

## NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

June 28, 2019, 9:30 a.m.

NACO Office

304 S. Minnesota Street

Carson City, NV 89703

### ADOPTED MINUTES

**Attendance:** President Waits, President Elect French, Elko County Commissioner Dahl, Lander County Commissioner Allan, Carson City Mayor Crowell, Lincoln County Commissioner Lister, Lyon County Commissioner Hunewill, Churchill County Commissioner Olsen, Nye County Commissioner Wichman, Mineral County Commissioner Price, White Pine County Commissioner Bullis, Fiscal Officer Kalt, and NACO Staff (Dagny Stapleton, Vinson Guthreau and Amanda Evans)

**Remote Attendance:** Vice President Kirkpatrick, Washoe County Commissioner Hartung, Esmeralda County Commissioner Keyes, and Pershing County Commissioner Shank

**Other Attendance:** Nye County Manager Tim Sutton; Nye County PIO Arnold Knightly; Natalie Okeson, office of Senator Rosen; Linda Bissett, NV Energy; Holly Gatske, Cooperative Extension; and Lee Bonner, NDOT

The meeting was called to order by President Waits at 9:33 a.m.

1. **Public Comment.** Ms. Gatske informed the Board that work is being continued on filling the positions of Extension Educator in each county and invited them to contact her with any questions. Ms. Okeson introduced herself to the Board and also invited them to contact her with any issues that they would like Senator Rosen to be involved with.
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Wichman with second by Commissioner Price.
3. **NACO President's Report.** President Waits acknowledged Vice President Kirkpatrick's inclusion in the National Association of Counties (NACo) publication "This Week in Pictures" in a photo with Clark County resident who was a Jeopardy champion. She discussed the BLM webinar regarding their proposed planning regulations that was held on June 14<sup>th</sup> and their outreach plans, noting that their draft regulations are expected to be released in mid-August. She also informed the Board that during the NACo Steering Committee meeting on Justice and Public Safety, the extension of the national flood insurance program had been extended within the most recent budget package.
4. **NACO Executive Director's Report.** Dagny informed the Board that the PILT lawsuit had been finalized and that funds had been awarded; she instructed those counties who had joined the suit to complete the additional request for information they should have received from the law firm so funding could be released. Dagny reminded the Board of the dinner that the Association would be hosting during the National Association of Counties Annual Conference in Las Vegas, and reminded the Board that steering committee assignments would be completed and requested that those who would like to be assigned to, or continue serving on, a national policy steering committee contact staff so that their assignments could be facilitated. She also reminded the Board that she is their representative on the Governor's Complete Count

Committee for the 2020 Census. She reviewed the importance of an accurate count to local governments including that Federal funding to counties averages \$2,000.00 per person, and that CTX distribution and redistricting are also affected by the Census. Dagny also mentioned the annual Nevada Day celebration, reminding the group of the year's theme celebrating counties and the Committee's desire to have county participation. Finally, she announced the opening of the nominations for the Association's 2020 Vice Presidential election and concluded her remarks by acknowledging President Waits' birthday.

5. **Approval of Minutes of the April 26th, 2019 NACO Board of Directors Meeting.** The minutes were approved on a motion by Mayor Crowell with second by Commissioner Allan.
6. **Discussion and Possible Approval of a NACO Staff Performance Bonus for the 2019 Legislative Session.** President Waits remarked on the fabulous representation the Association received by Dagny and Vinson during the Session and recommended a \$3K bonus for them. Mayor Crowell echoed her remarks but noted that he thought the amount recommended was light for the dedication that they exhibited. President Elect French remarked about the particular difficulties of the Session, specifically the number of Freshmen legislators and unexpected activities that occurred, staff working well over 40 hour weeks and the results garnered with the passage of 5 of the 6 bills the Association brought fourth – he moved for a bonus of \$5K. Commissioner Wichman echoed his remarks and noted that the support provided by Amanda in the office was important to their success and offered an amendment to the motion to include her as well. Vice President French concurred with the amendment and the motion passed unanimously on a second by Commissioner Wichman.
7. **Possible Approval of an Expenditure of up to \$17,000 to Replace one of the Air-Conditioning Systems in the NACO Building.** Dagny informed the Board that the system in the second floor of the NACO office is broken and that the temperature is often unbearable. She noted the difficulty in working on the existing unit due to the age of it and the slope of the roof. She noted that a portable unit had been purchased for Vinson's office and that it appears to be working but that it is important to have the ability to address the issue with a long-term solution if necessary. Commissioner Wichman moved to allow Dagny the authority to address the issue, if necessary, at a cost not to exceed \$17K. The motion passed on a second by Commissioner Price.
8. **Update on Planning Activities for NACO's 2019 Annual Conference, Hosted by Washoe County.** Commissioner Hartung informed the Board that NACO and Washoe County staff have been working on the event, and that a theme and logo had been solidified. Dagny reminded the Board that the event would be abbreviated due to the National (NACo) conference in July and that the event would be heavy on sessions with useful information. She concluded the item by informing the Board that sponsorships were being received and that attendee registration would be opening soon.
9. **Discussion and Recap of the 2019 NACo County Leadership Institute in Washington D.C., Commissioner Bevan Lister, Lincoln County.** Commissioner Lister thanked the Board for the opportunity to attend and noted that while it was sometimes uncomfortable it was a powerful experience and that he looks forward to utilizing the tools he learned.
10. **Overview of Assembly Bill 81 (2019), Creating the Nevada Department of Indigent Defense Services and the Nevada Board on Indigent Defense Services, and Approval of NACO's Four Nominees to the Board.** Dagny gave the Board an overview of the Bill and informed them that the newly formed Board would be housed under a new State department. She informed the group that the Board would be comprised of 13 members, a majority of whom

