

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

May 18th, 2018, 9:30 a.m.

NACO Office

304 S. Minnesota Street

Carson City, NV 89703

ADOPTED MINUTES

Attendance: President Weekly, President Elect Waits, Vice President French, Western Interstate Region (WIR) Member Dahl, Douglas County Commissioner Thaler, Lincoln County Commissioner Higbee, Esmeralda County Commissioner Bates, Elko County Commissioner Steninger, Storey County Commissioner McGuffey, Lyon County Commissioner Hunewill, Washoe County Commissioner Hartung, Churchill County Commissioner Olsen, Carson City Mayor Crowell, NACO Fiscal Officer Kalt & NACO Staff (Dagny Stapleton, Vinson Guthreau, Tori Sundheim & Amanda Evans)

Remote Attendance: Pershing County Commissioner Shank & Nancy Parent, Nevada Fiscal Officers Association.

Other Attendance: Murph Glover, NDOT; Steven Meglio & Marshall Smith, POOL/PACT; Dane Windsor, NACo & Dean Bill Payne, UNR

The meeting was called to order at 9:30A.

1. **Public Comment.** Commissioner Olsen addressed the Board regarding the sale of CABNR property and shared a resolution encouraging the Board of Regents to ensure that the proceeds of any property sale be placed in a trust fund per the policy set forth in their existing resolution.
2. **Approval of Agenda.** The agenda was approved on a motion by WIR member Dahl with second by Commissioner Thaler.
3. **NACO President's Report.** President Weekly thanked the Board for making the trip to Clark County the previous month, and recognized President Elect Waits birthday.
4. **NACO Executive Director's Report.** Dagny announced that the TIGER program had been replaced by the BUILD grant program for transportation grants and the application deadline is July 18. She informed the Board that the bids received for replacing the video conference system are not currently within the Association budget, but work had been completed with the system support staff and that some of the issues previously experienced have been rectified. Commissioner Hartung inquired as to the potential for refurbished equipment and Amanda informed the Board that she hadn't previously looked into that option but was willing to do so but had concerns with obtaining support on refurbished or used equipment. President Weekly noted that video conferencing is powerful tool and discussed the potential for possibly obtaining some type of grant funding to assist in replacing the components of the system that are no longer able to be serviced. Dagny addressed questions from previous meetings regarding the usage of the distribution of marijuana funds to the counties and reminded the Board that the funds can be placed in the general fund, however it is advised to use the funds to things connected to marijuana such as law enforcement, human services, code enforcement etc. She noted that PILT will be addressed in item 11. Commissioner Steninger inquired as to if any Commissioners had heard about a possible bill to remove the guaranteed funding from counties that zoned out establishments, none of the members had but noted that it is important to stay ahead of the possibility because regardless of having establishments or not all the counties will have impacts associated with the legalization of marijuana. Dagny concluded her remarks with recognizing Tori and the work she accomplished over her course of employment and outlined the recruitment process for replacing Tori who had accepted a position with the Attorney General's office.

5. **Approval of Minutes of the April 20, 2018 NACO Board of Directors Meeting.** The minutes were approved on a motion by Mayor Crowell with second by Commissioner McGuffey. President Elect Waits requested that the location of the Board meeting be included in the minutes going forward.
6. **Approval of NACO's March 2018 Financial Statements and March 29, 2018 Investment Reports.** Dagny informed the Board that the Association's Fiscal Officer, Alan Kalt was in attendance to help answer any questions and that she is working with him on a new format for the statements that will be instituted in the next quarter. The financial statements and investment reports were approved on a motion by Commissioner Hartung with second by WIR member Dahl.
7. **Presentation and Discussion Regarding Security and Public Access in County Buildings, Marshall Smith POOL/PACT.** Mr. Smith informed the Board that he is the Risk Manager for POOL/PACT and addressed the issue with 1st Amendment audits becoming more prevalent. In general a 1st Amendment audit is a test of whether protected activity is properly tolerated by governmental entities and employees. Documents outlining details of the audits were distributed to the Board and Mr. Smith noted that the location of where an audit is being attempted matters. They can only be conducted in locations identified as public, streets, sidewalks, meeting rooms, social media etc. They cannot be attempted or conducted in areas where public access is denied. Commissioner Hartung inquired about safety concerns, specifically a person attempting to survey a location for nefarious purposes. Mr. Smith noted that it is a very grey area and that Homeland Security is developing guidelines that will allow for removal of a person given certain circumstances and that regardless of a person's right to be in the location they do not have the right to interfere with legitimate business activity. Vice President French inquired as to the issue of a person photographing a private residence from a public location. Mr. Smith informed the Commissioner that the best course of action is to contact law enforcement to determine the legalities of the current situation. President Elect Waits inquired as to employees feeling threatened by a person's actions. Mr. Smith noted that counties are able to restrict public access to locations within public buildings. Steven Meglio addressed physical security. He noted that it is important for counties to develop a security plan. He addressed single point entry locations, landscape design to funnel public access to an entry location and the use of CCT systems. President Elect Waits inquired about weapon restrictions and Mr. Smith recommended directing questions regarding exemptions to restrictions to the District Attorney. The discussion also addressed metal detectors usage and physical security officers.
8. **Presentation and Discussion Regarding the U.S. Communities Program and County Purchasing Efficiencies, Dane Windsor, National Association of Counties (NACo).** Mr. Windsor gave the Board an overview of the program's goal to encourage the responsible use of public funds. He noted that the program is a purchasing cooperative and that it allows smaller entities to leverage the discounts of larger entities contracts for goods and services. The Cooperative adopts the contracts of large governmental entities after they have gone through the public bidding process thereby allowing smaller entities to purchase goods and services directly under previously vetted contracts without having to go through a lengthy and labor intensive bidding process. He informed the Board that there is no cost to participate in the program and that average savings are typically 10-20% and can go up to 40% and each agency is able to determine their own terms when purchasing. He also informed the Board that NACO, as a sponsor of the program, does receive non-dues revenue based on quarterly usage of the program. Mr. Windsor then gave a brief overview of the program's website and national usage of the program which is roughly 2/3 of the counties in the country. Mr. Windsor concluded his remarks by informing the Board that he is willing to work with the Association to conduct trainings for county purchasing personnel on the program.
9. **Update on Interim Legislative Committees and Studies and Preliminary Discussion on NACO Legislative Priorities for the 2019 Legislative Session.** Dagny informed the Board that the Right to Counsel Commission has held three meetings to discuss indigent defense reforms. She reminded the Board that counties have six representatives on the Commission and that at the last meeting several counties gave presentations to the Commission. The next steps for the Commission include the acceptance of the report by the 6th Amendment Center and then develop recommendations for the Legislature to consider. She discussed the Interim Public Lands Committee and informed the Board that the focus of the committee is currently how public lands impact communities and economic development and that Commissioners Wichman and Tipton were presenting to the Committee that day. Vinson discussed the Committee on Affordable Housing, chaired by Senator Ratti and informed

