

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting
October 19th, 2018, 9:30 a.m.
Clark County Government Center
Pueblo Conference Room, 1st Floor
500 South Grand Central Parkway
Las Vegas, NV 89155

ADOPTED MINUTES

Attendance: President Weekly, President Elect Waits, Vice President French, Mineral County Commissioner Tipton, Lyon County Commissioner Hunewill, Clark County Commissioner Kirkpatrick, Lincoln County Commissioner Higbee, Elko County Commissioner Steninger, Nye County Commissioner Schinhofen, Washoe County Commissioner Hartung and NACO Staff (Dagny Stapleton, Vinson Guthreau, Sandy Hoover and Amanda Evans)

Remote Attendance: Nye County Commissioner Wichman, Washoe County Commissioner Lucey, Churchill County Commissioner Olsen and Nancy Parent, Nevada Association of Clerks and Election Officials

Other Attendance: Nye County Manager Tim Sutton, Washoe County Manager John Slaughter, Clark County Manager Yolanda King, Nye County Public Information Officer Arnold Knightly, Alex Ortiz, Kathleen Walpool, Justin Harrison, Ariana Saunders, University of Nevada Cooperative Extension Director Ivory Lyles, Eric Killian, Murph Glover, Edgar Patino, Christina Bailey and Cynthia Alejandre

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

1. **Public Comment.** None was given
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Tipton with second by Commissioner Hartung.
3. **NACO President's Report.** President Weekly thanked the Board for traveling to Clark County and thanked Commissioner Kirkpatrick and her family for hosting the previous evening's dinner. President Weekly thanked President Elect Waits for her assistance in chairing the September meeting of the Board as he was attending remotely. He encouraged the Board to view the 1 October memorial in the Clark County Government Center's lobby and reviewed the ceremonies that took place earlier in the month on the anniversary of the tragedy. President Weekly encouraged the Board to participate in the boots and denim theme for the President's Reception at the Association's upcoming conference and concluded his remarks by recognizing Commissioner Wichman's birthday.
4. **NACO Executive Director's Report.** Dagny reminded the Board that the Association's Annual Conference is the following month and that each county is responsible for providing a silent auction item for the event. She informed the Board that the Nevada Division of Forestry has an advisory committee that the Association has a representative on. Former Pershing County Commissioner Irwin was the Association's appointee to that committee and as he has stepped down, the seat is now open. She outlined the activities of the committee include fire prevention projects and grant funding. She requested that any Board members, Commissioners or key county staff persons with fire background who are interested in serving on the committee please contact her.
5. **Approval of Minutes of the September 28, 2018 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Tipton with second by Commissioner Hartung.
6. **Discussion and Approval of 2019 NACO Board meeting dates.** Dagny referenced the proposed calendar included in the agenda packet and President Elect Waits suggested having a meeting in Clark County, possibly in November. Commissioner Kirkpatrick suggested having a Clark County

meeting in February and the Board expressed concern with staff being away from Carson City during the Legislative Session. There was additional discussion about the benefit of having a Clark County meeting prior to the National Association of Counties Annual Conference next July. NACO Staff was instructed to continue discussions on a possible meeting in Clark County and the item will be brought back to the Board for approval.

