

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

June 22nd, 2018

NACO Office

304 S. Minnesota Street

Carson City, NV 89703

ADOPTED MINUTES

Attendance: President Elect Waits, Vice President French, Western Interstate Region Representative Commissioner Dahl, Mineral County Commissioner Tipton, Washoe County Commissioner Lucey, Pershing County Commissioner Shank, Lyon County Commissioner Hunewill, Lincoln County Commissioner Higbee, Churchill County Commissioner Olsen, Washoe County Commissioner Hartung and Esmeralda County Commissioner Bates.

Other Attendance: Elko County Manager, Rob Stokes; University of Nevada Cooperative Extension Director, Ivory Lyles; Doug Miller and Murph Glover, NDOT; Nye County Manager, Tim Sutton; Michael Beaudoin, Nevada Network of Fire Adapted Communities; Jim Bertolini, Nevada State Historic Preservation Office and Linda Bissett, NV Energy.

The meeting as called to order by President Elect Waits 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 Lucey.
3. **NACO President's Report.** None was given.
4. **NACO Executive Director's Report.** Dagny updated the Board on the status of the video conference system and thanked Dean Payne and UNCE staff for providing support for the NACO system. She gave an overview of NACO's Leadership Institute and congratulated Commissioner Lucey on his graduation from the Institute. Commissioner Lucey thanked the Board for their support in attending the Institute and noted that it was a very intense but gratifying experience. Dagny referenced the class action lawsuit that counties who, did not receive full PILT funding in FY 15,16 & 17, can join to receive additional funds. She announced that the Supreme Court of the United States had ruled on the Marketplace Fairness Act and that states and local governments now have the right to impose and collect sales taxes on retail transactions that take place remotely. She added that NACO staff will be following the issue closely and will keep the Board up to date on developments with Nevada complying with the new law. Dagny reminded the Board that the Deputy Secretary of the Interior would be at the office the following week for a ceremonial presentation of the 2018 full funding of PILT. The Board decided by consensus to cancel the July meeting due its proximity to the NACO Annual Conference. She concluded her report with items regarding the NACO Annual Conference in Nashville and the upcoming Committee of the Emeritus workshop on county public lands and natural resources plans.
5. **Approval of Minutes of the May 18th, 2018 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Tipton with second by Commissioner Dahl.
6. **Nomination of Nevada's Two Representatives to the National Association of Counties (NACO) Board of Directors.** Dagny reviewed the terms associated with the Association's two representatives to the NACO Board. Commissioners Tipton and Kirkpatrick are the current members, and Dagny noted that if the Board chose to reappoint Commissioner Tipton that they would need to reappoint a member in January when Commissioner Tipton's term as a commissioner concludes. Commissioner Hartung nominated Commissioner Lucey as the urban representative, however Commissioner Lucey noted that Commissioner Kirkpatrick wished to remain on the Board and that he would defer the seat

to her. Commissioners Tipton and Kirkpatrick were reappointed to the NACo Board on a motion by Commissioner Bates with second by Commissioner Shank.

