

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting
February 25, 2022, 9:30am
NACO Conference Room
304 S. Minnesota Street
Carson City, NV 89703

ADOPTED MINUTES

Attendance: President Lucey, President Elect Higbee, Past President Kirkpatrick, Churchill County Commissioner Olsen, Clark County Commissioner Gibson, Douglas County Commissioner Tarkanian, Elko County Commissioner Andreozzi, Elko County Commissioner Steninger, Esmeralda County Commissioner Keyes, Eureka County Commissioner Goicoechea, Lincoln County Commissioner Lister, Lyon County Commissioner Keller, Mineral County Commissioner Hall, Pershing County Commissioner Shank, Storey County Commissioner Carmona, Washoe County Commissioner Hartung, White Pine County Commissioner Carson, Fiscal Officer Kalt and NACO Staff (Vinson Guthreau, Jennifer Berthiaume, and Amanda Evans)

The meeting was called to order at 9:33 a.m.

1. **Public Comment.** None was given.
2. **Approval of Agenda.** Following the moving of item 10 to after item 6, the agenda was approved on a motion by Commissioner Goicoechea with second by Commissioner Lister.
3. **NACO President's Report.** President Lucey discussed the recent NACo Legislative Conference in Washington DC and thanked those Commissioners who attended. He noted that President Biden spoke at the event and President Elect Higbee discussed the vast amount of federal dollars that will be available to counties when the final regulations are complete. President Elect Higbee also informed the Board that conversations were held regarding the 30 by 30 proposal and several resolutions that will be before the Board of Directors at their meeting during the Annual Conference in July. President Lucey concluded his remarks by discussing the removal of the statewide mask mandate and moving towards COVID-19 mitigation efforts, thanking Past President Kirkpatrick for all her work on the issue.
4. **NACO Executive Director's Report.** Vinson introduced the Board to Jennifer Berthiaume, the Association's new Government Affairs Manager, noting that her location in Clark County will give the Association more of a statewide presence.
5. **Approval of Minutes of the January 28, 2022, NACO Board of Directors Meeting.** Following clarification that the re-appointment of the Association's representative was to the Commission on Traffic Safety not the working group associated with agenda item 6, requested by Commissioner Lister, the minutes were approved as written on a motion by Commissioner Andreozzi with second by Commissioner Goicoechea.
6. **Presentation and Update on the Nevada Sustainable Transportation Funding Advisory Working Group, by Sondra Rosenberg, Assistant Director of Planning, Nevada Department of Transportation.** Vinson reminded the Board that the Working Group is an extension of SCR3 passed by the Nevada Legislature in 2019 and the passage of

AB413 in 2021, which included NACO's membership on the working group to determine sustainable funding for the construction and maintenance of Nevada's roads. He also reminded the Board that he is the designated representative on the Working Group and that Commissioner Hall is the alternate member appointed by the Board. Ms. Rosenberg gave the Board an overview of the Working Group, including its county representation. Ms. Rosenberg's presentation included information on the increase in vehicle miles traveled (VMT), increases in construction costs and current revenues not keeping up with the demands of road construction and maintenance. The presentation also included information on options the Working Group has discussed to increase revenues, however, Ms. Rosenberg noted that no decisions have been made on options to present to the Legislature. Ms. Rosenberg concluded her presentation with the expected timeline of the Working Group and the deadlines associated with presenting recommendations to the Legislature. Questions and comments from the Board included inquiries to the replacement of funding previously removed from the State Highway Fund, concerns with the owners of electric vehicles paying their share for use of roadways, VMT proposals and not collecting dollars from tourism, as well as unequitable costs associated with VMT for those who travel vast distances for work and affordable housing. The Board also questioned the matrix for the determination of Social Equity, noting that in smaller communities the average can be skewed by a small percentage of high paying jobs. The Board also inquired about the use of ARPA funding to address the backlog of projects, which Ms. Rosenberg noted is a separate issue than identifying a sustainable funding stream. The Board also questioned the use of VMT and how it relates to industries that traditionally have large amounts of travel on roads outside of the state and county-maintained road systems. President Lucey concluded the item by suggesting that Ms. Rosenberg return to the Board in April with more details on the continued discussions of the Working Group and answers to some of the questions raised by the Board.

7. **Review and Discussion of Senate Bill (SB) 390, Including, but not Limited to Local Needs Assessments for the Expenditure of Opioid Settlement Dollars Received Under the "One Nevada" Plan.** Vinson reminded the Board about the bill and the requirements under section 7 for local needs assessments and how counties intend to spend the dollars they are awarded. He also reminded the Board that the plans for how settlement dollars will be spent are not only required by the One Nevada Agreement, but within the conditions of the opioid lawsuits filed as well. Vinson informed the Board that (initial) distribution of dollars under the Agreement are expected in May and that counties have broad allowances for their plans for the use of those dollars, as long as the expenditure of the funds can be tied back to the Opioid crisis in some way. He informed the Board that Jennifer is working on a database to bridge the gap in coordinating with the State and she will need a point person from each county. Past President Kirkpatrick reminded the Board that the plans can include the continuation of existing programs and it is important not to leave any money on the table intended for use at the local level. Vinson reiterated that the plans do not have to be detailed and can be internal documents without the need for passage of ordinances or resolutions. Commissioner French noted that this is just the first distribution from the settlement with Perdue and that additional dollars will be coming in. The Board was also reminded of the background on the One Nevada Agreement and the negotiations conducted during its development to ensure direct allocation of dollars to counties. Vinson concluded the discussion by reminding the Board of the importance of the submission of the plans to the State prior to the distribution of the first round of dollars expected in May.
8. **Discussion and Approval of Closing NACO's Money Market Account at Wells Fargo; Transferring a Portion of Funds into a Newly Established Money Market Account at Nevada State Bank; and Transferring an Approved Amount of Funds into NACO's**

