

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting
August 26, 2016, 9:30 a.m.
NACO Office
304 S. Minnesota Street
Carson City, NV 89703

UNADOPTED MINUTES

Attendance: (NACO Staff-Jeffrey Fontaine, Dagny Stapleton, Amanda Evans & Tori Sundheim) President Carson; President Elect Phillips; Immediate Past President Wichman; Humboldt County Commissioner French; Mineral County Commissioner Tipton; Elko County Commissioner Dahl; Lander County Commissioner Waits; Washoe County Commissioner Lucey; Douglas County Commissioner Thaler; Storey County Commissioner McGuffey; Carson City Mayor Crowell; Pershing County Commissioner Irwin; Lyon County Commissioner Fierro; Esmeralda County Commissioner Bates; Washoe County Commissioner Herman; Washoe County Clerk Nancy Parent, Nevada Association of Clerks & Election Officials; Washoe County Treasurer Tammi Davis, Nevada Treasurers Association and Bob Roshak Nevada Sheriff's & Chiefs Association.

Remote Attendance: Vice President Weekly and Churchill County Commissioner Olsen.

Other Attendees: Douglas County District Attorney, Mark Jackson; Linda Bisset and Christina Bailey, NV Energy; Patty Cafferata, Nevada Attorney General's Office; Lee Bonner, NDOT; Austin Osborne, Storey County and Ken Mammen, NDOT.

The meeting was called to order at 9:36 AM.

1. **Public Comment.** Douglas County District Attorney Mark Jackson spoke at the request of the Nevada District Attorney's Association President, Mineral County District Attorney Shawn Rowe who was unable to attend the meeting regarding agenda item 17. Mr. Jackson expressed concern with a proposed Bill Draft Request (BDR) that would propose legislation to separate the prosecutorial functions of the DA's office from county council functions. He noted that judicial decisions set precedent and that the existing responsibilities and duties of the Nevada's elected District Attorneys were codified under NRS 252 and these powers were enacted as a dual function of the office in 1864. He acknowledged that there have been conflicts between DA's and Boards of County Commissions (BOCC) over the course of the past 152 years. Mr. Jackson noted that the District Attorney's Association is concerned about a possible attempt to undo 152 years of function over what appears to be a for a singular county issue. He noted that the vast majority of DA's work together on issues affecting the entire state and are eager to work with NACO on statewide issues and that they are interested in providing alternatives to the proposed BDR's. He noted that he as well as several other DA's would like to work in concert with NACO to discuss the issue that brought the discussion surrounding the proposed BDR and develop additional processes and alternatives to assist with issues. He also noted that there are current laws that can address these issues. He also offered the option to contact neighboring DA's with issues that require immediate assistance as well as the option of contacting the highest ranking jurisdictional court judge to immediate review an issue. Mr. Jackson concluded his remarks noting that the DA's Association is very interested in working with the Association in the upcoming Legislative Session but that collaboration with NACO will be difficult if they are defending their position against a proposed Bill. Mr. Jackson also provided the Board with his personal contact information to further discuss the issue if necessary.

Patty Cafferata of the Office of the Attorney General announced that AG Laxalt will be making a rural tour with his program Attorney General for a Day and provided the Board with flyers about the various events.

Vice President Weekly announced he had been in discussions with Jeff and Dagny and that Clark County is interested in hosting the National Association of Counties Annual Conference and is

interested in discussing Board support for the opportunity. He was joined by Alex Ortiz Assistant Director of the Department of Administrative Services for Clark County who noted that Clark County is looking at hosting the event in 2019 and is placing the item on a future BOCC agenda for approval of a resolution in support of hosting the event. He noted that in addition they would need an official endorsement of support by NACO. President Carson informed Vice President Weekly that she would have the item placed on the next Board agenda.

