

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting
November 17, 2017, 9:30 a.m.

ADOPTED MINUTES

ATTENDANCE: Vice President Waits, Past President Wichman, Humboldt County Commissioner French, Elko County Commissioner Dahl, Washoe County Commissioner Herman, Churchill County Commissioner Olsen, Esmeralda County Commissioner Bates, Storey County Commissioner McGuffey, Douglas County Commissioner Thaler, Mineral County Commissioner Tipton, Eureka County Commissioner Goicoechea, Lyon County Commissioner Alt, Pershing County Commissioner Shank and Nancy Parent, Nevada Clerks and Election Officials Association.

REMOTE ATTENDANCE: President Elect Weekly, Clark County Commissioner Kirkpatrick and Bob Roshak, Nevada Sheriff's and Chief's Association.

OTHER ATTENDANCE: Dean Bill Payne, University of Nevada College of Agriculture, Biotechnology and Natural Resources; Lee Bonner, NDOT and Ronald Mobley, BLM Nevada.

The meeting was called to order by Vice President Waits who informed the Board that President Elect Weekly would be taking over the meeting shortly.

1. **Public Comment.** Dean Payne informed the Board that the new Director of Cooperative Extension, Dr. Ivory Lyles had started with the University on Nov. 1st and he is expected to attend the December meeting of the Board.
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Tipton with second by Commissioner Bates.
3. **NACO President's Report.** President Elect Weekly extended President Phillips' regrets for not being able to attend the meeting. President Elect Weekly noted that he would speak with President Phillips about placing an item on a future agenda regarding federal policy to allow heavier and longer commercial truck traffic on our roads and the impact to counties.
4. **NACO Executive Director's Report.** Dagny informed the Board that Mr. Phil Cowee had been appointed to head the Nevada USDA Rural Development office. She noted that he is from Lyon County and had formerly worked as the Finance Director for the Lyon County School District. She also informed the Board that of the six names the Board had submitted to Governor Sandoval for appointment to the Nevada Right to Council Commission, Mayor Crowell, Commissioner Tipton, former Nye County Commissioner Joni Eastley and former Assemblyman Tom Grady had been appointed as NACO's representatives to the Commission. Dagny noted that links to the Unmanned Aerial Systems (UAS) Pilot Program were included in the packet, and informed the Board that counties can apply to be a part of the program to develop rules and regulations regarding to drones, as well as to partner with industry if they are interested in economic development related to drones. She also informed the Board that the State Demographer had reached out to NACO regarding to the 2020 Census LUCA Program and that the deadline to sign up for participation is December 15th. She noted that participation is important as it relates directly to the amount of federal dollars counties receive. Dagny concluded by reminding the Board that registration for the NACo Legislative Conference in March in Washington D.C. was open. The Board was asked to make sure that Amanda is informed of who from each county will be attending the Conference.
5. **Approval of Minutes of the October 20, 2017 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Herman with second by Commissioner Tipton. Commissioner French abstained as he was not in attendance at the meeting.

6. **Final Update on NACO's 2017 Annual Conference.** Dagny referenced the summary of the budget and income from the conference included in the agenda packet. Amanda noted that Humboldt County's donation of the use of the facility and the convention center authority board's waiving of the 15% catering fee was a large part of the financial success of the event. She noted that a survey had been sent out regarding the Conference and thanked those who had completed it. President Elect Weekly lead a thanks to Humboldt County for hosting and thanked staff for their hard work. Commissioner Thaler inquired about the income brought in from the Silent Auction. Amanda noted that it was the highest since she had been at NACO. Commissioner McGuffey noted that he was very impressed with the way the event was handled and noted that Amanda is instrumental in executing the Conference. Commissioner Bates made special note of the Humboldt County Staff and how helpful and friendly they were.
7. **Approval of NACO Board Meeting Dates for 2018.** Dagny referenced the proposed calendar in the agenda packet and noted that President Elect Weekly had requested that two meetings be brought to Clark County; she also noted that in the past NACO meetings had been held in different locations around that State and that there was room in the budget to accommodate. President Elect Weekly informed the Board that he would raise funds to assist with staff travel for the meetings and Commissioner Kirkpatrick said that she would partner with President Elect Weekly to raise the funds. Commissioner Tipton noted that during her term as President the Association's meetings were held throughout the State but that the practice had been suspended but that she believes is important. President Elect Weekly informed the Board that he is planning a tour of the other counties after the first of the year. Vice President Waits noted that she believes it is a wonderful idea and inquired about moving the April meeting to the 20th. The calendar was approved with the change to the April meeting date on a motion by Past President Wichman with second by Commissioner Tipton.
8. **Preliminary Discussion of NACO's 2018 Budget.** Dagny informed the Board that she has been working on the budget for a while with cooperation from Jeff as it came at the beginning of her transition. She noted the dues calculation included in the packet and that the public lands portion is proposed at .5% as per the actions of the Board the previous year. She also noted that the total dues revenue for 2018 would increase by 1% over 2017. She referenced the line item breakdown and associated descriptions. She discussed the increase in the line item for healthcare costs per her discussion with the insurance provider and the increase in the Board meeting line item to support the two meetings in Clark County. Dagny continued the review of the budget with a discussion of staff salaries. The proposed budget contains an increase in Tori's salary of 9%, which is comparable to the low end of similar positions around the State, and a change in her title from Public Lands and Natural Resources Coordinator to Public Lands and Natural Resources Director.. She also discussed Tori's legal representation of the Association in those public lands related legal matters that the Board has approved, and proposed to use the Special Studies and Litigation line item in the budget for additional compensation for Tori's legal work, on a case by case basis. The proposed budget also includes a 3% increase for Amanda, and Dagny noted that what she would like to do is conduct an analysis of Amanda's current responsibilities, her original job description, and possible new duties, and bring an additional salary adjustment for Amanda back to the Board in early 2018. She noted that there is room for both proposals in the Budget due to cost savings associated with the Executive Director transition and that both proposals were items that she and Jeff had been discussing prior to the transition. Past President Wichman noted that the proposals are excellent. Commissioner McGuffey inquired as to the effective dates of the increases and it was clarified that the proposed increases would take effect on January 1 and that any additional adjustment in Amanda's salary above the 3% would be brought back to the Board following an evaluation of her position. Commissioner Thaler inquired as to how the additional funds for Tori would work, and whether they would count as salary or bonus and also be subject to benefit contributions. Commissioner French and Past President Wichman agreed that Tori's work product is excellent and mentioned that she has been recognized by other states and counties. Dagny assured the Board that she will look into the legalities of the proposed bonus structure and bring those findings back to the Board. Vice President Waits inquired as to the salary for the Deputy Director and Dagny informed the Board that the range announced was \$65K to \$79K and that the high range had been built into the budget proposal. She said that the actual salary would depend on the person hired. The budget will be brought back to the Board for final approval in December.

