTILITIES

4,505.57

March 31st, 2025

198,660.47



Goldfield CEMP Seismic Instruments and Location

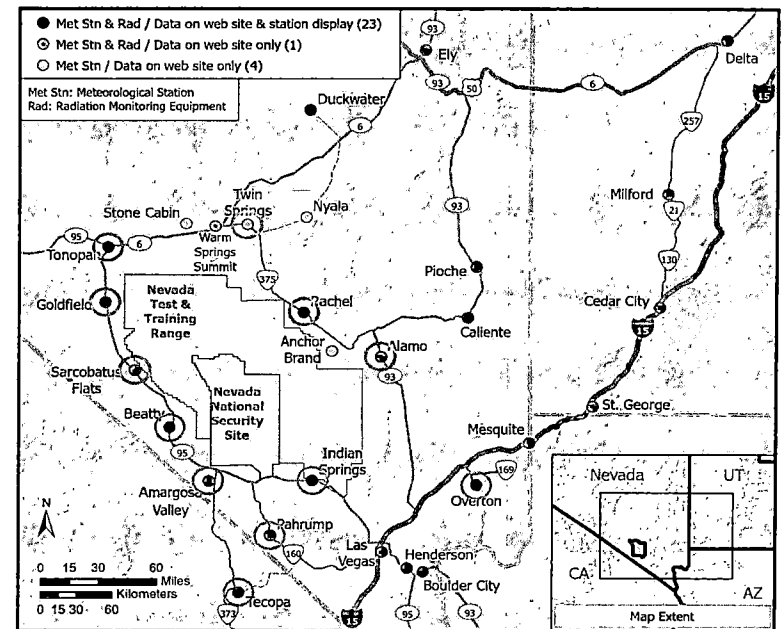
By Beverly Parker, John Russell, George Nikolich, DRI
Research Scientists



MOTIVATION

- Seismic and infrasound sensors are being added to the Community Environmental Monitoring Program (CEMP) stations to provide new technology for R&D projects at the NNSS. It will provide communities around these stations the means to monitor seismic activity.

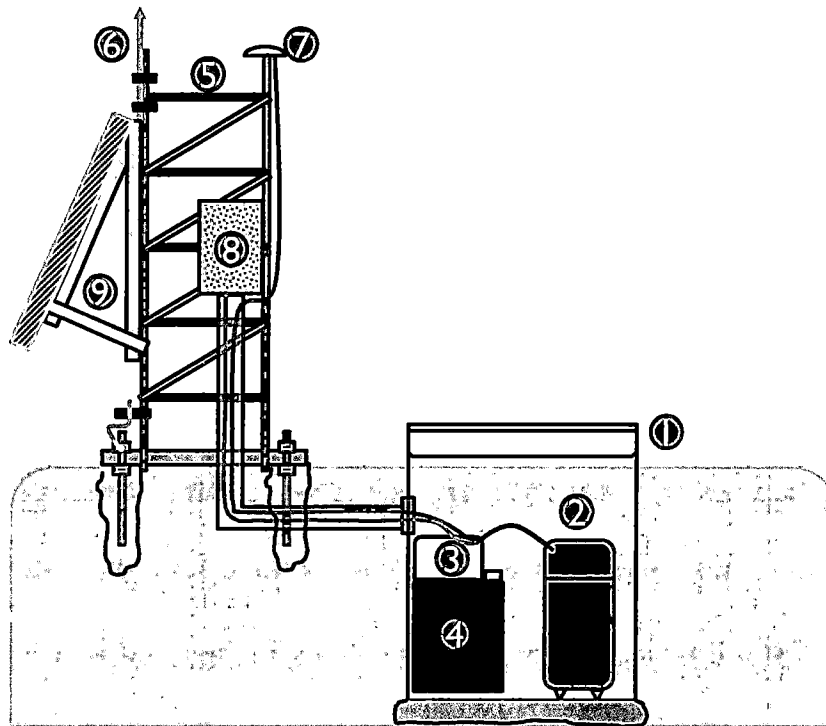
To expand capabilities at Goldfield we propose adding a seismometer and associated instrument tower.