2. **Approval of Agenda.** Commissioner Tipton inquired if there were any changes to the agenda and Jeff noted that there were no changes other than the possibility of having to take a couple of items out of order to accommodate the persons speaking on the items. The agenda was unanimously approved on a motion by Commissioner Tipton with second by Commissioner Irwin.
3. **NACO President's Report.** President Carson informed the Board that she would be making her comments throughout the course of the meeting on various agenda items.
4. **NACO Executive Director's Report.** Jeff updated the Board on the meeting of the Board for the Fund for Hospital Care to Indigent Persons which took place earlier in the month. He noted that the Board approved \$1,632,000 for payment of Indigent Accident Fund claims from Renown and University Medical Center and that those approvals were important because no claims had been submitted in 2015 and that in 2014 there were no funds available for payment of the claims. So, 2016 was the first year since the sweep of the Fund in 2008 that the Board was able to approve full payment of claims and that the fund is an important safety net for the hospitals and county liability. He informed the Board that with legislative changes to the Fund the Board has allowed the allocation of \$2M to offset county Medicaid Match requirements and payments to the State for long term care. He noted the approval of reimbursements to Mineral County, Carson City and Nye County under the program. He discussed the application process and the criteria that counties be at or near the property tax caps. Jeff gave a brief update on the Annual Conference planning process and concluded his remarks with the announcement that George Taylor is retiring from the Attorney General's office effective September 1st and that the Association will be sending a letter to Mr. Taylor in thanks for his work and support of Nevada's County Governments.
5. **Approval of Minutes of the June 24, 2016 NACO Board of Directors Meeting.** President Carson noted an error on the last page of the minutes in which Past President Wichman was referred to as Vice President. The minutes were unanimously approved as corrected on a motion by Commissioner Waits with second by Commissioner Tipton.
6. **Acceptance of NACO's July Financial Statement and Investment Report.** The financial statement and investment report were unanimously approved on a motion by Commissioner Tipton with second by Commissioner Irwin.
7. **Acceptance of NACO's 2015/2016 Financial Statement and Audit Report.** Jeff outlined the audit process and stated that Bertrand and Associates believes the Association is doing well. He also noted that this is the first year that PERS is now requiring the reporting of liabilities in accordance with GASB68 and that the calculation of these liabilities for NACO is currently just over \$500K. He noted that there were no major deficiencies noted within the audit report. Acceptance of statement and report were unanimously approved on a motion by Commissioner Tipton with second by Commissioner Lucey.
8. **Nomination of One of Nevada's Two Representative to the National Association of Counties (NACo) Board of Directors and Approval of their Term on the NACo Board.** Jeff reminded the Board that NACO has two representatives to the National Board because Nevada is a 100% state - meaning all counties are members of the National Association. He also reminded the Board that last year the Board re-nominated Commissioner Tipton to a partial term and this past July Commissioner Kirkpatrick took over that position for the term ending in July of 2017. Jeff noted that Commissioner Irwin's term ends in July of 2018 but he will be unable to serve past December. Commissioner Tipton informed the Board that she stepped down mid-term because she felt it important to have an urban commissioner on the Board. She noted that she enjoys serving on the Board but would step aside if any other member of the Board was interested in the position. Commissioner Dahl nominated

Commissioner Tipton to the position and Commissioner Irwin seconded the nomination. No other nominees were presented and Commissioner Tipton was appointed unanimously.

9. **Application for the Office of Nevada Attorney General Adam Laxalt to become a NACO Member as a Government Partner.** President Carson noted that Article III of the current by-laws does not currently allow for membership. Patty Cafferata noted that Attorney General Laxalt inquired about membership after receiving an update on NACO from Ms. Cafferata; and the AG's office has been made aware that currently the requested membership is not allowed for. She noted that she requested the item be placed on the agenda to show how much the Attorney General supports the Association and is always willing to be of assistance. Commissioner Waits inquired why the membership request couldn't be approved and President Carson clarified that the current language of the by-laws states that Government Partnership is to strengthen the relationships with non-elected departments of county government. Past President Whichman suggested possible consideration of a by-law amendment and Commissioner Dahl concurred. Commissioner French noted that an amendment would encourage future engagement with the office. Commissioner Irwin suggested that the Emeritus Committee review the issue. Past President Wichman and Chair of the Committee of the Emeritus stated that this proposal would be put on the Committee's agenda and the item was continued by consensus of the Board.