9. **Approval of the appointment of Jeff Fontaine to serve as NACO's representative on the Health and Human Services Grants Management Advisory Committee.** Mr. Fontaine was appointed to the Committee on a motion by Past President Wichman with second by Commissioner French.
10. **Approval of the Reappointment of Jessica Colvin, Clark County CFO, to Serve as One of Three NACO Representatives on the Committee on Local Government Finance.** Ms. Colvin was reappointed to the Committee on a motion by Commissioner Tipton with second by Past President Wichman.
11. **Presentation on the Southern Nevada Public Lands Management Act, Ron Mobley, Special Legislation Program Manager, BLM Nevada.** Dagny provided a brief overview of the program and reminded the Board that she is the Association's representative on SNPLMA. Mr. Mobley gave a brief history of the Act and noted that about 30K acres have been disposed of generating nearly \$3.4B with 1,459 projects approved. The funds can be used for the development of parks, trails and natural areas in Clark, White Pine, Lincoln counties and Carson City; and conservation easements and hazardous fuels projects in Douglas, Washoe, Nye, Clark and Carson City. He also discussed environmental sensitive land acquisitions including conservation easements, and the process for developing and applying for conservation easements. Discussion among the Board included the number of acres of conservation easements acquired (roughly 2200 in Douglas County) and the length of the process. There was also general discussion about the SNPLMA program and its history. complete.
12. **Update and Discussion on the ACLU's Lawsuit Against the State of Nevada and Governor Sandoval Regarding Indigent Criminal Defense in Nevada.** Dagny informed the Board that the long-threatened lawsuit against the State of Nevada regarding indigent legal defense in the rural counties had been filed. She noted that the good news was that the counties were not named in the suit, only the State as the Brief includes evidence that pivots back to the State's responsibilities and the unfunded mandate to the counties. She informed the Board that it is believed that the ACLU recognized NACO's work on indigent defense over the last several sessions (NACO submitted bills regarding indigent legal defense 4 of the last 5 Sessions). There have also been lawsuits in other States that affirmed the responsibility of the states to provide indigent defense. Commissioner Tipton inquired as to a meeting of the Right to Counsel Commission and Dagny informed the Commissioner that it is currently unknown when the meeting will be called but it is expected any day. Commissioner McGuffey noted that as a former Judge the topic of indigent defense has been on his radar for some time and offered his assistance.
13. **NACO Committee of the Emeritus Update Including Possible Approval of Materials for Counties to Use for Outreach to Candidates for County Offices.** Past President Wichman informed the Board that it was her pleasure to serve as the Chair of the Committee of the Emeritus for the past two years. She referenced the two documents included in the agenda packet. Regarding the Outreach to Candidates for County Offices document, she noted that she hopes it will cause candidates to think about and research the actual responsibilities of the positions. Past President Wichman also spoke to the ambassadorship to Legislators struggling to understand the rural counties and encouraged the Board to reach out to urban Legislators and let them know about the rural counties. Commissioner Tipton noted that the draft of the Becoming a County Commissioner is excellent and noted that it could be tailored to other elected offices. Dagny informed the Board that the intent was to include other elected officials and to do outreach and motivate high quality people to run for county office. She requested direction from the Board as to where it could be shared and approval of the document. Ms. Parent noted that they may not be able to distribute the document but she would pole her fellow Clerks and election officials and get back to staff. The document was approved on a motion by Commissioner Tipton with second by Commissioner French. Dagny inquired if any of the counties had staff that could help polish up the brochure to let her know. She also reminded the Board of the upcoming Dec. 1 workshop on Medicaid as well as the three subsequent workshops being hosted by the Committee.
14. **Discussion and Possible Action Regarding a Bill Proposed by Senator Cortez Masto to Direct the Secretary of Transportation to Establish the Strengthening Mobility and Revolutionizing Transportation (SMART) Challenge Grant Program to Promote Technological Innovation in Our**