7. **Preliminary Discussion of NACO's 2019 Budget.** Dagny reviewed the preliminary budget and summary distributed to the Board. She informed the Board that she is continuing work on the budget with the Association's Fiscal Officer, Alan Kalt, and that the final budget proposal will be brought back to the Board in December for approval. Highlights covered during the discussion included: an overview the 2019 County Dues Assessments including the continuation of the public lands dues assessment at .5%; budget savings in 2018; a 2% COLA increase for staff; projected loss of income on an abbreviated 2019 Annual Conference; and an anticipated capital expense of the NACO office roof replacement. Commissioner Hartung inquired as to the budget for health insurance costs remaining flat and Dagny clarified that, though healthcare costs have increased by 10-12% annually, the 2018 increase was offset by savings from NACO no longer covering the Executive Director's dependents. No action was taken on this item.
8. **Presentation of a Reporting Tool for Rural Counties to Use to Monitor Contract Public Defenders.** Dagny reminded the Board that at their June meeting staff was directed to work with county and indigent defense stakeholders to develop a standardized tool to be used to monitor rural contract public defenders. She referenced the instructions and the tool included in the packet and noted that the recommendations from the working group include requesting that public defenders complete the document and report to the individual County Commissions on a quarterly basis. She informed the Board that she will distribute the documents to the rural counties and encouraged the Board to reach out to staff with any questions. She concluded her remarks on the item by thanking the members of the working group. No action was taken.
9. **Presentation and Discussion of the Stepping Up Initiative in Nevada Including County Efforts to Reduce the Number of People with Mental Illnesses in Jails, Jessica Flood, Regional Behavioral Health Coordinator, Northern Region, and Ariana Saunders, Behavioral Health Coordinator, Clark County Social Services.** Ms. Flood informed the Board that her region includes Carson City, Lyon, Churchill, Douglas, Mineral and Storey Counties. She also noted that Joelle Gutman serves as the Coordinator for the remainder of the rural counties and that Washoe County is a region unto itself, as is Clark County. Ms. Flood gave a review of the Stepping Up Initiative and its national focus on reducing incarceration rates of those with mental illness. Ms. Saunders noted that those with mental illness tend to have longer jail stays, increased recidivism and greater costs for health care and substance abuse treatment. Ms. Flood and Ms. Saunders further discussed the Initiative, its endorsement by NACo and its support from counties across the country. They also discussed tools developed to help identify and divert individuals from the criminal justice system; training programs; current initiatives; and successes realized across the State through use of the program. Commissioner Kirkpatrick noted that collaborative efforts are critical as is the education of first responders on alternative services available and addressing housing issues. President Weekly spoke to his participation in a recent Stepping Up Summit and the breadth of collaboration he witnessed from agencies across the State. Commissioner Tipton noted that Mineral County's challenges include a lack of available services. Commissioner Hartung noted that data collected in Washoe County shows cost savings in providing these individuals alternative services vs. incarceration. President Elect Waits inquired as to the Coordinator's needs for support and it was noted that support from the Commissions and individual Commissioners would be very welcome. Dagny offered to provide information and connections to any rural counties who request it and Commissioner Hunewill noted that county Health and Human Services departments are good partners for law enforcement when addressing these issues. No action was taken on the item.
10. **Update on the Recent FCC Order to Preempt Local Government Authority to Regulate and Permit the Construction of Small Cell/5G Technology.** Dagny reminded the Board of their discussion of this item at the August Board meeting. She informed the Board that the FCC administratively implemented restrictions to local authority at the federal level. She noted that NACo is working on a document that will include details of when the laws will go into effect and what counties can do to prepare. Commissioner Kirkpatrick informed the Board that the orders include a limit of \$270

for a permit, a 60-day permit review period, no limitation on placement or aesthetics and the ability to deduct infrastructure costs from franchise fees. She noted that she is involved in conversations at the National Association of Counties Board of Directors to potentially engage in legal action on the issue. The Commissioner noted the harming of county infrastructure due to the placement of the 5G infrastructure and encouraged the passage of ordinances in each county to protect their interests. Commissioner Schinhofen noted that anytime local government authority is preempted it is never positive. President French requested clarification on the possibility of NACo bringing legal action. Commissioner Kirkpatrick stated that she called every member of the State's Congressional Delegation and none of them were aware that the proposal had been moving forward. Dagny noted that she received a communication from NACo that morning that Seattle, Phoenix and the US Conference of Mayors have decided to sue, and that L.A. County is considering the option of litigation. When asked if NACo would enter litigation she was told that, at the least, they would provide briefs to those jurisdictions who do enter suits. Commissioner Hartung likened the orders to the granting of an easement in perpetuity and encouraged future discussion of at least the filing of an Amicus Brief, if additional suits are filed. Dagny informed the Board that she had polled her colleagues nationwide and that one additional point of concern is public safety. Vice President French noted the need for national unification on the issue. Staff was directed to continue monitoring and working on the issue. No official Board action was taken.