10. **Update on AT&T's Application to the Public Utilities Commission for Relief from Designation as a Provider of Last Resort in Portions of Nevada Pursuant to NRS 704.68886.** President Carson thanked Commissioner Waits for bringing the item to the Board's attention. John McGlamery with the Office of the Consumer Advocate in the Attorney General's office gave a background of the issue from the perspective of the Office. He noted that it is a continuation of Telecom act in 1996 to deregulate telecommunications with regards to tariffs and filing changes and new services. He noted that urban areas are upwards of 90% wireless with virtually no landlines. He noted that in 2013 NRS704.6886 was changed to allow for the application of land line providers to apply for the relief of the designation as well as offer alternative services as long as they provide voice and 911 services. He noted that the providers have worked through the process and their applications had been accepted in urban areas prior to applying for relief in the rural areas. He noted that the current application claims that there are adequate cellular services in many areas but that there are pockets where it was proven that there are not adequate services, and those areas were subsequently removed. There remains, however, questions as to the reliability of proof of adequate service in several areas. He noted that the approval of the application is set for hearing on August 31st by the Public Utilities Commission (PUC) and that his office is continuing to monitor the issue closely. He noted that there are 'safety valves' provided in statute where the PUC could expedite the installation of alternative services upon declaration of an emergency in an area granted relief and that in the meantime the service providers must continue to provide lifeline services. Also, he noted that AT&T has promised to keep the current wireline services intact and that those with current service will not be affected. Mr. McGlamery encouraged complaints to be made to the AG's office if the promises made are not kept and/or if further service issues are discovered. Commissioner French noted that his BOCC has discussed the issue and noted that new development is without a guarantee to provide service by AT&T and their current infrastructure doesn't support VOIP protocol on the outskirts of Winnemucca. Commissioner Irwin noted lack of information and the credibility of AT&T's noticing, specifically not informing the BOCC's of the issue and that both Pershing and Humboldt Counties have had wireless services cut and that Pershing County now only has one provider since AT&T removed their services. Commissioner McGuffey noted that there is no cellular service in the Virginia Highlands and that a \$300K tower had been erected and that they can't get any service provider to use it. All of the Commissioners from the affected counties echoed concerns with the notices of the meetings being placed in small advertisements months prior to the scheduled hearings. Additional concerns that were voiced included the fact that the counties are not being given the opportunity to speak at the PUC meeting; the lack of transparency with regards to the application; and faulty information on the maps. It was suggested that the process should start from scratch with better and more accurate maps, communication and stakeholder input. Mr. McGlamery encouraged public comment at the PUC meeting so that there would be comments on the record but also said that the application is on the consent calendar which doesn't allow for specific discussion of the issue.

