

## **NEVADA ASSOCIATION OF COUNTIES (NACO)**

Board of Directors' Meeting  
January 31, 2020, 10:30 a.m.  
Pueblo Room  
Clark County Government Center  
500 S. Grand Central Pkwy  
Las Vegas, NV 89155

### **ADOPTED MINUTES**

**ATTENDANCE:** President Waits, President Elect French, Vice President Kirkpatrick, Past President Weekly, Carson City Supervisor Giomi, Esmeralda County Commissioner Keyes, Elko County Commissioner Steninger, Lander County Commissioner Clark, Lincoln County Commissioners Higbee and Lister, Mineral County Commissioner Price, Washoe County Commissioner Lucey, White Pine County Commissioner Carson and NACO Staff (Dagny Stapleton, Vinson Guthreau, Colby Prout and Amanda Evans)

**REMOTE ATTENDANCE:** Eureka County Commissioner Goicoechea, Lyon County Commissioner Keller

**OTHER ATTENDANCE:** Lander County Commissioner Allan; Eureka County Natural Resources Manager, Jake Tibbets; Clark County Assistant Manager, Kevin Schiller; Clark County Administrative Staff, Justin Harrison and Kathleen Walpole; Ivory Lyles and Sheila Bray, Cooperative Extension; and Richard Hy, Egllet Adams

The meeting was called to order at 10:32 a.m. by President Waits.

1. **Public Comment.** None was given.
2. **Approval of Agenda.** Commissioner Wichman moved for approval of the agenda with the date corrected from Jan. 31, 2019 to Jan. 31, 2020. The motion was approved on a second by Commissioner Price.
3. **Investiture of the 2020 NACO Officers.** The investiture of the 2020 NACO officers was conducted by Past President, Clark County Commission Vice Chair Lawrence Weekly. President Elect French (Humboldt County Commissioner) ascended to the office of President, Vice President Kirkpatrick (Clark County Commission Chair) ascended to the office of President Elect and Washoe County Commission Chair Lucey took the oath of office as Vice President. President Waits assumed the office of Past President and will Chair the Committee of the Emeritus. Following the investiture President French took over as Chair.
4. **NACO President's Report.** President French thanked Commissioner Weekly for his leadership and conducting the investiture. He welcomed the new members to the Board, Carson City Supervisor Giomi; Lander County Commissioner Clark; and White Pine County Commissioner Carson. President French informed the Board that he had appointed Vice President Lucey as Chair of the Legislative Committee and that Pershing County Commissioner Shank would serve as Vice Chair. He also informed the group that he had appointed Lincoln County Commissioner Higbee as Chair of the Public Lands and Natural Resources Committee, with himself, Commissioner French, serving as Vice Chair. Following these announcements President French thanked the Board for their support and noted the importance of the Association and

relationships formed within the group. He concluded his report by outlining his vision for his tenure as President including work on Natural Resources issues, the Department of Defense withdrawals, wildfire issues, homelessness, and economic and workforce development issues.

5. **NACO Executive Director's Report.** Dagny thanked Past President Waits for her service in 2019, acknowledged the three other Past Presidents of the Association in attendance (Commissioners Weekly, Wichman and Carson) and welcomed the new members of the Board. She informed the Board that the Legislative and Public Lands and Natural Resources Subcommittees are open to all Commissioners and encouraged any who are interested in serving to contact NACO staff. She informed the Board that the Cooperative Extension funding proposal approved by the Board in December had been carried forward and that she had met with the Chair of the Board of Regents on the proposal. She also informed the Board she had been asked to serve on the search committee for the next President of the University of Nevada, Reno, which oversees the Cooperative Extension program, and that she would keep the Board apprised of that process. Dagny concluded her remarks by encouraging attendance at the National Association of Counties (NACo) Annual Legislative Conference and reminded the Board to let Amanda know if they or any of their fellow Commissioners would be in attendance. Dagny discussed the TestIt App developed by NACo, which gathers user experience data on internet connectivity across the country – she encouraged members to use it so that Nevada data is included. She informed the Board that the Nevada Commission on Aging has two appointments available and to contact her if any members of the Board are interested on serving on that Commission. She also informed the Board that Senator Rosen is planning two workshops to assist local governments with applications for federal grant funding, the first will be held in Las Vegas on March 6<sup>th</sup> and additional information will be brought back to the Board when the Northern Nevada event is finalized. Dagny concluded her remarks by giving the Board an overview of the Board for the Fund For Hospital Care to Indigent Persons (IAF), including the use of the Fund to leverage federal dollars for payments to hospitals for Medicaid patients and to help counties with their long term care assessments. She informed the group that the IAF Board would be hearing a proposal to provide additional dollars from the fund to counties to help with the Medicaid match assessments.
6. **Approval of Minutes of the December 13, 2019 NACO Board of Directors Meeting.** The minutes were approved on a motion by President Elect Kirkpatrick with second by Commissioner Wichman.
7. **Approval of Additional NACO 2020 Associate Members.** The application for Associate Membership of the Nevada Builders Alliance was approved on a motion by Commissioner Price with second by Supervisor Giomi.
8. **Discussion and Possible Approval of a NACO Board Retreat and Strategic Planning Session in 2020.** Dagny informed the Board that it had been several years since an event such as this had taken place and suggested canceling the Board of Directors meeting in June and holding the session on the date reserved for that meeting. Commissioner Weekly noted that it was a good idea to hold this event, especially in preparation for the 2021 Legislative Session. President Elect Kirkpatrick suggested inviting the Associate Members and the use of a facilitator for the event. Vice President Lucey noted that such an event is a good idea for gaining greater understanding of individual county issues and furthering collaboration. Past President Waits inquired as to where the event would be held and how long it might be. Dagny informed the Board that her initial vision was to have it in the NACO conference room for a half-day. Vice President Lucey suggested the possibility of finding a location at Lake Tahoe. The Board Retreat and Strategic Planning Session was approved to be held on June 26<sup>th</sup>, in lieu of the June Board meeting, from 10:00 a.m. to 3:00 p.m. with the location to be determined, on a motion by Commissioner Weekly with second by Commissioner Wichman.