7. **Possible Approval of a Letter from NACO to Governor Sandoval Regarding the State's 2019-2021 Biennium Budget.** The letter was approved as presented on a motion by Commissioner Tipton with second by Commissioner Shank.
8. **Presentation and Discussion Regarding the Nevada Network of Fire Adapted Communities and How Counties Can Get Involved, Michael Beaudoin, Coordinator.** Mr. Beaudoin gave the Board an update on the launch of the program and its mission to provide a collaborative partnership with communities to help them prevent and survive wildfire events. He spoke to the relationships with communities, BOCC's, and land managers to provide education and assistance creating defensible space and best practices for homeowners. He addressed the fact that there has been a change in traditional fire behavior and that there is no longer a specific 'fire season' and that it is important for communities in the urban interface be prepared year-round. Mr. Beaudoin noted that he is the only staff member of the Network and that the current focus of the Network is centered around developing adapted communities in the western urban interface areas of the State, but he will be expanding to other areas of the Nevada as soon as feasible. He also noted that they would be providing education materials to BOCC's, fire departments and GID's to promote the establishment of fire adapted community chapters. Commissioner Hunewill spoke about a recent fire event in Lyon County and said that the collaboration of neighbors and the support of Douglas County helped to ensure no structures were lost.
9. **Presentation and Discussion Regarding the Certified Local Government Program and Other Opportunities for Counties to Access Funding for Historic Preservation Projects, Jim Bertolini, Historian, Nevada State Historic Preservation Office.** Mr. Bertolini informed the Board that the Office oversees several programs and provides both federal and state grants for historic preservation. He informed the Board that the Certified Local Government Program (CLG) is to assist local communities in the preservation of historic resources. He noted the benefits of becoming a CLG include access to grant funding, consulting help and technical assistance and training opportunities. Counties can apply to become a CLG by passing an ordinance and establishing a citizen commission to advise the local government on preservation projects. He noted that the Office is currently revising their guidelines to encourage participation. Mr. Bertolini noted that typical CLG projects range in value from \$5K to \$50K and that while the funding can support some brick and mortar work it is most often used for planning efforts. He gave examples of grants awarded in the past and informed the Board that Storey County and Carson City are the only county members of the program - he encouraged the remaining 15 counties to apply for membership. Commissioner Hartung inquired whether there had ever been a request for a preservation project in another state. Mr. Bertolini informed the Commissioner that the Office is only allowed to work on projects within the State but that communications could be made with the SHIPO offices in other states for collaboration. President-Elect Waits inquired asked if Mr. Bertolini could present to individual counties on the program and Mr. Bertolini stated that he would be more than willing to do so with the proper notice.
10. **Discussion and Possible NACO Support for the Creation of a Reporting Tool for Rural Counties to Use to Monitor Contract Public Defenders.** Dagny referenced previous county concerns regarding the lack of a standard reporting tool for monitoring rural county contract public defenders. She noted that some contract defenders report occasionally to the counties but that not all are doing so. She informed the Board that there has been discussion about the creation of a simple tool that county managers and BOCC's can use to monitor these contracts to ensure that the counties are getting what they are paying for and also so that counties are aware of the types of cases the defenders are handling and their outcomes. She noted that the contract lawyers could complete the document quarterly and provide it as a report to the rural county commissions. Dagny asked the Board what their appetite would be to participate in the development of the tool. She informed the Board that former NACO Commissioner, Joni Eastly, who also represents the Association on the Right to Counsel Commission would be interested in leading the effort if the Board so chose. Commissioner Tipton stated that a standard reporting tool would greatly benefit Mineral County and referenced previous issues with public defense throughout the State and that it would be a very proactive approach to improve indigent defense. Commissioner Shank noted that she had developed a tool for Pershing County's public defender that is completed monthly but that she would be very interested in

seeing what a collaborative effort would look like. Commissioner Higbee noted that consistent reporting would also be beneficial for knowing potential additional expenses that the counties would be responsible for during a trial. Vice President French noted the report that will be submitted to the legislature by the Right to Counsel Commission and that it would be good to be ahead of any policy recommendations. The Board approved Association's participation in the development of a proposed tool on a motion by Commissioner Olsen with second by Commissioner Higbee.

11. **Update on Legislative Committees and Studies, Legislative Priorities, and Possible Approval of NACO Bill Draft Requests for the 2019 Legislative Session.** Commissioner Lucey, Chair of the Legislative Committee reminded the Board that the Committee had been meeting. Dagny informed the Board that the Committee had so far decided to recommend three ideas for BDR's to the Board. Dagny reminded the Board that the Association has five BDR's and that they are due on Sept. 1st. The first proposal was regarding 911 fees. Currently counties have the ability to charge a fee of up to \$1/mo. per line, and those funds can be used to support 911 systems and body cameras for law enforcement. Several counties have expressed issues with collecting those fees because there are multiple telecommunication providers and it is a challenge to track down all the lines within their jurisdiction. The solution to this problem is to conduct an audit; however, those audits are very thorough and therefore expensive. The proposed policy change would be to allow counties to utilize 911 fees to pay for the audits. Commissioner Hartung addressed issues with trunk lines and how to assess the fee on those lines as well. The second proposal was to reintroduce a bill that had been worked on in the 2015 but had not been passed regarding rural counties with very small boards and districts that no longer have anyone willing to serve. The policy change would be to enable counties of less than 100,000 residents to pass a resolution allowing the BOCC to appoint members to these boards, if the Boards currently have unfilled seats and if the boards agree with the commission's ordinance. Commissioners Tipton and French noted that a few rural counties have this issue. The third proposal approved by the Committee was regarding public administrators. Dagny noted that there are 9 rural counties in which the public administrator is elected and can't be combined with another county elected official's office. The proposal would be to allow those counties to either appoint the public administrator or abolish the office altogether and make it an administrative position. She informed the Board that the Nevada State Constitution gives the Legislature, the power to create these offices and there is a question of whether it would be constitutional to allow counties to abolish these offices. Dagny said that the Legislative Committee's direction was to ask the Board if NACO staff could work with LCB to determine whether there was a way to craft such a policy. Commissioner Lucey again reminded the Board that the Association has five BDR's and if there are other issues the Board would like the Legislative Committee to vet, they should be brought to the Committee or NACO staff as soon as possible. Commissioner Hartung suggested an additional 911 fee for trunk lines and VOIP lines per line vs. the single trunk line fees. Dagny noted that the Committee is looking at a few other ideas that would be brought before the Board. She addressed the internet sales issue and said that NACO would follow any initiatives by the State to create legislation enabling the new law. She concluded her remarks by informing the Board that a BDR has been submitted similar to the bill from the 2015 session enabling rural counties to enact a 5-cent diesel tax. She also reminded the Board that a presentation on the energy choice ballot question would occur at either the August or September Board meeting.