11. **Discussion and Possible Action for NACO to Participate in the University of Nevada Las Vegas, William S. Boyd School of Law Externship Program and the University of Pacific, McGeorge School of Law Directed Study Program.** Jeff informed the Board that the first program through UNLV has students come to Carson City during the Legislative Session to work directly with agencies. He said he spoke to the Governor's office regarding their experience with the program and they were very complementary of the program and the students. Subsequently, Jeff held a meeting with the Director of the program, who encouraged participation. He noted that if there is a student interested in working with the Association there is no obligation to pay or house the student, but the student does need to work directly under supervision and would need a work space within the office. NACO would have the final choice on any specific student and there is no obligation to accept an intern. The second program, through the McGeorge School of Law, is directly related to water law and natural resources. In that program the law and master degree student(s) remain at school and complete research projects and develop briefs regarding specific issues by request, and are overseen by the director of the program. Jeff noted there would be minimal if any expenses related to the second option as well and inquired as to the Board's appetite for participation in the programs. Past President Wichman and Commissioner French stated that both sound like good opportunities. It was clarified that the UNLV program does not require compensation, but Commissioner Irwin noted that the ability to include this type of experience on a resume often outweighs the lack of compensation. Commissioner Fierro noted that these opportunities are a winning situation for both the prospective students as well as NACO. Tori noted that last year the students received a housing stipend through the UNLV program but they would not receive the stipend for the next session. Commissioner Tipton noted that the Public Lands Committee is in favor of utilizing the opportunities. Past President Wichman noted that compensation could be considered by the Board on the situation or needs of the person selected for participation. The Board voted to move forward with participation in both programs on a motion by Past President Wichman with second by Commissioner Fierro.
12. **Presentation on the 2016-2020 Nevada Strategic Highway Safety Plan and Possible Action to Support Nevada's Goal of Zero Fatalities.** Ken Mammen of NDOT gave a presentation on the plan that identifies areas of concern for fatal auto accidents and how NDOT identifies the critical areas of emphasis. He outlined for the Board the five year statistics of fatal accidents and the plan's goals in each of the six areas of emphasis: Impaired Driving, Intersections, Lane Departures, Motorcycles, Occupant Protection & Pedestrians. The presentation showed that fatalities are below the targeted goal in all areas with the exception of Pedestrians and Motorcycles. He identified nine proven crash countermeasures and informed the Board that work is being completed throughout the state to install countermeasures such as median barriers, pavement safety edges, roundabouts and roadside flattening. Commissioner Dahl and Past President Wichman both commended the program and the work completed. Jeff noted that NACO is a member of the Executive Committee on Traffic Safety and that he is the Board's representative on the Committee. He recommended approval of the Partner's Pledge and authorization for him to sign as NACO's Executive Committee representative. Commissioner Tipton moved for approval and authorization and Commissioner Irwin seconded the motion, which passed unanimously.
13. **Update and Possible Action regarding the Proposal to Consolidate the University of Nevada, Reno College of Agriculture, Biotechnology and Natural Resources, Cooperative Extension, and the Nevada Agriculture Experiment Station which will be Heard by the Board of Regents of the Nevada System of Higher Education Board at their Meeting on September 8 and 9, 2016.** Dagny updated the Board that there had been some progress made on the list of assurances requested by the Board, through the efforts of the Working Group, and that the current UNCE budget proposal includes a cut to Cooperative Extension but an increase to UNR. She also provided an update on the meeting that she and Jeff had with Interim Chancellor White and the Chair of the Board of Regents. Dagny reported that she believed that both the Chancellor and the Chair, following their meeting, have a good understanding of the lack of stewardship (as described by the Interim Chancellor) of the program and are willing to discuss funding in the next biennium. Also, the Chair gave NACO his word that he would be an advocate for the Extension program and will work toward getting the Regents more comfortable with the issue. She noted that the Regents will meet on September 8th and 9th and that, in the supporting materials for that meeting NACO's correspondences were mostly included but other letters of opposition from counties were not. She referred to the template letter included in the packet to the Regents and suggested that if Commissioners individually and/or as a Commission decided to send letters that they include any previous correspondence as

well. Dagny then spoke to the draft of a NACO position letter and requested direction and/or revision of those letters. Jeff stated that if approved the position letter would be sent directly to the Regents and that NACO would be attending the Committee meeting on the 8th to provide comment because the issue is on the consent agenda on 9th. He inquired if any counties had reduced the property tax rate for the program other than Nye County and none had. He also suggested inclusion of county specific information within their letters regarding important services provided and reduction or deletion of services. The preliminary letter was approved with the Working Group approving the final letter for transmission on a motion by Past President Wichman with concurrent second by Commissioners Tipton and French.