- 11. Discussion and Authorization of Legal Counsel of Record to Oversee, Prepare and File an Appeal to the United States Ninth Circuit Court of Appeals on Behalf of NACO as Defendant-Intervenor from the Federal District Court's "Order Re Summary Judgment" and "Remedy Order" in the Matter of Desert Survivors, et al. v. U.S. Department of the Interior, et al.** Dagny reviewed the background of the issue and the Fish and Wildlife Service's (USFWS) decision not to list the Bi-State Sage Grouse as endangered based on local conservation efforts. She reminded the Board that the Service was sued on the decision and that the Association had joined the suit as intervenors on the side of the USFWS along with the State of Nevada and Mono County. She noted that the Association's former Natural Resources Coordinator, Tori Sundheim had prepared the associated legal documents and argued the case in court. Dagny informed the Board that the Judge found on behalf of the Plaintiff's and that the Judge's Remedy orders the Service to review the decision and re-issue a listing decision by October 2019 with a possible 6 month extension period if needed. The Service can appeal the decision and that opportunity is being considered by the Department of Justice (DOJ). Tori and Brian Stockton of the Nevada Attorney General's office joined the meeting by teleconference and informed the Board that the State will appeal if the DOJ decides to appeal. She noted that the main issues identified in filing an appeal without the Service is the Judge's determination of the Service's SPR and PECE policies and not being able to address the policies without the Service's involvement. Vice President French inquired as to any conversations with the Service and if there is an indication whether they will file an appeal, Tori noted that the service is weighing an administrative fix vs. the filing of an appeal. Vice President French noted his concern for the setting of precedent should the decision not be appealed. Commissioner Tipton echoed Vice President French's comments. Dagny informed the Board that the AG's office has agreed to handle an appeal and Dan Yu of the Carson City DA's office has agreed to be the Association's attorney of record on the issue. Commissioner Schinhofen moved to intervene if the State and the Service appeal. The Board unanimously agreed to intervene if an appeal is filed, on a second by Commissioner Tipton.
- 12. Update on Interim Legislative Activities, Bill Draft Requests, and County Priorities for the 2019 Nevada Legislative Session.** Vince informed the Board the BDR submitted for the fifteen rural counties to be able to enact a 5-cent diesel tax could be impacted should the City of Fernley's ballot initiative to impose a 10-cent diesel tax fail. He also noted that the City has submitted a BDR that would give cities taxing authority outside of the RTC formula. Vice President French inquired whether there were attempts to consolidate efforts and Vince noted that discussions were held but were ultimately unsuccessful. Commissioner Kirkpatrick noted that the cities are asking for a lot of additional authorities from the Legislature and initial conversations with the caucus' have not been positive. Vince noted that Fernley's ballot question does not include funding for truck parking and reminded the Board that the NACO BDR does not require a 2/3's majority vote. Dagny informed the Board that the League of Cities has submitted a BDR to expand the authority of cities to determine the maximum number of marijuana dispensaries in their jurisdictions, which is currently determined by each county. Commissioner Schinhofen inquired if the BDR includes a definition of incorporated cities and

Commissioner Higbee voiced concern with the costs of services counties are required to provide to the establishments yet they have no regulatory authority. No action was taken on the item.

13. Update and Possible Action Regarding Natural Resources and Public Lands and Issues Affecting Counties Including: No Board actions were taken on these items.

a. The BLM and USFS Greater Sage Grouse Resource Management Plan Amendments.

Sandy informed the Board that the USFS had published notice of the release of their draft documents and that the public comment period extends to January 3rd. She overviewed the rough timeline for the document including that the draft is expected in February with the final record of decision (ROD) expected sometime between April and July of 2019. Vice President French informed the Board that the document closely parallels the BLM's plan. Sandy informed the Board that NACo's comments were submitted on the internal draft of the BLM document in September and that the final documents are expected to be published on November 2nd. Sandy noted that mitigation plans are missing from the current document and that is of great concern, but MOA's are being worked on regarding implementation of the State's mitigation efforts.

b. NACO Public Lands and Natural Resources Committee Update. Sandy informed the

Board that applications are being accepted for the BLM Nevada's Resource Advisory Councils (RAC)s and subgroups and encouraged any Commissioners interested in applying to contact her for additional information. Nominations are due October 31st. Vice President French informed the Board that he had attended the BLM Wild Horse & Burro Advisory Board meeting in Salt Lake City. He discussed the Board's concern with the critical mass situation regarding the animals and that 60% of the budget being used for long term holding is unsustainable. He noted that a major shift in the conversation had occurred when the ASPCA offered to get involved with the management of the horses. Vice President French informed the Board that a subgroup had been convened to work on the issue. Additional conversations held by the group included regulations for gathers and ecosystem protections. He also informed the Board that three new members had been appointed to the Board. Commissioner Tipton informed the Board that the next meeting of the Public Lands & Natural Resources Committee would be at the Annual Conference and Dagny encouraged the Board to apply for the open positions on the BLM's state RAC's and to let her know if NACO could offer any support.

14. NACO Committee of the Emeritus Update. Vince informed the Board that the Committee had completed the update of the New Commissioner Handbook and plans for the Newly Elected Official Training at the upcoming Annual Conference.

15. National Association of Counties and Western Interstate Region Board Member Updates. Vice President French informed the Board that he was unable to attend the WIR meeting due to the Wild Horse and Burro meeting in Salt Lake but that a large portion of the discussions at the meeting were surrounding PILT, SRS, fire and forest management and the need to review and comment on the USFS's new handbook. Commissioner Kirkpatrick informed the Board that there was a staff change on the Transportation Committee and expressed concerns with a reduction in federal transportation dollars. She also noted that the NACo Board of Directors is working on educational sessions that have additional resources for implementation and expanded webinars. Dagny also noted that the newsletter contains information on NACo webinars.

16. NACO Board Member Updates. Members of the Board gave updates on activities within their counties.

17. Public Comment. None was given.