

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

August 28, 2020, 9:30 a.m.

Physical Location for Board Members:

Carson City Community Center – Sierra Room

851 E. William St.

Carson City, NV 89701

ADOPTED MINUTES

Attendance: President French, Vice President Lucey, Past President Waits, Carson City Supervisor Giomi, Churchill County Commissioner Olsen, Elko County Commissioner Steninger, Esmeralda County Commissioner Keyes, Eureka County Commissioner Goicoechea, Lander County Commissioner Clark, Lincoln County Commissioner Higbee, Lincoln County Commissioner Lister, Lyon County Commissioner Keller, Nye County Commissioner Wichman, Pershing County Commissioner Shank, Washoe County Commissioner Hartung, White Pine County Commissioner Carson, NACO Fiscal Officer Kalt; and NACO Staff (Dagny Stapleton, Vinson Guthreau, Colby Prout and Amanda Evans)

The meeting was called to order at 9:30 a.m.

1. **Public Comment.** Associate Member Denise Castle, Executive Director of JOIN Inc., informed the Board that she was available to support any discussion on workforce needs pursuant to agenda item 11.
2. **Approval of Agenda.** The agenda was approved on a motion by Past President Waits with second by Commissioner Higbee.
3. **NACO President's Report.** President French thanked the members of the Board who were able to attend in person, noting it was the first attempt by the NACO Board to meet in person since the pandemic began. He discussed the challenges being faced in Humboldt County related to the pandemic and encouraged the members of the Board to remain vigilant in monitoring the actions and policies of the Department of the Interior, especially as they related to invasive species and wildfire.
4. **NACO Executive Director's Report.** Dagny announced that letters of interest for the Association's Vice-Presidential position were being accepted and encouraged any Commissioner from across the State interested in serving to send letters to herself or Amanda. She reminded the group that the Vice President elected in November would ascend to the office of President in 2023. She discussed the information included in the agenda packet on the COVID-19 tracing app, including the fact that the information collected is completely anonymous. She reminded the Board of the climate change policy presentation they received in July and distributed additional information on the dates and times of the listening sessions that would be held regarding the Nevada State Climate Strategy. Dagny concluded her remarks by announcing that the Small Business Grant Program, being conducted by Douglas, Elko, Lincoln, Lyon, Nye, Pershing, Storey, Washoe and White Pine Counties, application process would open on September 8th.
5. **Approval of Minutes of the June 26, 2020 and July 31, 2020 NACO Board of Directors Meetings.** The June 26, 2020 minutes were approved on a motion by Commissioner Higbee

with second by Commissioner Wichman. The July 31, 2020 minutes were approved on a motion by Commissioner Hartung with second by Commissioner Higbee.

6. **Discussion of Next NACO Board Meeting Date and Location.** Dagny reminded the Board that, per the approved 2020 Association calendar, the September meeting was scheduled to be held in Clark County. She informed the Board that the County is no longer open on Fridays, and that either the meeting would need to be moved to Thursday to be held at the Government Center, or that an alternative location would need to be found. She also informed the Board that to accommodate staff travel, the time of the meeting would also need to be changed due to revised flight schedules from Reno to Las Vegas. Due to regular Commission meetings the Board was not open to changing the date, and Supervisor Giomi and Commissioner Higbee suggested asking the cities if they could accommodate the group. Other alternative meeting locations suggested by the Board were meeting rooms at the airport or possibly through the fire department. Dagny noted that staff would investigate alternative locations for the meeting and the time of the meeting was changed to noon by consensus of the Board.
7. **Discussion Regarding NACO's 2020 Annual Conference.** Dagny reminded the Board that the conference is scheduled for November 17-19 and that a conversation was had with Churchill County regarding the event. Based on that conversation and current directives related to the Coronavirus pandemic, Dagny informed the Board that staff's recommendation is to host the event virtually this year. She informed the Board that staff had found a virtual app that would allow for Zoom workshops, virtual Board and Annual Business meetings, and still allow for attendee networking as well as sponsor engagement. She also explained that the schedule would be pared down and ceremonial traditions would be conducted during the Annual Business Meeting. Supervisor Giomi suggested polling for interest in a virtual event and President French noted that the groups options are limited and stressed the need to conduct the Annual Business Meeting at the minimum. Dagny informed the group that sponsors are still willing to participate in a virtual event and noted that the conference is an important revenue stream for the Association. She also informed the Board that staff had conversed with other state associations and that successful virtual events had been hosted by sister organizations. Commissioner Olsen said that while Churchill County would participate in a virtual event, they would like to roll their hosting duties to 2021. Commissioner Hartung noted that it is important for the group to follow the current directives and that he liked the idea of virtual workshops because of the ability for screen sharing etc. that would maintain the integrity that attendees are used to for the educational sessions. President French inquired as to staff capacity to conduct the event virtually and Amanda stated that she was comfortable moving forward in that direction. Dagny reminded the group that they had approved Churchill County to host in 2020 and Storey County to host in 2021. Amanda assured the Board that she had spoken to Storey County and they were ok with rolling their hosting of the event to 2022 so that Churchill County could host in 2021. The Board approved the virtual hosting of the 2020 Annual Conference, Churchill County hosting the event in 2021 and Storey County hosting in 2022 on a motion by Commissioner Olsen with second by Supervisor Giomi.
8. **Presentation of NACO's 2019 Financial Audit, Michael Bertrand, Bertrand and Associates, LLC.** Fiscal Officer Kalt noted that while there was a slight dip in revenues, they were made up for in approximately \$50,000 in budgeted expenses that were not realized. He also noted that the audit is completed so far into the year because of the release of pertinent PERS information. He informed the Board that the transfer of investment brokers was smooth and that additional funds were realized during that process as well. Mr. Bertrand referred to the footnote on the investment reports included in the backup