14. **Update on Proposed Federal Legislative and Regulatory Measures Including but Not Limited to; Tax-Exempt Status of Municipal Bonds, Marketplace Fairness Act and Payments in Lieu of Taxes, and Possible Action regarding the U.S. Department of Justice's Proposed Website Accessibility Regulation for State and Local Governments under the Americans with Disabilities Act.** Dagny informed that there is a PILT fly in to Washington DC in September and that a new draft of the Marketplace Fairness Act was released. She stated that the Department of Justice is working on a rule that would require websites to have accessibility such as audio for the blind etc., which would require special coding and could potentially increase costs to counties. Comments are due October 7th and Dagny informed the Board that NACO has a template letter available. No action was taken.
15. **Update on AB191 Enacted in the 2015 Legislative Session which Authorizes a County to Place on the Ballot at the General Election on November 8, 2016 a Question which Asks the Voters in the County whether to Authorize the Board of County Commissioners to Impose, for the Period beginning on January 1, 2017, Annual Increases to Taxes on Certain Motor Vehicle Fuels.** Jeff noted that the questions have been submitted for each county and that many are still working on arguments. He said also that he has worked with several of the committees on developing the arguments. He noted that several counties had questioned where the bill specifically stated that the funds would go back to the counties and informed the Board that Scott Scherer from Holland and Hart provided a legal clarification that the actual federal tax isn't being indexed, the index is on the amount of the tax and therefore can be returned to the counties. Commissioner Tipton spoke to issues being raised in Mineral County that the indexing could reach \$.30 in the ten-year lifespan and noted that it needs to be stressed that a large portion of the indexing is on diesel fuel and the majority of diesel fuel is purchased by transient drivers through the counties. Jeff referenced the spreadsheet in the packet that shows a calculation of potential revenue in sales of both regular gas and diesel fuel as well as an NDOT traffic report that can be found online showing the patterns of traffic. He suggested that this information could assist with arguments. President Carson noted that White Pine County will be hosting a Town Hall meeting to inform their residents about the issue and Commissioner Tipton noted that Mineral County has asked Jeff to come to their Commission to do the same.
16. **Presentation on Nevada's Property Tax Laws.** Washoe County Treasurer, Tammi Davis presented to the Board on a history of and current challenges with Nevada's property tax laws. Tammi outlined Article 10 (1864) of the Nevada Constitution, which created the property tax; the 1979 rate cap of \$3.64/\$100; the 1981 shift from market to taxable value; 1991's Fair Share Legislation which attempted to correct inequities of the 1981 shift; and finally, the caps of 3 & 8% and accompanying changes that were put into the formula in 2005. She outlined the consequences of the 2005 legislation that created partial abatements and the current tax formula at which tax increases are capped. The result of unintended consequences in the "secondary cap" portion of the current formula is that for FY16/17 six counties are at a .2% increase and three additional counties are capped at less than the intended 3% cap, causing these counties financial distress. Commissioner French inquired as to whether there was a plan for a legislative fix and Ms. Davis said that she is aware it will be a topic of discussion and Jeff also noted that it would be addressed in a later agenda item. Tammi also reminded the Board that she as well as the individual county treasurers are also a resource for additional information and explanation of the situation.
17. **Update on Interim Legislative Committees and Studies, Legislative Priorities and Possible Approval of NACO Bill Draft Requests for the 2017 Legislature.** Jeff noted that there are a lot of committees and groups talking about various issues and that BDR's have been submitted and that the

Board must decide on what NACO's BDR's would be for the upcoming session as they are required to be submitted on September 1st. Dagny informed the Board that Clark County has four BDR's including: a study on how METRO is funded; a BDR addressing annexation issues; a proposal re presentence investigation reports to enable complete cost take over by a county or allow the County to produce the reports; and a proposal to authorize the County to expand the Indigent Tax Levy for the Upper Payment Limit to capital improvements for county hospitals. Washoe County has submitted a BDR to make changes to the Regional Governing Board. Dagny then outlined the BDR proposals submitted by the NACO Legislative Committee for Board consideration. The first would make two fixes to the formula that governs the "secondary cap" on property taxes by revising the threshold below which the amount of the cap cannot drop and adding a rolling average for the Consumer Price Index (CPI) calculation portion of the formula. She noted that changing the CPI portion of the formula would assist counties in having more certainty in revenue projections and that the changes proposed would fix the unintended consequences of the 2005 bill. She noted that NACO has been a part of the working group headed by Jeremy Aguero that has been working on this issue. NACO will continue to work with that group on what the threshold and average might be for this placeholder BDR. Commissioner Fierro asked if the county comptrollers and assessors had been involved in that discussion and Dagny noted that assessors and fiscal officers from around the state are part of the working group. Jeff noted that per the LCB the BDR could be withdrawn in November following the election if there was a bill submitted by a Legislative Leadership and or a Committee Chair that addresses the same issue.

Commissioner French inquired about term limits for appointed and other elected officials specifically for boards such as GID's that are not filled due to term limits and lack of interested candidates. Commissioner Waits echoed those concerns with regards to Lander County's water board. Dagny noted that there had been discussion prior to the last session and a Legislator had brought a bill to address term limits, however that bill did not go anywhere.

The second proposed BDR would make changes regarding pre-sentence investigation reports by reducing the costs allocated to counties for the preparation of the reports by DPS from 70% to 30%. The bill would also enable counties to choose to produce the PSI's themselves, or pay 100% of the cost for production of the PSIs. This would be a similar bill to the NACO bill brought during the 2015 session, and the second, enabling portion, would be modeled after Clark County's similar proposal.