the Board that the Committee's goal is to identify potential solutions to funding and providing additional units. Potential solutions being discussed are enabling local governments to lower fees associated with building affordable housing units. Commissioner Thaler asked about a definition and Vinson said that the Committee is looking at the definition and will most likely be tied to federal definitions and will most likely be tiered. President Weekly noted the importance of the issue and varied populations it affects and how the needs vary by those populations. Commissioner McGuffey inquired about funding and Vinson said that the current discussion is only around enabling legislation. The Board also discussed issues with market driven price increases and the potential to work with employers and the banking industry to help find solutions as well. Dagny discussed the energy choice initiative that will change the Nevada constitution to deregulate energy and if it passes in November the Legislature will be required to develop the regulations during the next session. The Board directed staff to bring a presentation on the issue to a future meeting, to determine if they will take an official position on the issue. Vince informed the Board that July 1 is the date that Legislative BDR summaries will be released and that NACO's BDR's are due September 1st and that the Legislative Committee is working toward recommendations to bring to the Board. Staff will continue to watch all legislative items closely and bring anything of concern to the Board.

10. **Discussion and Approval of an Update to NACO's Natural Resources and Public Lands Action Plan.** Tori referenced the draft distributed to the Board and reviewed the items to be removed because the projects are complete and the new items added due to current projects and issues. Items on the Plan include ongoing efforts regarding wild horses & burro's, full funding for PILT, wildfire including efforts to stop fire borrowing and issues with invasive species and weed management. The Public Lands and Natural Resources Committee approved the Plan when they met the previous day. The Plan was adopted by the Board on a motion by Commissioner Dahl with second by Commissioner McGuffey.

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 #11 (c) below:

11. **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 noted the upcoming workshop by the Emeritus Committee on Public Lands and Natural Resources plans and the importance to ensure they have consistency with BLM travel management plans and expressed concern with recognized and closeable roads. He also stressed the need for the plans to be consistent with county master plans and ensure they are relevant. Having some consistency within the format of the plan was also noted as being important to ensure that the agencies could develop some comfort with their reviews. Commissioner Olsen reminded the Board that Commissioner Wichman had all the roads in Nye County catalogued and that Churchill County is doing the same to combat issues with agency travel management plans.
 - b. **Update on the Greater Sage Grouse Resource Management Plan Amendments.** Tori informed the Board that the DEIS was released to the public and that comments are due August 2nd. She informed the Board that staff is working with all the Associations partners to have a plan in place. She noted that Jeremy Drew from RCI is at the Sagebrush Ecosystem Council to share the county objectives with the State. She also informed the Board that information was provided to the BLM to help them understand the needs of the counties including the need for exceptions for services and ground truthing. Dagny informed the Board that a meeting will be held in mid-July to finalize the plan for the comments and allow for the time to complete the comments.
 - c. **Discussion of Substitution of New Counsel to Represent NACO as Defendant-Intervenor on behalf of the Service in 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.** This item was heard in closed session. Following the closed session the Board discussed the substitution of counsel required by Tori's departure. Mayor Crowell informed

the Board that Carson City was willing to have a member of their District Attorney's office to act as counsel for the next steps in the suit. The Board approved the substitution on a motion by Commissioner Dahl with second by Vice President French.

12. **NACO Committee of the Emeritus Update.** Vinson informed the Board that the Committee is working on the Public Lands and Natural Resources Lands Plan Workshop to be held on July 20th and the new commissioner training to be held at the Annual Conference in November.
13. **National Association of Counties and Western Interstate Region Board Member Updates.** Commissioner Dahl and Vice President French informed the Board that the WIR meeting was the following week in Idaho and items to be discussed include PILT and possible change in the disbursement formula, specifically in the population cap. Vice President French also informed the Board that a county in Utah had filed suit due to the removal of the automatic reauthorization language for PILT in the omnibus. It was also noted that WIR is recruiting for leadership positions on the Board.
14. **NACO Board Member Updates.** Updates were given by members of the Board highlighting various activities within their counties.
15. **Public Comment.** None was given.

The meeting was adjourned at 12:59P.