

# NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

January 22, 2016, 9:30 a.m.

NACO Office

304 S. Minnesota Street

Carson City, NV 89703

## UNADOPTED MINUTES

Attendees: (NACO Staff; Jeff Fontaine, Dagny Stapleton, Tori Sundheim and Amanda Evans) President Carson; President Elect Phillips; Vice President Weekly; Elko County Commissioner Dahl; Clark County Commissioner Kirkpatrick; Mineral County Commissioner Tipton; Humboldt County Commissioner French; Washoe County Commissioner Herman; Lander County Commissioner Waits; Lyon County Commissioner Fierro; Churchill County Commissioner Olsen; Douglas County Commissioner Johnson; Eureka County Commissioner Goicoechea; Esmeralda County Commissioner Bates; Washoe County Commissioner Lucey; Pershing County Commissioner Irwin; and Nancy Parent, President of the Nevada Association of Clerks and Election Officials.

Other Attendees: White Pine County Finance Director, Elizabeth Frances; Tammy Lancaster, Nevada Rural Housing Authority; Cheva Gabor, US Forest Service; Lyon County Commissioner Alt; Virgil Arellano, Great Basin Strategies; Linda Bissett, NV Energy; Anne Pierce & Todd Biggs, Western Insurance Specialties; Lyon County Manager Jeff Page and Caleb Cage, Nevada Department of Emergency Management/Homeland Security.

1. **Public Comment.** Cheva Gabor of the US Forest Service (USFS) updated the Board on information she obtained regarding a prior discussion on the possibility of NACO becoming a Wildfire Grants Clearinghouse (agenda item 17), she noted that the USFS funding for the year will exceed \$3M divided among several categories. She is still researching what portions of the USFS funds would be/could be handled by the proposed clearing house. Ms. Gabor confirmed that the NV Division of Forestry will receive in excess of \$600,000. for hazardous fuels reduction and those funds could be passed through to a grants clearing house for distribution. She also noted that the Intermountain Region State and Private Forestry hopes to be able to provide seed money to the proposed grants clearinghouse to help develop its processes and referenced the meeting in February to further discuss the propose clearing house. Linda Bissett of NV Energy clarified that the net metering decision by the Public Utilities Commission only applies to residential installations and will not affect business or local government installations.
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Tipton with second by Commissioner Goicoechea.
3. **Investiture of 2016 NACO Officers.** Past NACO President Johnson presided over the oath of office with Past NACO President Tipton presenting NACO officer pins as White Pine Commissioner Laurie Carson rose to the office of President, Lincoln County Commissioner Phillips rose to the office of President Elect and Clark County Commissioner Weekly became Vice President.
4. **NACO President's Report.** President Carson thanked all those in attendance and noted that she is excited to preside over what she feels is the best Board in the state and that she will be resurrecting the Public Lands Committee which hadn't been active due to the creation and activities of the Nevada Land Management Taskforce. She asked Commissioner Tipton to Chair the Committee and Commissioner French to act as Vice Chair and thanked Commissioner Dahl for his past leadership of the Committee and his Chairmanship of the Taskforce. Commissioner Tipton requested staff to send notices to all County Commissioners and Supervisors inviting them to sit on not only the Public Lands Committee but the Legislative Committee as well.
5. **NACO Executive Director's Report.** Jeff congratulated the new officers on behalf of staff and welcomed the new appointees to the Board and specifically noted the dual representation from Clark County, he also let the group know that there would be a celebratory Basque luncheon. Jeff noted the distribution of the 2016 NACO Directory, the updated list of appointments to the various national and state committees and boards. He updated the Board on the progression of the planning for the 2016 Annual Conference which will take place at the Pahrump Nugget in Nye

County. Jeff spoke to the NV Supreme Court's upholding of the decision for summary judgement in the City of Fernley's case regarding c-tax revenue distribution. This decision was important because it clarifies the way c-taxes are distributed within the counties and affirmed the Legislatures formula for distribution, which was determined by a taskforce led by Commissioner Kirkpatrick during her time in the Legislature. Jeff also reminded the Board that the Legislative Commission instructed the LCB to work with NACO on a study regarding SJR13, which deals with property tax and to develop companion legislation for the 2017 Session to clarify several questions and issues. He also informed the Board that the National Association of Counties has requested County Commissioners to sign onto a letter regarding justice reform, specifically SB2123 which is the Sentencing Reform and Corrections Act. He noted that there appears to be bi-partisan support in Washington and he has additional information if individual Commissioners are interested in signing onto the letter. Jeff informed the Board that the 13<sup>th</sup> Annual County Leadership Institute will be taking place in Washington DC in June and that the states have the ability to nominate one participate. He noted that past attendee's include Commissioner Johnson, Commissioner Irwin and Commissioner Wichman, the tuition and room and board are allowed for within the NACO budget. The nomination must be submitted to the National Association by March first and asked any Commissioners wishing to be nominated to contact him directly.