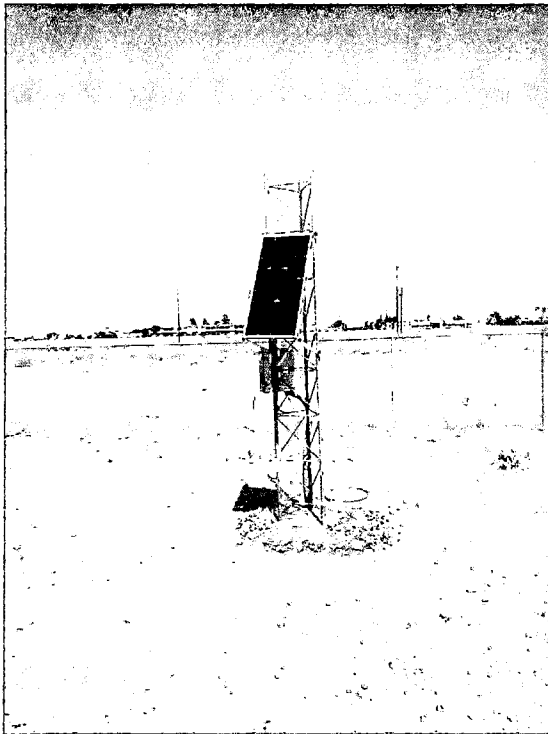
○ Seismic Station ○ Seismo-Acoustic Station

SEISMIC INSTRUMENTATION DIAGRAM – FOR THE GOLDFIELD STATION

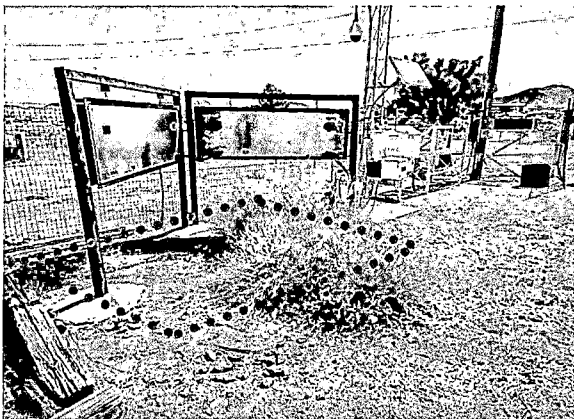
- 1 – Instrument Vault
- 2 – Seismometer
- 3 – DAS / Logger
- 4 – Battery
- 5 – COM and PWR Tower
- 6 – Lightning Rod
- 7 – GPS
- 8 – COM Control Box
- 9 – Solar Panel



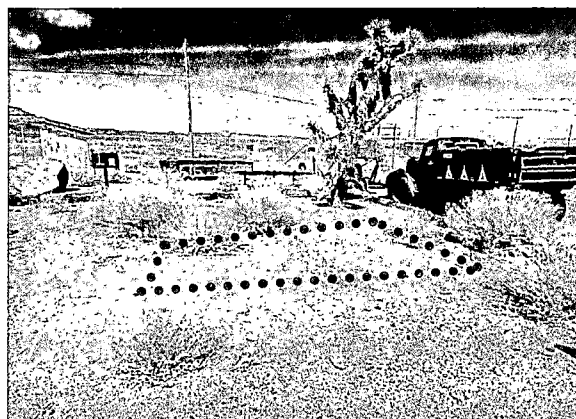
INDIAN SPRINGS CEMP SEISMIC STATION (INSTALLED AUG 2024)