9. **Approval of NACO Resolution 20-01 Recognizing January as National Radon Action Month.** The resolution was approved on a motion by Commissioner Wichman with second by Commissioner Price.
10. **Recommendation of a Nominee for Appointment by the Governor for NACO's Seat on the Nevada Commission on Off-Highway Vehicles (NRS 490.067).** Dagny informed the Board that Sue Baker (Clark County) is the Association's current representative on the Commission and that she is interested in reappointment, although she would possibly only serve for one of the two years of the appointment. The nomination for reappointment of Sue Baker was approved on a motion by Commissioner Price with second by President Elect Kirkpatrick.
11. **Recommendation of a Nominee for Appointment by the Director of Department of Health and Human Services for NACO's seat on the Nevada Grants Management Advisory Committee (GMAC) (NRS 232.383).** Dagny reminded the Board that the Committee oversees the distribution of the tobacco settlement funds. She informed the Board that former NACO Executive Director, Jeff Fontaine had been the Association's representative for a number of years and that he was stepping down. She informed the Board that the Nevada Association of County Human Services Administrators recommended Lyon County Human Services Administrator, Shayla Holmes as the nominee. Dagny noted that Ms. Holmes is interested in taking on the position and that she has a degree in Grants Management. The nomination of Ms. Holmes was approved on a motion by Past President Waits with second by Commissioner Wichman.
12. **Discussion and Approval of two of NACO's Three Appointees to the Committee on Local Government Finance.** The reappointment of Gina Rackley (Humboldt County) and Christine Vuletich (Washoe County) was approved on a motion by Commissioner Wichman with second by Commissioner Price.
13. **Update on County Opioid Lawsuits in Nevada, Kevin Schiller, Clark County Assistant County Manager, and Richard Hy, Attorney, Eglet Adams.** Mr. Hy gave the Board a high-level update on the status of his firm's involvement in the issue, noting that those counties that have retained the firm can request county specific updates. He informed the Board that most counties and the State are being represented by Eglet Adams. The Board was informed that while four thousand counties and municipalities had been conjoined into the lawsuit in federal court in Ohio, most Nevada jurisdictions had opted out, choosing to remain in state court and that no settlement offers have been made by defendants in the Nevada cases. He outlined the firm's strategy in bringing the individual cases to court and informed the Board that damages specific to each jurisdiction are being determined to ensure that each entity's issues are addressed. It was noted that Nevada is fourth in the nation for effects of the opioid crisis and that Nevada Attorney General Ford agrees that the counties should be able to pursue their own damages instead of being lumped into the State's case and risking funding not be available to address their specific effects from the crisis. Assistant County Manager Schiller discussed the need for counties to identify specific needs and propose specific plans for how dollars would be spent if funding is awarded. Collaboration among the counties was discussed, specifically among those counties that have treatment facilities and those that don't. Dagny clarified that if funds become available that there will need to be specific plans in place by the counties for the spending of those funds, most being dedicated to treatment programs. Mr. Schiller suggested utilizing NACO as a forum for conducting these discussions and President Elect Kirkpatrick noted that it isn't necessary to wait for a settlement to occur in order to begin the discussions and start the planning process, not only within each county but regionally as well. Dagny noted that she was glad that Mr. Hy noted the Attorney General's willingness to share information with the counties and that he believes dollars need to come directly to the counties to mitigate damages and

ensure that if the State. She also asked about the conversation at the state level around the distribution of funds between the State and counties, and a potential distribution formula, noting the tobacco settlement and the lack of direct settlement dollars to counties. Mr. Hy noted that the tobacco settlement situation was a driving force behind the AG's decision to ensure that the counties are able to bring their own suit, specifically to avoid overlapping damage claims. Mr. Hy concluded the item by informing the Board that his firm is willing to share the unique individual damages identified for both the state and the county's as long as the release of that information doesn't violate attorney client privilege.