6. **Approval of Minutes of the December 18, 2015 NACO Board of Directors Meeting.** President Carson noted that there should be a change in wording in item 10 of the minutes - changing the word "light" to "like" in the second to last sentence of the item and a grammatical typo changing a parenthesis to a comma following Tori's name in the Attendance record. The minutes were approved with President Carson's changes on a motion by Commissioner Tipton with second by Commissioner Goicoechea. Commissioner Fierro abstained from the vote as he was not present at the meeting.
7. **Approval to Expand the NACO Executive Committee to Include an At-Large Representative from Washoe County.** Jeff informed the Board that Washoe County appointed Commissioner Herman as their representative to the Board and also appointed Commissioner Lucey to be their second representative. The appointment of a second representative from Washoe County requires Board ratification pursuant to article 5 section 3 of the NACO By-laws which allow for the expanding of the Executive Committee to include members from each of the two largest counties if they are not already represented on the Executive Committee by an Officer. The item was approved on a motion by Commissioner Tipton with second by Commissioner French.
8. **Approval of a Request by the Nevada Rural Housing Authority for NACO Membership as a Government Partner.** Jeff reminded the Board that the bylaws include four classes of membership which include the Government Partner membership. Government Partner members are non-voting members that are organizations not comprised of elected officials that are affiliated with counties. Tammy Lancaster of the NRHA thanked the Board for their consideration, noting that NACO has two appointees to the NRHA Board of Directors. The request for membership was approved on a motion by Commissioner Tipton with concurrent second by Commissioners French and Herman.
9. **Presentation by Western Insurance Specialties.** Anne Pierce and Todd Biggs of Western Insurance Specialties, who are longstanding Associate Members and conference sponsors, addressed the Board regarding their voluntary public employee's life insurance program. Ms. Pierce noted that there has not been an increase in rates in 31 years and that there are no plans to do so regardless of the size of the county and/or their participation in the program. She informed the Board that there will be enhancements to the program beginning on March 1<sup>st</sup> and requested the assistance of the Board in the process of introducing the enhancements to their employee's. Mr. Biggs informed the Board that there will be a special open enrollment period with guarantee issuance of policies for new enrollee's (including spouse and children) regardless of their term of employment. Commissioner Waits inquired as to preexisting condition payment delays and Mr. Biggs noted that the program has no exclusions and therefore does not delay payment for any reason. He also noted that there are no changes to coverage with retirement and that the program also includes an advance payment option of \$10,000 within 72 hours while waiting for a death certificate and accelerated benefits for accident or loss of activities for daily living. It was also clarified that Commissioners are eligible for coverage, although they are not considered 'full time' employees.