would be county representatives, 4 from NACO, 2 from Clark County and one from Washoe County. She informed the membership that the new Board would be responsible for adopting minimum case load standards, that costs to counties can be capped, and that the Board can force a rural county to turn over services to the State if they are not in compliance. The Board approved the submission of: former Nye County Commissioner Joni Eastly, Commissioner Wichman, Mayor Crowell, Judge Dan Papez, and Mary Walker to the Governor for appointment should they be willing to serve, on a motion by Commissioner Price with second by Commissioner Allan.

**11. Discussion Regarding Policies and Procedures for Board of County Commissioner**

**Conduct.** The Board held a discussion on the ways their counties address conduct expectations by Commissioners and other elected officials. Those counties with written policies were asked to share their policies and staff was directed by consensus to review those policies for possible inclusion into training materials and/or a workshop for commissioners. Members were reminded to encourage newly elected colleagues to participate in the Certified Public Official Program through the University of Nevada, Reno and in workshops and trainings conducted by POOL/PACT if their counties are members.

**12. Update and Discussion on the Nevada Economic Assessment Project (NEAP), Tom Harris and Buddy Borden, University Nevada Cooperative Extension.** Mr. Harris reminded the Board that the project began about a year prior and that the first county, Lincoln County, was almost complete. He informed the Board that the project was born to address challenges assessing socioeconomic impacts to counties as requested through the NEPA process. He noted that the baseline data for each county can also be used within the counties own land use planning processes, as well as for community and economic development. Mr. Harris also noted the importance of the partnerships with the counties, NACO, CABNR and the BLM and Forest Service, who also provided some financial assistance for the completion of the project. He gave the Board an overview of the process for the data collection and noted that the project is expected to be completed for all 17 counties by the end of 2020. Commissioner Lister inquired as to what counties needed to do when the project was completed within their jurisdictions and Mr. Harris encouraged community engagement to ensure that the data maintained is as accurate as possible going forward. The Board requested that those working on the project make sure that they are informed when they are in their county.

**13. Update from the NACO Legislative Committee and Staff on Outcomes of the 2019 Nevada Legislative Session Including NACO Legislative Priorities, Impacts to Counties and Actions that Counties are Required to Take Pursuant to New Legislation.** Dagny thanked the Legislative Committee, the Board and county staff for the work done and communication necessary during the Session. She referenced the final Bill Tracker that was distributed as well as the summary of actions that counties need to take based upon legislation that passed. She gave a brief overview of the Session as a whole, including the progress made on legislation proposed with significant impacts to counties, and the credit due to the hard work and collaboration between counties, other local governments, the business community and legislators, and that the end result was more manageable than what initially proposed. She also noted that five of the Association's six priorities/bills were signed by the Governor. Vinson gave an overview of the NACO bills, specifically that the bill to return the primary election system to the way it was prior to 2015 (AB259) was not successful. He informed the Board that: AB21 which allows Commissions to appoint members to small rural county boards and commissions; SB12 that allows the use of 911 fees for audits; SB13 that allows counties to create a non-profit entity in times of emergency; SB48 to allow rural counties to enact up to a 5 cent tax on diesel fuel; and SB460 that allows rural counties to make changes to their Public Administrators office, all were passed. Dagny spoke about SB48 and noted that the Trucker's Association and Legislative leadership were all very helpful with the passage of the bill. Vinson addressed some