The third proposal would make changes to the UNR Cooperative Extension (UNCE) program and would require that State funding for the program match the total amount that counties provide. The calculation for the county contribution to Extension would include salaries, buildings housing UNCE programs and materials. The requirement for the State to match county contributions would not take effect until the second year of the biennium, 2018/2019. The proposal would also require NSHE to report to the Legislature's Interim Finance Committee annually prior to April 15th regarding the program and updates on the progress of creating a funding plan and county relationships. This BDR proposal was a result of collaboration with NACO's UNCE Working Group and the Legislative Committee. She noted that the University has no interest in increasing funding for the program in the current biennium and that because the funding that would be required of the State if the bill was enacted the bill would not take effect until the second year of the next biennium.

The fourth and fifth proposals would make changes to the office of Public Administrators, by enabling counties to abolish the office and then administratively perform the duties through a county office or the sheriff's office, and make changes to the office and duties of district attorneys. She noted Mr. Jackson's concerns with the fifth proposal heard in public comment. Dagny discussed the fact that Lyon County has been working on a bill with a Legislator that would possibly abolish all public administrators. That bill would allow current administrators to be grandfathered in until they were termed out. Mr. Roshak asked if there had been any outreach to the Sheriffs regarding the public administrator proposal and it was clarified that there had not yet been outreach because this is the first time the proposals had been brought to the NACO Board for discussion. Ms. Davis voiced concerns with the elimination of an elected office. Commissioner Tipton spoke to the issues regarding public administration in Mineral County and the lack of interest in the position due to lack of compensation. It was noted that Nye County had received some assistance in the last session regarding reporting for the Public Administrator but those changes were minimal and not very effective. Commissioner Fierro noted that having public administrators under the office of the district attorneys could reduce or

eliminate issues experienced across the state. Dagny noted that some states and cities do separate the civil and criminal duties of district attorneys and noted that the Committee had discussed issues with commissions not receiving proper advice during Board meetings on things like the Open Meeting Law. She also referenced the Esmeralda County bill that was passed in order to mandate district attorneys perform their assigned duties. Past President Wichman noted that following a discussion with a member of the District Attorneys' Association she was led to believe that they would be welcoming of the separation but that Nye County's current issue may not be the best use of NACO efforts as she was given inaccurate information.

Past President Wichman made a motion to move forward with proposals 1-4 and Commissioner Tipton seconded the motion. Ms. Davis and Mr. Roshak again expressed concern with seeking changes to an elected official's position. Commissioner Wichman noted that while she agreed that the fourth proposal was questionable, something needed to be done to address the issues with the public administration process. She said there was little funding for them and so many administrators must spend their own money and most times are never able to recoup the funds they spent. Commissioner Fierro inquired as to the Committee's discussion regarding the changes to the election process and Dagny noted that it was a specific Legislator who made that change and that the Legislator wasn't interested in rolling it back but that it had been suggested that one fix was to make county commissioners non-partisan. She recounted also that the Legislative Committee did not think that making Commission seats non-partisan was a viable proposal. Jeff noted that it is a much larger issue than just county races and any changes would be a much heavier lift than counties could manage. Commissioner Irwin brought up the Live Entertainment Tax within the Committee and noted that issue was also dropped from the discussion. President Carson called for a vote on the motion on the floor and Ms. Davis stated that she could not support the fourth proposal. Jeff noted possible constitutional issues with the fourth proposal as well. Commissioner Thayler expressed support for Ms. Davis' comments regarding the fourth proposal. Past President Wichman amended her motion to accept BDR proposals 1-3 and Commissioner Tipton amended her second. The Board unanimously approved submittal of the first, second and third BDR proposals.