GOLDFIELD CEMP PROPOSED LOCATIONS FOR THE SEISMIC INSTRUMENTATION



Location 1, priority 2



Location 2, priority 1

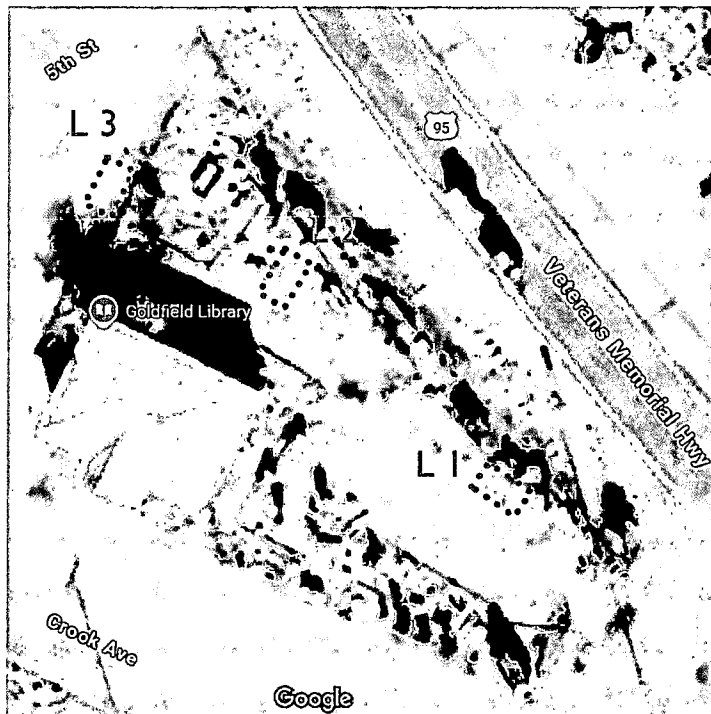


Location 3, priority 3

Approximate footprint and location of seismic instrumentation

Note: Affecting priority, there are areas with asphalt underlayers.

GOLDFIEL AERIAL VIEW OF PROPOSED LOCATIONS



Approximate footprint
and location of seismic
instrumentation

Public Comment, Esmeralda County BOCC Meeting April 15, 2025

For the record, my name is Kirk D. Fowler. I am a U.S. Citizen, Marine Corps veteran, Esmeralda County property owner, assessment-payer, and Representative of the People of the State of Nevada in the matter of water rights Application 93962 which, at times, may be in conflict with Esmeralda County's interests in that matter.

I am the sole researcher, developer, designer, author, and owner of a proposal titled ***"Goldfield Memorial Outdoor Recreation Park and Community Campground"*** now being confiscated by Esmeralda County Board of County Commissioners while publicly defaming me personally and professionally, causing me to suffer severe, long-lasting financial and emotional injury.

I am NOT, in any way, employed, or compensated, by Esmeralda County or its representatives. I am just a lowly taxpayer and member of the public. Esmeralda County has publicly stated I do not represent Esmeralda County and they do not support my opinions or accusations on any matter.

This is a **PUBLIC NOTICE**, to the Esmeralda County Board of County Commissioners of **CEASE AND DESIST** in ALL infringement of Kirk D. Fowler's intellectual property and confiscation of work product which, by **PUBLIC NOTICE**, Esmeralda County voluntarily forfeited any rights to, on June 22, 2024. This includes all research and information related to site selection and infrastructure availability.

The following questions are to be read aloud with audible YES or NO responses during each agenda item. Any Board member, legal counsel, and/or their representative(s) may give the YES or NO answer. Not interested in any other information nor will I be providing any other information during the meeting.

Thank you

Kirk D. Fowler

Agenda Item 18: Questions

Has *Esmeralda County Board of County Commissioners* retained Brian Kunzi to investigate public allegations of MALFEASANCE brought by *Esmeralda County Board of County Commissioners* against the Esmeralda County Auditor/Recorder? YES or NO

Is it the Esmeralda County Auditor's job to closely audit each invoice for expenditures from the "professional services" account and ensure the expenditure was approved pursuant to all applicable statutes and regulations? YES or NO

Is it the Esmeralda County Auditor's job to "reject" and/or refuse to issue a warrant for all expenditures that were not approved pursuant to all applicable statutes and regulations? YES or NO