materials. He also discussed the findings included in the official report, noting that they were insignificant and only consisted of the reclassification of a couple of expense items. Mr. Bertrand informed the Board that the GASB actuary was not needed for this audit but may be necessary in the future. He concluded his report by informing the Board that the Association is running well and in a good financial position. Dagny thanked Mr. Bertrand and Fiscal Officer Kalt for their assistance and diligence in working with her. She also informed the Board that staff would continue to work on finding ways to ensure the most savings possible while still running efficient operations. President French thanked the gentlemen and staff for ensuring the strong position of the Association.

9. **Approval of Additional NACO 2020 Associate Members.** The Associate Membership of the Western Nevada Development District was approved on a motion by Past President Waits with second by Supervisor Giomi.
10. **Legislative Update Including Discussion on Possible NACO Bill Draft Requests (BDR) for the 2021 Session of the Nevada Legislature.** Vinson reminded the Board that they had approved two BDRs in July, one for property tax reforms and one that would allow the appointment of a person to more than one Gubernatorial appointed Board. Vinson then outlined two additional proposals for the Board's consideration. The first would place local government training for legislators into Statute. He noted that the Association could partner with the League of Cities and the Legislative Council Bureau (LCB) to provide the training. President French inquired if the idea had been discussed with legislators and it was clarified that there is already statutorily required training for new legislators and that the proposal would be to add material to the existing curriculum. Supervisor Giomi stated that he supports the idea, noting the tremendous growth in Clark County and the fact that most legislators come from there. He also referenced the broad scope of decisions made at the legislature with sometimes narrow knowledge bases, noting that the training would help create better legislators which is always a win. Commissioner Higbee agreed with the statements by Supervisor Giomi and Dagny informed the Board that it is something that the Association had been working on for years, including planning a rural tour for legislators over the summer that had to be canceled due to COVID-19. The proposed BDR was approved on a motion by Supervisor Giomi with second by Commissioner Higbee, with Commissioner Clark the sole nay vote. The second proposed BDR was presented by Dagny and would clarify the process for establishing paternity. She reminded the Board of their previous conversation on the issue, noting that the current statute is unclear and therefore left up to interpretation within the court system. This current lack of clarity has resulted, in some counties, in lengthening the adoption process, leaving children within the system in limbo and impacting county budgets. President French inquired whether there had been language drafted and Dagny informed the Board that a group has been working on it. She noted that the District Attorneys and the Legislative subcommittee are in favor of the proposal. The BDR proposal was approved on a motion by Commissioner Carson with second by Commissioner Higbee.
11. **Discussion on COVID-19 Pandemic Impacts and County Needs.** Dagny reminded the Board that the item is a standing agenda item to facilitate discussion and provide additional information. She referred to the back up materials on the taskforce process, noting the Local Empowerment Advisory Council (LEAP) Committee's participation in developing the risk measures and mitigation strategies. Past President Waits informed the group that Lander County refused the CARES Act dollars from the State because of the Governor's conditions but was still encouraging citizens to abide by the Governor's Directives. She ended her remarks by inquiring if any of the other counties had refused the dollars. Commissioner Lister noted that Lincoln County had concerns with the language in the agreement as did