18. Update and Possible Action Regarding Public Lands and Natural Resources Issues Including:

- a. The Bureau of Land Management's Draft Resource Management Plan (RMP) for Southern Nevada (Las Vegas and Pahrump Field Offices).** Public Lands and Natural Resources Committee Chair, Commissioner Tipton informed the Board that this item is on hold pending a possible plan amendment or additional EIS from the BLM.
- b. BLM's RMP for the Basin and Range National Monument.** Tori inquired as to the Board's appetite for engaging in comments. Past President Wichman inquired as to what would be gained since the Monument is done and that since it only affects two counties there are better uses of NACO staff time. Dagny stated that she had attended a meeting on the subject and noted that counties were encouraged to submit comments specifically on the travel management plan. Commissioner Dahl noted that it is expected for Gold Butte to be declared a monument before the end of the year and efforts may be better spent commenting on that. Past President Wichman again stated that while she appreciated the Board's willingness to discuss the issue she feels that it is a two county issue and NACO staff time and resources would be better spent elsewhere. No action was taken.
- c. BLM's Proposed 2.0 Planning Regulations.** Commissioner Tipton noted that the regulations will be published by late January 2017. Tori added that there would be no additional meetings held and that the BLM had stated that every line in the regulations would be conscious decisions and all comments had been read.
- d. National Wild Horse and Burro Rangeland Management Coalition.** Commissioner Tipton stated that the organization currently has no Nevada representation and the Committee had been approached regarding membership. She stated that there are two types of membership, paid and voting and non-paid but acting in an advisory capacity. Dagny stated that the group works nationally on the issue and have lobbyists in Washington D.C. Commissioner Tipton further informed the Board that the group's goal is to get several state association of counties as general members and then to hopefully get the National Association to sign on as a voting member. The Board expressed support for joining and it was requested to place the item on a future agenda for action.

- e. **BLM's Proposed Sagebrush Focal Area Withdrawal Environmental Impact Statement.** Tori noted that there is a non-disclosure agreement in place and that the mineral potential reports and DEIS have not yet been released. She has been participating with the BLM and the cooperators and if anyone has ideas or information to send it to her and noted that their schedule is aggressive and more information is needed. Commissioner French informed the Board that regarding discussions on pending decisions within the SFA that Humboldt County has been told that they hadn't filled out the applications and that they don't have a file even though they have been in the process for up to nine years.
- f. **Socioeconomic Impacts Analysis for BLM and U.S. Forest Service Land Management Plans.** Commissioner Tipton noted that Tori had a meeting with Buddy Borden and Tom Harris and that Mr. Borden had worked with the University of Wyoming to develop socioeconomic profiles for each county in the state and that those profiles are used for various reasons. She noted the impacts of not having these types of profiles and that the goal would be to develop these plans and ultimately get the BLM to accept them and have them available for county uses as well. She noted that Wyoming has a fund set up for these types of studies.
- g. **The Center for Biological Diversity's Lawsuit against the U.S. Fish and Wildlife Service Seeking to Vacate their Decision not to List the Bi-State Sage Grouse as an Endangered Species.** Tori reminded the Board of the decision not to list the bird based upon the Bi-State Action Plan. She noted that the suit was brought to challenge that ruling and inquired as to the Board's appetite for getting involved. Commissioner Tipton noted that event though this issue affects only five counties if the suit is successful it will set precedent that will affect other issues going forward. Commissioner French stated that the decision not to list was based on a LUPA more restrictive than the listing would have been and that it is important to defend the decision not to list, and that their plan is to adopt an Amendment similar to that of the Greater Sage Grouse. Commissioner French noted that with intervenor status we need to be consistent and that it is important to support the five counties concerned. Tori outlined options from doing nothing to filing an amicus brief to filing for Intervenor status. She said that intervenor status would enable much more access and ability to file briefs and participate in any settlements. Commissioner Dahl noted that the Public Lands and Natural Resources Committee recommends intervenor status. Jeff clarified that it was important to get input from the five affected counties prior to filing for the status. Commissioner Dahl moved to file for intervenor status upon the agreement of the five affected counties and the motion passed on a concurrent second by Commissioners French and Tipton.
- h. **The July 26th House Natural Resources Committee Field Hearing in North Las Vegas.** President Carson spoke on the hearing noting that there were representatives from several counties in attendance and that in her opinion BLM Director Ruhs was treated badly and suffered several derogatory comments, despite his only being in the position for eight months. She noted that Esmeralda County Commissioner Boland suggested a letter from NACO to Director Ruhs showing support. Past President Wichman stated that any chance to offer support to an agency we are traditionally fighting is good. Commissioner Dahl agreed that supporting the Director is important but writing a letter might not be the appropriate course of action regarding this situation. Jeff agreed that the Director is good to work with and that we don't want him to think that we agree with his treatment – he suggested that maybe a call to the Director is a better course of action than a letter. The Board was supportive of Jeff placing a call to Director Ruhs.
- i. **Update on the Legislative Public Lands Committee's Recommendations.** Jeff referred to the work session document included in the packet that Tori had marked up for the Board to review.
- j. **NACO's Role in Assisting in the Development of a Legal Protocol for RS2477 Rights-of-Way (Senate Bill 456 from the 2015 Legislative Session).** Past President Wichman noted that the current issues are related to the rulings in the 10th District Court and not the protocol once an inventory is determined. President Carson stated that the item would be placed on a future agenda for more in depth discussion and Tori noted that at the last meeting of the State Land Use Planning Committee that the Attorney General's office offered assistance.