Nation's Cities. Dagny informed the Board that the Senator had reached out asking NACO to support the bill. She noted that it is a bi-partisan bill and it requests the Secretary of Transportation to create grants counties can use, for both small and large counties, for technology related to transportation. She noted that NACo and some of the RTC's support the bill. Commissioner Tipton inquired as to pros and cons of the bill and Dagny said after studying the bill that she believes it is rather innocuous. Commissioner French inquired as to if there would be additional funds needed and Dagny clarified that it is a request for funds to be set aside and would not require a budget augmentation. Mr. Bonner noted that grants would take funding from somewhere else. Support was approved on a motion by Commissioner Tipton with second by Commissioner French.

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

a) Greater Sage-Grouse.

- i. Discussion on NACO's Engagement in the Greater Sage Grouse Land Use Plan Amendments and possible discussion of the Complaint for Declaratory and Injunctive Relief Filed by the State of Nevada and Nine Nevada Counties.** Tori referred to the 2015 Record of Decision including the landscape scale planning decisions and the lawsuit filed and won that requires the agency to redo their plan amendment. Per the Secretarial order the NEPA process cannot take longer than one year and the scoping comment period would end Nov. 30. She noted that it is important to engage in the scoping process and that some of the affected counties had hired a consultant to prepare comments and that NACO would be submitting comments as well. She noted that technical information would be important during the EIS process as well, which would occur over the next ten months and also require comment. Vice President Waits inquired as to how many counties had engaged a consultant and Commissioner French noted that six counties had contracted with Holland & Hart for scoping comments. Commissioner French also noted that it is important for non-sage grouse counties to become involved because from a policy standpoint the protocol used for this process for sage grouse would likely be repeated for other species. Past President Wichman inquired as the use of RCI and Holland & Hart and Commissioner French noted that Laura Granier who handled the lawsuit is now with Holland & Hart and her involvement in the scoping process is important to ensure that nothing gained in the suit would be left on the table during the scoping process. Tori clarified that the EIS is the ideal time for additional counties' involvement. Commissioner McGuffey inquired as to what was being requested of the non-affected counties and it was noted that Storey County has Cooperating Agency status and should comment. Commissioner French noted that he would be taking the draft Comments in item ii back to his Commission and requesting approval.
- ii. Possible Approval of NACO's Scoping Comments on the Greater Sage Grouse Land Use Plan Amendments (82Fed. Reg. 47248)(Oct. 11, 2017).** Tori referenced the list of five items to be addressed in the comment letter that were included in the packet – she requested approval of the items and direction to allow her to work with the Public Lands and Natural Resources Committee to finalize the comment letter. Approval and direction was given as requested on a motion by Past President Wichman with second by Commissioner Tipton.

- b) 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 and NACO's Motion to Intervene on behalf of the F&WS.** Tori referenced the filing of the brief in partnership with the Nevada Attorney General's office and Mono County, California on October 27th. She informed the Board that the plaintiff's reply is due December 15th, the Department of Justice's reply will be filed January 30th, February 6th our final reply will be due and oral arguments will take place on March 16th in San Francisco. Commissioner Tipton asked whether any progress is being made and Tori said that she thinks it is important that we are acting as an intervenor because the court in San Francisco likely has a lack of knowledge in this area and are used to seeing NGO's suing; but that it is important and rare for a state and local governments to support an agency in this type of case. Tori noted that cross administration support was also important in proving the benefit of local conservation efforts.

- c) Discussion and Possible Approval of a Letter from NACO in Support of S. 282, The Public Lands Renewable Energy Development Act (PLERDA).** Tori informed the Board that a similar bill has been brought since 2013 and that there is a line item within the Act that requires cost

sharing of 25% to counties for renewable energy developments. Dagny noted that the Association has supported almost identical Legislation previously and that NACo is in support of the Act as well. Tori noted that one letter is addressed to House leadership and one is addressed to the Senate committee where the Act seems to be stalled. Dagny also noted that approval was also needed for her to sign in lieu of President Phillips as he is currently out of the country. The letters were approved to be signed by Dagny on a motion by Commissioner French with second by Commissioner Bates.

16. National Association of Counties and Western Interstate Region Board Member Updates.

Commissioner Tipton informed the Board that she would be attending the Board of Directors winter meeting in early December. Commissioner Dahl noted that he had reported on the recent WIR meeting in October and reiterated that the group's overarching priority is wildfire.

17. NACO Board Member Updates. Updates were given by members of the Board on issues and events occurring in their counties.

18. Public Comment. None was given.

The meeting was adjourned at 12:10 p.m.