Would failure to "reject" an invoice which was NOT approved in compliance with all applicable statutes and regulations constitute an act of either NONFEASANCE or MALFEASANCE on the part of Esmeralda County Auditor? YES or NO

Has Brian Kunzi been made aware of, conducted, or been provided with, any other formal investigation(s) by, or on behalf of, the Esmeralda County Board of County Commissioners and/or District Attorney's Office, involving allegations against an Esmeralda County public officer, within the past three years? YES or NO

Agenda Item 19: Questions

Has Brian Kunzi filed "selective prosecution" and/or 14th Amendment arguments or motions with the court in the Ford v Nicholas Donero case? YES or NO

Has Esmeralda County District Attorney issued any cease-and-desist letters asserting "defamation" relating to the Nicholas Donero case? YES or NO

Agenda Item 21: Questions

Is the attached copy of a water rights protest in the matter of Applications 93949, 93950, 93951 stamped "Filed Feb 07 2025" and signed by Dwight L. Smith? YES or NO

Prior to February 7, 2025, was a motion made by Esmeralda County Board of County Commissioners to enter into an agreement for Dwight L. Smith to "*file a protest in the matter of Applications 93949, 93950, 93951 with expenditures to come out of the professional services account*"? YES or NO

If NO: Was Esmeralda County's protest of Applications 93949, 93950, 93951 legally filed? YES or NO

If NO: Will an investigation and/or prosecution be requested? YES or NO

Agenda Item 26 and 27: Questions

Is this an example of the Esmeralda County Board of County Commissioners using their authority to resolve procedural issues with invoice payment? YES or NO

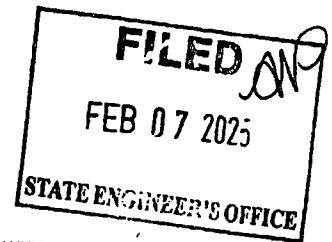
Is a RESOLUTION required by law to be applied in an equal, consistent manner? YES or NO

If NO: Will the RESOLUTION be applied in an equal and consistent manner? YES or NO

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 93949
FILED BY White Mountain Ranch, LLC
ON October 22, 20 24

PROTEST



Comes now Ms. Rachel Holt, representing Esmeralda County

Printed or typed name of protestant

whose post office address is P.O. Box 145 Goldfield, NV 89013

Street No. or PO Box, City, State and ZIP Code

whose occupation is County Commissioner

and protests the granting

of Application Number 93949, filed on October 22, 20 24

by White Mountain Ranch, LLC for the

waters of underground situated in Esmeralda

an underground source or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

see attached Exhibit A

THEREFORE the Protestant requests that the application be

Denied

and that an order be entered for such relief as the State Engineer deems just and proper.

Denied, issued subject to prior rights, etc., as the case may be

Pursuant to NRS 53.045, I hereby certify, under penalty of perjury of the laws of the State of Nevada, that the foregoing is true and correct.

Signed

Agent or protestant

Dwight L Smith, PE, PG, WRS, agent

Printed or typed name, if agent

Address

6995 Sierra Center Pkwy

Street No. or PO Box

Reno, NV 89511

City, State and ZIP Code

(775) 829-2245

Phone Number

dsmith1@teamues.com

E-mail

**+ \$30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**

Exhibit "A"

Esmeralda County Protest of Applications No. 93949, 93950 and 93951

The grounds of Esmeralda County's Protest are respectfully set forth below.

1. Evidence has not been provided in applications 93949, 93950 and 93951 that the water rights have been actively pumped at the amounts being transferred. This is relevant to the pending water right change applications because the Ioneer Rhyolite Ridge Lithium-Boron Mine Plan or Operations (September 2024, Rev 7) states specifically (page 33):

Ioneer has acquired or leased all necessary water rights, for which the points of use and/or diversion will be transferred to the appropriate locations within the Plan boundary. As part of the water rights acquisition, an equivalent amount of agricultural pumping will cease, resulting in the Project having no "net change" from the Project in the amount of groundwater pumped in Fish Lake Valley (WestLand, 2023a).