of the public records reform bills and noted that through the hard work of the county lobbying teams agreements were reached that allowed counties to protect private information and recoup costs associated with public records requests, while still enabling 'bad-actors' to be addressed through fines. He discussed prevailing wage bills and noted that the threshold for prevailing wage projects was reduced from \$250K to \$100K and that apprentices are now required on prevailing wage projects. He also informed the Board that SB243 creates four regions for setting prevailing wage, which should provide some relief to rural counties. Vinson announced that White Pine County received a \$5M appropriation to assist with the construction of a new courthouse. He also informed the Board that bills of concern to the Association that did not pass included fiscal home rule for cities, a diesel tax bill proposed by the City of Fernley and a bill that would allow cities to enact a property tax district for public safety. Dagny addressed AB345 that requires same day voter registration and includes an appropriation to assist with the costs associated with the implementation of that process. She addressed worker's compensation reform bills, which, as initially proposed, were concerning for counties including creating unmanageable costs to counties. She noted that through collaborative work some of the bills did not pass, and others were substantially amended. She informed the Board that the key worker's comp bills that passed were AB492, which expands coverage for PTSD, and SB215 that expands coverage for cancer for fire personnel including the types of cancers as well as the expansion of the timeline for eligibility after retirement. She also gave the Board a brief summary on criminal justice reforms, including reduced penalties for non-violent crimes, bail reforms and the reduction of some traffic violations from criminal to civil penalties and caps on fees. She gave a summary of county assessments included in the State budget and informed the Board that there will be increases in Medicaid match assessments, but not as much as was originally proposed, and that there will also be an increase in rural child protective services assessments. Dagny also informed the Board that staff will continue to work with DHHS going forward to ensure additional communication and transparency regarding the assessments. Commissioner Lister inquired as to the creation of a new division within DCNR for recreation and Dagny informed the Board that the bill passed with limited staff, and that rural representation will not be required. Dagny concluded the item by referencing the distributed documents that explain how the revenues will be collected and distributed should a county enact the diesel tax allowed under SB48.

#### **14. Update and Possible Action Regarding Natural Resources and Public Lands and Issues Affecting Counties Including:**

- a. NACO Public Lands and Natural Resources Committee Update.** Vice President French informed the Board that a list of BLM grants specific to Nevada was distributed and recommended that the members take one with them.
- b. Proposed Revisions to the BLM and USFS's NEPA/Planning Regulations.** Vinson informed the Board that he had participated in webinars conducted by the agencies (BLM & USFS). He noted that the BLM expects the draft of their regulation to be released in August (2019) and that the final publication of the rule will occur in February of 2020. Proposed NEPA changes include the reduction of the public comment period, clarification of who has standing to protest, travel management and addressing rangeland health standards within NEPA. He also noted that the webinar would be posted to the BLM website. He also addressed the USFS's process. The USFS is specifically reviewing NEPA regulations to address the ongoing threat of wildfire and access to national forest lands being a focus of their rule changes. He noted that the public comment period on the USFS draft is currently open and that they also are expected to conclude their process in early 2020. The Board approved the engagement of Jeremy and RCI to produce comments on both agencies proposed regulations on a motion by Commissioner Dahl with second by Commissioner Lister.

- c. **NACO Comments to the U.S. Fish and Wildlife Service's Proposed Rule for Threatened Status for the Bi-State Distinct Population Segment of Greater Sage-Grouse and Designation of Critical Habitat.** Jeremy Drew of RCI informed the Board that the USFS draft ROD is expected in August and that the BLM completed their ROD and is moving forward with implementation – he added that legal challenges have been brought by NGO's. He noted that work is going forward with what will be required under NEPA and State requirements for future planning processes. He also noted that some of the populations are being affected by the prior fire season, but meetings are being conducted to further discuss the issue. Mr. Drew also informed the Board that USFWS has reopened their listing decision regarding the Bi-State population as a result of litigation and that comments have been requested in the Federal Register, he informed the Board that comments were submitted with supplemental information, including hyper-links to the information referenced, to the 2013 comments submitted. He noted that he does not expect a decision for some time. Commissioner Lister noted concern with the amount of collaboration that had taken place for the conservation of the Bi-State population not being taken into account within the processes and that there is not consistency within the agencies on how they acknowledge the State's regulations and the work of the Ecosystem Council regarding the Greater Sage-Grouse.
  - d. **Ratification of NACO's Comments on the USFWS Rule to Establish a Nonessential Experimental Population of the California Condor in the Pacific Northwest Including in Northwest Nevada.** Jeremy also informed the Board that comments were submitted on the item and the agency's proposed inclusion of additional protected area within the State for the bird. He noted that none of the modeled habitat is contained within the State and referenced the comments included in the distributed materials. The Board ratified the submitted comments on a motion by Commissioner Allan with second by Commissioner Lister.
  - e. **Update on activities related to Wild Horses and Burros.** Vice President French informed the Board that the summit held in May in Reno was a success. He noted that discussion among the attendees was centered around the best available science and recommendations were made for discussion at the BLM's Advisory Board meeting that would take place in July in Idaho. He concluded the item by noting that at the July meeting recommendations to Congress would be decided.
15. **National Association of Counties and Western Interstate Region Board Member Updates.** Vice President French informed the Board that no substantive platform changes were recommended at the Western Interstate Region meeting in May and that discussion was held regarding proposed changes to the PILT funding process and formula and the proposed agency planning changes previously discussed. Commissioner Allan informed the Board that she had also attended and observed that there was a focus on forested states and that the networking opportunities to collaborate with colleagues who experience similar challenges was excellent. The next Board of Directors meeting will take place in July at the NACo Annual Conference in Clark County.
16. **NACO Board Member Updates.** Updates were given by members of the Board on activities within their counties
17. **Public Comment.** Lee Bonner informed the Board that NDOT would be hosting a wildlife summit in collaboration with other state agencies at the Governor's Mansion, the date is yet to be determined.

The meeting was adjourned on a motion by Commissioner Price with second by Commissioner Allan.