Note: The NACO Board of Directors May Interrupt the Open Meeting and Exclude the Public from the Meeting for the Limited Purpose of Receiving the Information and for Deliberation Relative to Agenda Item #19 below:

- 19. **Discussion and Possible Action regarding the Bureau of Land Management's and U.S. Forest Service's Greater Sage-Grouse Approved Resource Management Plans (ARMP'S) including the**

The Complaint for Declaratory and Injunctive Relief Filed by Western Exploration LLC, Elko County, Eureka County, Quantum Minerals, White Pine County, Lander County, Humboldt County Ninety-Six Ranch, LLC, Paragon Precious Metals, LLC, Churchill County, Washoe County and the State of Nevada. This item was heard in closed session, no action was taken.

20. **Update on the Southern Nevada Public Land Management Act (SNPLMA) Partners Working Group.** Dagny informed the Board that she is the Board's representative to the Group. She gave a brief history of the Act and the program created, which funds projects in various parts of the State through the sale of BLM lands surround Las Vegas. She informed the Board that the Secretary decided to have an expedited round outside of the regular scheduled cycle. She noted that the Partners Working Group pared down the submitted projects for the Expedited Round to \$100M and the Executive Committee added an additional \$5M in projects. She noted that White Pine, Lincoln and Clark Counties were recommended to receive funding for projects. The next round of funding will occur in the spring of 2017 and is expected to be in the range of \$70M. She added that additional lands continue to be sold to add monies to the Fund. At the request of Commissioner McGuffey President Carson described the application process and noted that Counties are only eligible for funding if they were included in the original legislation or have a lands bill that would include an appropriate program for land sales.
21. **NACO Committee of the Emeritus Update.** Dagny reminded the Board about the upcoming workshop on Public Lands Laws will be held on September 9th and that Tori and Laura Granier would be providing instruction on NEPA, FLPMA and the ESA.
22. **National Association of Counties and Western Interstate Region Board Member Updates.** Commissioner Dahl reported that at the WIR meeting in Jackson Hole they were informed that there was an effort to change the WIR platform regarding land transfers and that effort failed miserably at the National Association's Conference in Long Beach. Commissioner Tipton also noted that the same persons are attempting to change National's policy regarding the required voting numbers to write a minority report.
23. **NACO Board Member Updates.** Past President Wichman informed the Board that she was just informed that the BLM was tasked to see about strategic grazing to reduce fine fuels for wildfires and that they will be holding a meeting on October 6th in Reno. She said that registration is requested prior to the meeting and she feels it is a good opportunity to show support for an agency we are normally in opposition to. Commissioner Waits announced that Lander County just hired a new Aging and Disability Administrator. Commissioner Herman informed the Board that the meeting of the Legislative Interim Subcommittee to Study Water had overflowed into more than four rooms and included lots of opposition to the recommendations. Jeff read notes from Commissioner Irwin announcing that he was appointed to the Juvenile Justice Commission for the State, that he was honored to serve on the NACo Board of Directors, that the Pershing County Lands Bill will be moving forward in Washington and that he has requested to be replaced on the BLM RAC by Commissioner French.
24. **Public Comment** – None was given

The meeting was adjourned at 2:45 PM.