Investment Accounts with Moreton Asset Management. Vinson explained some of the issues surrounding the request, including lack of customer support at Wells Fargo and their determination that the Association was neither a non-profit nor a government entity. He informed the Board that since switching to Nevada State Bank the customer service received has been excellent and that is why the item was brought to the Board as written. Fiscal Officer Kalt discussed the internal controls associated with both accounts and that by transferring some of the funds in the current account to the investment account the Association would see a higher return than on the funds held within the proposed Money Market account, he also informed the Board that per the currently approved investment policy staff can transfer up to \$25,000 without Board approval. The closure of the account at Wells Fargo, opening of a Money Market account at Nevada State Bank and the transfer of a portion of the funds to the investment account at Moreton Asset Management were approved on a motion by Commissioner French with second by Commissioner Andreozzi.

9. **Presentation and Approval of NACO's October, November, and December 2021 Financials.** Vinson reminded the Board that per adopted policy the financial reports are brought to the Board on a quarterly basis for approval. He noted that yearly revenues exceeded expenses, in part due to salary savings and the efforts of staff to keep spending down. Commissioner Lister inquired as to the difference in the revenues between the November and December reports and Fiscal Officer Kalt stated that he would find out and report back. The financials were approved on a motion by Commissioner Goicoechea with second by Commissioner French.

10. **Presentation Regarding the Creation of a Rural Regional Health District, by Shannon Ernst, Director of Social Services, Churchill County and Marena Works, Office of Statewide Initiatives, UNR School of Medicine.** This item was heard following item number 6 at the request of the presenters. Ms. Works gave an overview of the current health districts, the NRS governing the authority of counties to form health districts and the composition of the associated Governing Boards. She also gave the Board an overview of the statutory authority regarding the delivery of public health and the State's authority to assess counties for those services, as well as the differences in what additional authority and local controls are provided to a health district vs. just a county Board of Health. Ms. Works gave an overview of the situation that prompted the discussion of Churchill, Eureka, Pershing, and Mineral Counties forming a Central Nevada Health District, including the governance structure and the services that would be provided within the district. The Board was given an overview of the statutory process for assuming public health services and funding options for the district, as well as the progress completed and timeline for the approval of the proposed district. Potential changes to NRS439 were also discussed, including the removal of the word adjacent, to allow Eureka County's participation, as well as slight changes to some definitions and allowances. Members of the Board expressed concern with opening the NRS, the abolishment of local Boards of Health, and different jurisdictional nuances and philosophies. Ms. Ernst reminded the Board that local Boards of Health have no authority and health districts provide local authority. She also noted that they looked at similar communities when forming the proposed Central Nevada Health District and that each county would have two members on the governing board. She also discussed the issues experienced with COVID-19 and how the counties had to rely on the State for many services which they would have been able to provide under a health district. President Lucey expressed concern with the need to focus on the scope of the authority and the services provided. Past President Kirkpatrick reiterated that the State struggled to keep up with COVID response and that the governance piece could be set up to ensure the maintenance of local control. Commissioner Goicoechea stated that he understood the concerns expressed by the Board, and that the associated counties are working closely to

address those concerns, however they received limited assistance from the State during COVID which caused issue with service delivery. He also stated that there may not be a need to open the NRS. Past President Kirkpatrick noted that it would be important to educate Legislators on the issue and that an enabling bill might be the way to go, especially since they will probably open the statute anyway. Commissioner Goicoechea suggested allowing the counties to work through some of the items discussed and report back to the Board. Past President Kirkpatrick suggested the review of the after-action reports associated with the Pandemic that will show shortfalls in service deliveries and that with the expected Opioid dollars it is important to have the infrastructure to grow delivery of services.

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

- a. **Updates from the NACO Public Lands and Natural Resources Subcommittee.** President Elect Higbee informed the Board that the Subcommittee discussed the recent NACo Annual Legislative Conference and federal dollars waiting for regulations to be drafted prior to distribution. The Committee also discussed WOTUS and awaiting the decision on an associated court case, and other ongoing issues including Sage Grouse. They also discussed upcoming comments to be submitted on the 30 by 30 initiative, a BLM state plan maintenance which is waiting on budget approval. The Subcommittee also discussed possible legislation that would put the onus on the federal agencies to prove that they own RS2477 roadways.

12. NACO Legislative Committee Update. Vinson informed the Board that the Subcommittee meetings will reconvene on Friday, March 18th and that any member of the Board or other Commissioners wishing to participate should contact himself or Jennifer.

13. NACO Committee of the Emeritus Update. Vinson informed the Board that a workshop will be held on April 8th regarding the Bipartisan Infrastructure law and more information would be distributed as planning concluded.

14. Updates from Members on the National Association of Counties Board, Western Interstate Region Board, and Individual Counties. President Elect Higbee noted that more information would be brought to the Board following the upcoming WIR conference. Past President Kirkpatrick informed the Board that she is continuing to work on Broadband issues with NACo. The members of the Board also gave updates on activities within their counties.

15. Public Comment. None was given.

The meeting was adjourned at 12:47 p.m.