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

- a. **NACO Public Lands and Natural Resources Committee Update.** Vice President French, Chair of the Committee informed the Board that they had met the previous day and discussed MOU's with the Forest Service and BLM for cooperating agency status regarding the Greater Sage grouse plan amendment. He let the Board know that Humboldt County is developing their MOU with the Forest Service and that they would be extending the contract with RCI to cover the Forest Service process as well. Dagny informed the Board that there is funding available in the special studies portion of the NACO budget to cover the additional costs should the Board see fit to extend the NACO contract as well but would bring back any costs over and above what is in that line item to the Board for approval. Vice President French also noted that the BLM DEIS comments are due August 2nd and asked counties to provide information on additional county harms from the plans to county projects and services to NACO staff by July 9th. Commissioner French informed the Board that NACO's draft

comments, developed with help from RCI, would be ready for review by July 13th. He informed the Board that the Committee had discussed the visit of the Deputy Secretary the following week and the importance of addressing a few specific issues with him in the limited time he would be available. He also let the Board know that there are three seats open on the Wild Horse and Burro Advisory Council and that the BLM had announced no plans to reassign those positions for at least nine months and also that they would hold no meetings. The Committee also discussed the proposed DOI reorganization and that, though there was a lack of funding in the omnibus for much of the reorganization, the issue is not dead. He informed the Board that no substantive changes had occurred with regards to the NAES Fallon expansion. Dagny informed the Board that Jake Tibbits from Eureka County had given a presentation to the Committee on resource needs assessments for conservation districts. Eureka County had also written a draft letter in response to an article in the Reno Gazette Journal regarding WSA's with the goal of clarifying misinformation in the article. The draft letter was distributed to the NACO Board with the request that members contact Jake Tibbits if a county is interested in adding their name to the letter. Dagny also informed the Board that there are several strong candidates for the Natural Resources Manager position and that Vice President French had sat in on the interviews. They hope to have a final set of interviews and hire a candidate prior to the August meeting.

- b. **Update on the BLM and USFS Greater Sage Grouse Resource Management Plan Amendments, Including Discussion and Possible Action Regarding Cooperating Agency Status with the USFS.** Dagny informed the Board that the costs to extend the RCI contract to cover this issue would most likely be covered by savings realized during the period without a natural resources manager. The Board approved requesting Cooperating Agency status for the Association on a motion by Commissioner Tipton with second by Commissioner Higbee.
12. **NACO Committee of the Emeritus Update.** Vince informed the Board that work is being completed on the upcoming workshop and that a great panel had been put together to discuss the importance of including a natural resources and public lands element within county master plans. He also noted that the update to the newly elected officials training and the county commissioner handbook is ongoing.
13. **National Association of Counties and Western Interstate Region Board Member Updates.** Commissioner Lucey reported on the Transportation Steering Committee and informed the Board that one of the policies being brought forward is a resolution to request Congress direct funding to local rural governments to support local roads in any future infrastructure spending bill. Vice President French noted the conversations regarding PILT and the Kane County lawsuit at WIR. He also spoke about the ongoing discussion regarding the removal of the population cap in the funding formula and the possibility of the additional funding coming from the land and conservation fund. Commissioner Dahl informed the Board that there was also a robust discussion regarding the Stepping Up Initiative in County Jails.
14. **NACO Board Member Updates.** Updates were given by members on the Board on various activities within their counties.
15. **Public Comment.** None was given.

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