The commitment by Ioneer for use of groundwater for the mining and milling that has been historically pumped has been repeatedly communicated in project EIS documents and supporting technical analyses, and in dialog with the County by Ioneer representatives. This agreed upon commitment is necessary to be upheld because the Fish Lake hydrographic basin (HA 117) is over-appropriated, with 51,490.80 acre-feet annually (AFA) of permitted underground water rights, and an established perennial yield of 30,000 AFA. Transfer of "paper" water rights that have not been actively and/or fully pumped to the duties of the permits being transferred will constitute additional pumping from Fish Lake Valley. Additional pumping will exasperate drawdown and overuse of groundwater resources of the valley. The lack of full use of the water right permits under the pending change applications is documented by many years of requests by White Mountain Ranch, LLC for extension of time for filing of Proof of Beneficial Use as summarized below:

Pending Application Number	Water Right Permit being Changed	Duty being Changed Irrigation Duty / Consumptive Use (AFA)	Original Proof of Beneficial Use Due Date	Numbers of Years of Extension of Time for Proof of Beneficial Use
93949	70459	600 / 504	2/12/2011	14
93950	70469	744.95 / 625.76	2/12/2011	14
93951	88171	223.86 / 188.04	11/6/2023	10
88171	80669		10/10/2014	

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Notable data in support of the County's position to carefully manage groundwater uses in the valley to avoid actions that will result in additional pumping in the Fish Lake Valley include:

- a) Water levels in Fish Lake Valley have been experiencing declining water level trends for decades, as documented by historical and active water level monitoring in HA 117 made by the Nevada Division of Water Resources (NDWR) (see data at <https://tools.water.nv.gov/WaterLevelData.aspx>).
 - b) NDWR Nevada Pumpage Inventory Dashboard of estimated annual pumping 1991-2022, indicating that pumping has increased in recent years to above the perennial yield and historically has been very near to the perennial yield of 30,000 AFA. Pumping in the Fish Lake Valley hydrographic basin in 2022 is estimated at 35,897 AFA (<https://ndwr.maps.arcgis.com/apps/dashboards>).
2. The applicant should be required by NDWR to provide a clear delineation of the actively irrigated area(s) that will cease to be irrigated if approval of applications 93949, 93950 and 93951 is granted. This non-irrigated area should be verified annually by NDWR staff and determined to be a sufficient reduction in consumptive groundwater use to offset pumping of groundwater at the mining project. Additionally the total combined duty of water rights remaining for irrigation should be reduced by the total duties being changed under applications 93949, 93950 and 93951.
3. A monitoring, management and mitigation plan (3M Plan) should be required by the State Engineer in the terms of any permits granted for future mining and milling activities by the project. The locations for the points of diversion under applications 93949, 93950 and 93951 have not been pumped other than for limited time durations for pumping tests, and the magnitude of proposed pumping at the mine facilities is notable, with a total consumptive use duty of 1317.8 AFA for the pending applications 93949, 93950 and 93951, along with the approved duties of 336.04 AFA issued under permit 92731, and 147.96 AFA issued under permit 92732, totaling 1801.8 AFA should applications 93949, 93950 and 93951 be granted. The County wants assurance of robust monitoring, and if needed, clear mitigation options and solutions, to be implemented in the event of unintended consequences occurring due to pumping under the applications and permits. Relevant components of the BLM monitoring and mitigation requirements under the Mine Plan of Operations / Nevada Reclamation Permit Application, September 2024, Rev 7, may be incorporated in the 3M Plan for the State Engineer. Monitoring and associated mitigation should address, but is not limited to, loss of spring discharges on the valley floor or in the Silver Peak Range, drawdown propagation into the Clayton Valley watershed, and/or excessive drawdown or water quality impacts that result during active mining or post-mining. The County requests the ability to review and provide comments to the State Engineer's office on any proposed 3M Plan for the mining project.

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2025 FEB -7 AM 11:37