14. **Review and Discussion of NACO's Draft Federal Policy Priorities for 2020.** Vinson referenced the draft document included in the agenda packet and reminded the Board that it is a document produced annually and presented to the Federal Delegation during the NACO Legislative Conference. Vinson noted that changes, and additions to the document were highlighted in yellow and include the Medicaid Inmate Exclusion Policy, Natural Disaster Recovery, Military Withdrawals, Broadband and Emerging Technologies, Cybersecurity, Transportation Funding, and Federalism. The Public Lands and Natural Resources Committee also recommended the removal of the Waters of the U.S. (WOTUS) portion of the document as the rule was finalized. Dagny requested direction from the affected counties as to if they would like Nellis to be included in the Military Withdrawal section and those county representatives agreed they would like it included. The Board was requested to forward any comments on the draft to staff and informed that it would be brought back for final approval at the February meeting of the Board. No action was taken on the item.
15. **Update on the Legislature's Interim Working Group to Consider Alternative Solutions for Transportation System Funding in Nevada (SCR3).** Vinson informed the Board that the working group had conducted three meetings, with the next scheduled for February 6<sup>th</sup>. He noted that the discussion had centered around finding a new mechanism for road funding as the current system isn't viable or sustainable. He noted the fact that the majority of the state's roads are owned by counties. Commissioner Lister inquired whether there is a clear path where the group is headed, and Vinson stated that there isn't one as of yet. Vinson concluded the item by informing the Board that the item would be brought back to the Board if and when any action is taken.
16. **Discussion and Updates Related to the 2020 U.S. Census.** Dagny reminded the Board that the State has grants available for county outreach efforts. She referenced the links to the Census websites included in the agenda packet and noted that the Census has the availability to conduct trainings for county staff to assist in outreach efforts. Dagny concluded the item by reviewing the timeline of the Census also included in the agenda packet.
17. **Update and Possible Action Regarding Natural Resources and Public Lands and Issues Affecting Counties Including:**
  - a. **Notice of Proposed Rulemaking on the National Environmental Policy Act (NEPA) and Possible NACO Comment.** Colby gave the Board an overview of the proposed changes to NEPA implementation as described in the memo included in the agenda packet, noting that it is the first revision in over 40 years. He informed the Board that comments on the proposed Rule are due on March 10<sup>th</sup> and requested direction and/or approval to draft comments. President French noted that the initial implementation of the Rule was vastly different than what is currently experienced. The Association's drafting of comments was approved on a motion by Commissioner Wichman with second by Commissioner Carson.
  - b. **The U.S. Department of the Navy's EIS for the Fallon Range Training Complex (FRTC) Modernization.** Vinson informed the Board that the Navy released their Final

Environmental Impact Statement (FEIS) on the 10<sup>th</sup> of January and therefore the non-disclosure agreement is no longer in effect. The release of the FEIS triggered a 30-day wait period prior to the Navy's execution of a Record of Decision (ROD). While Vinson informed the Board that discussions with the Navy conducted during two meetings held that week, indicated that they are not planning to send the ROD to Congress by February 10<sup>th</sup>, he is planning to have comments revised and sent to the Delegation and copied to the Navy by February 10<sup>th</sup>. Commissioner Lister inquired as to a Governor's Consistency Review and Vinson informed the Board that is not a component of the wait period, but the Governor's office had and would be weighing in directly with the Navy. No action was taken on this item.

**c. Other Updates from the NACO Public Lands and Natural Resources Subcommittee.**

Colby noted that the final WOTUS rule had been released prompting the Subcommittee to recommend the removal of the issue on the Federal Priorities document discussed under item 14. President French informed the Board that standing items discussed during the abbreviated meeting earlier in the morning included Sage Grouse and Wild Horses and Burro's. No action was taken on this item.

18. **NACO Committee of the Emeritus Update.** Past President Waits, 2020 Chair of the Committee reminded the Board of the workshop being held the following week on the importance of county water resource plans and their inclusion in county master plans, as required in newly passed legislation. She also informed the Board that the Committee is working on the update to the County Commissioner's Handbook and the New Commissioners Training that will be held at the Association's Annual Conference in November following the general election.

19. **National Association of Counties and Western Interstate Region Board Member Updates.** President French informed the Board that discussion in the Western Interstate Region continued to include the reauthorization and full funding of Payment in Lieu of Taxes (PILT) and Secure Rural Schools (SRS) and that two bills had been introduced in Congress to address permanent funding of both programs. Wildfire also continues to be a large discussion including regulatory issues, interface between agencies, funding and the lack of collaboration with local entities. President Elect Kirkpatrick informed the Board that an update on the NACO Board of Directors would be given following their meeting at the Legislative Conference.

20. **NACO Board Member Updates.** Updates were given by members of the Board on activities within their counties.

21. **Public Comment.** None was given.

The meeting was adjourned at 1:49 p.m.