their legal counsel, but that ultimately accepted the dollars after Dagny provided them with the Federal Treasury Guidance that stated that the States could not place additional restrictions on the funds. President French noted that the enforcement of the Governor's directives was being conducted by OSHA with warning letters being sent prior to fines being issued. Commissioner Olsen expressed frustration with the way the positive counts are being determined, noting that the same people were being counted multiple times. He noted that the County had requested that the Covid-19 Mitigation and Management Taskforce (taskforce) acknowledge that the speed with which the state lab was turning out test results was poor. The Commissioner noted that Churchill County had used CARES Act dollars to help facilitate day care and virtual learning. He also noted that they had conducted two testing events in 7 days. President French noted that Humboldt County had determined "hot spots" of positivity through contact tracing and that with the use of rapid tests they had been able to effectively manage their infection rate. He also noted the issue of positives on sovereign nations being counted against the counties when they have no authority over enforcement or governance in those communities. He concluded his remarks by noting that they were considering using effluent wastewater PCR analysis in their schools to potentially detect and outbreak. Past President Waits noted that her Commission had also asked their county manager to investigate effluent wastewater PCR testing. Commissioner Goicoechea inquired as to what their next steps would be if elevated levels of the virus were found. Noting that just the presence of the virus isn't enough to detect how rapidly the virus is increasing and what protocols would be necessary. Commissioner Hartung noted that Washoe County is conducting effluent wastewater PCR testing as well to detect the general prevalence of the virus within the community to determine what tools they need to be working with to help control the spread. Commissioner Olsen inquired as to if it would be appropriate for NACO to send a letter of concern to the taskforce regarding the testing issue at the state lab. Dagny noted that the turn around time is an issue and that it had been discussed at the Taskforce. She also reminded the Board that she sits on both the Taskforce and the LEAP Committee as the county representative and she continues to advocate on behalf of counties. She also informed the Board that the LEAP has been able to make edits to the Taskforce's plan and commended the counties on how they have stepped up to deal with the crisis. She ended her remarks by stating that a letter wouldn't be a bad idea, so the taskforce knows it is an important issue to counties. Commissioner Lister stated that Lincoln County has issues with the metric, noting that it is an issue with small population counties. Commissioner Olsen noted that he had been tested several times to bolster his counties negative counts to keep their positivity rate down. A letter regarding the testing turnaround time frames was approved on a motion by Commissioner Olsen with second by Commissioner Hartung.

12. Update and Possible Action Regarding Natural Resources and Public Lands Issues Affecting Counties Including:

a. Updates from the NACO Public Lands and Natural Resources Subcommittee

Colby informed the group that the Subcommittee had met the previous day and discussed wild horse and burro issues as well as the comment letter included in the back up for the next agenda item. He informed the group that the Subcommittee had directed staff to review and revise the Public Lands and Natural Resources Action Plan which will be brought to the Board for approval. The group also discussed the Emergency Fire Act that had been introduced in Congress, noting that it is in the initial stages and will be monitored by staff. Commissioner Wichman requested a future update on the software being developed to compare the amount of PILT payments vs. actual assessed value. President French noted the previous discussion of the group on the proposed resolution from the Coalition for Healthy Nevada

Lands, he noted that it is inline with previous actions of the Board. He also informed the Board that it was the Coalition's intention to have it introduced before the Legislature for adoption. Past President Waits commented on the BLM's completion of the agencies move to Colorado and their intention to find holding facilities for wild horses and burro's east of the Mississippi. President French commented on the BLM's loss of roughly 80% of its staff due to the move but noted that they are continuing to do the best they can with the program. Commissioner Carson noted the introduction of the Ruby Mountain Protection Act by Senator Cortez Masto, which would remove oil and gas leasing off Forest Service Lands and completely end leasing in areas of potential low-quality product. She noted it would be important to watch and that it would eliminate the need for NEPA processes when not necessary. Commissioner Higbee noted that Mr. Ivory would make himself available for a presentation and staff was directed to contact Mr. Ivory.

- b. NACO Comments on the U.S. Fish and Wildlife Service's Proposed Definition for "Habitat" Under the Endangered Species Act** Colby referred to the draft comment letter included in the packet, noting that the definition is necessary due to a Supreme Court ruling in 2018 that pointed out that while "critical habitat" was defined in the ESA, "habitat" was not. The FWS set out to make a definition consistent with the ruling. He mentioned that the PLNR subcommittee had approved the comment letter as drafted with a few minor modifications to emphasize that whatever is designated habitat must have the "current" capacity to support the species. The comment letter was approved on a motion by Commissioner Lister with second by Commissioner Higbee.
- 13. NACO Committee of the Emeritus Update.** Past President Waits informed the group that the Committee's next meeting would be held in September and that they are still planning on conducting the workshop on Indigent Defense in October.
- 14. National Association of Counties Board Member Updates.** Commissioner Higbee informed the Board that the groups recent meetings had mostly been conducted via Zoom and centered around COVID-19.
- 15. Western Interstate Region Board Member Updates and Updates from National Association of Counties' Policy Steering Committee Members.** President French informed the Board that his call dropped during the last WIR meeting and he didn't have anything to report. No updates were given on Steering Committees.
- 16. NACO Board Member Updates.** Updates were given by members of the Board on activities within their counties.
- 17. Public Comment.** The Board thanked Carson City for the use of their facility and staff who conducted the remote access to the meeting.

The meeting was adjourned at 12:07 p.m.