10. **Update and Possible Action regarding a Proposal to Consolidate the University of Nevada, Reno College of Agriculture, Biotechnology and Natural Resources (CABNR), Cooperative Extension, and the Nevada Agriculture Experiment Station (NAES).** Jeff informed the Board that he and Dagny attended the retreat discussed at December's meeting which took place the previous week in Lake Tahoe. He reminded the Board that the Chancellor had indicated the creation of a working group to work through some of the issues surrounding the proposed consolidation which could be discussed following Dagny's update on the retreat. Dagny noted the retreat included staff from CABNR and Cooperative Extension and that the invitation contained two assumptions, the first being that the consolidation will occur by 2017 and the second being that the current Dean of CABNR will be the Dean of Cooperative Extension. This second assumption means that, if consolidation goes forward, the University administration will not put in place an independent Dean for UNCE who would have budget oversight. She noted that it was made clear that their participation in the retreat was only as observers so as to not inadvertently agree to the assumptions within the invitation. She said there was a lot of brainstorming and that Cooperative Extension staff was very vocal and that many are not comfortable with the proposed consolidation. She informed the Board that the approved policy paper was included in the discussion. She noted that the Deans have been tasked with bringing the Provost a plan by February 1<sup>st</sup> on the framework for the consolidation. Jeff and Dagny ensured that the Board's concerns were vocalized and included in the discussion and noted that county input and partnership was at the forefront of the discussion. An oversight board for Cooperative Extension was mentioned. A mission statement for CABNR was also requested. She noted that the administration's goal is to have the consolidation plan go to the Board of Regents by June. It was also promised that the Deans' letter to the Provost will be shared with Jeff and Dagny for an opportunity to provide input. President Carson inquired as to the working group and Dagny clarified that the working group was an idea put forward to the NACO Board by the Chancellor and would be comprised of some representatives from NACO and some from University administration. She also noted that she believes that some of the requested assurances within the policy statement may be incorporated into the plan. Commissioner French inquired as to how NACO would be involved in the development of the framework and it was clarified that that participation would come as part of the proposed working group. Commissioner Tipton stated that it would not hurt to have a working group and volunteered to participate. Commissioner Kirkpatrick noted that the Regents in Clark County were unaware of the discussion and there is a need to have real dialogue and determine what programs are important. She also noted that they have had meetings in which it was made clear that the Dean of Agriculture is currently of a 'get on board or you get nothing mindset'. She also noted that it is a larger legislative discussion but it is important to have the dialogue. Commissioners French, Kirkpatrick, Goicoechea and Herman all volunteered to be a part of the working group. Vice President Weekly noted that it is important to determine what works best on an area by area basis and echoed Commissioner Kirkpatrick's sentiments regarding the Dean's position but also expressed Clark County's position that they will remove resources from the program. He also noted that Cooperative Extension programs are vital in all areas of the state and that he believes that NACO has a larger voice than perceived and that it is time to dig in our heels on the issue. President Carson concurred with Vice President Weekly and said that the University was minimizing the impact of consolidation prior to opening discussions with NACO. Commissioner French also concurred and made specific note that he believes that the University was under the impression that Washoe and Clark would not take issue with the proposal. Commissioner Tipton stated that it was important to not back away and ensure the interests of the counties. Commissioner Kirkpatrick also noted that legislators are unaware of the proposed change and that there is a need to rethink the requirements of the policy paper specifically where the asks require funding and that any grants should be funneled to the communities. Dagny noted that there has been progress made through prior conversations but the narrowing of focus on the requirements within the policy statement could be a task of the working group. Commissioner Tipton moved to approve the working group as comprised of the commissioners who volunteered and the group was passed with a second by Commissioner Bates. Commissioner Waits inquired as to the addition of another member to the working group if a member of the Board who was not in attendance today wished to participate. Commissioner Tipton said that the volunteers represent a good cross section of the state and that there is trust in those included in the motion to communicate with the other counties. Commissioner Herman requested that each county provide the members of the working group a list of the most important issues and programs that affect their counties. The motion carried unanimously.
11. **Discussion on the November 10, 2015 Federal Court Ruling in the Civil Rights Lawsuit against Lyon County and its Former Public Administrator and the Response by Lyon**

**County.** Lyon County Manager, Jeff Page reviewed the circumstances that led to the suit in which the former Public Administrator was accused of theft following the death of a citizen with no written will or trust, and the subsequent decision by the court, which Lyon County is challenging. Mr. Page also noted that Nevada State Assemblywoman Titus is willing to use one of her 2017 BDR's to address standardized training, compensation and qualifications for Public Administrators throughout the Nevada. The Board also requested updates on the situation as the case continues to evolve.

12. **Presentation on the Programs and Activities of the Nevada Division of Emergency Management.** Caleb Cage, Administrator of the Nevada Division of Emergency Management and the State's Homeland Security Advisor provided the Board with an overview of the Department's responsibilities, goals and mission. He also reviewed how the Department is funded, how grants are administered and how the Department adheres to preparedness requirements throughout the state. Mr. Cage noted the ability to create and maintain relationships with the counties is of utmost importance to the Department and Homeland Security. Commissioner Irwin noted that the Department is also working on Next Generation 911 which is important to counties as well as the recreation of the Broadband Taskforce, which Jeff is the NACO representative on. Mr. Cage concurred that communications is a priority to the Department. Commissioner Weekly thanked Mr. Cage for his efforts and those of his Department during the festivities in Las Vegas on New Year's Eve.
13. **Update on the Nevada Supreme Court's Committee to Study Evidence-Based Pretrial Release.** Jeff informed the Board that Dagny was appointed by Chief Justice Hardesty to represent NACO on the Committee. Dagny outlined the organization of the Committee by the Nevada Supreme Court and explained that the goal of the Committee was to look at ways to reform pretrial release. Specifically the Committee is analyzing how pretrial release is determined and whether better and more standardized methods for risk assessment of defendants can be put in place in Nevada. The main issue being looked at is implementation of a Risk Assessment Tool, which includes a list of questions regarding defendants' legal history and current situation, and assesses likely risk to the community as well as risk for failure to appear for their court date. The Committee is also discussing bail. The Justice is sensitive as to how these reforms could impact counties jail populations, as well as administratively and fiscally, and will attend the Board's March meeting to further discuss his vision and plan. The next step in the Committee's process is a pilot study of a proposed risk assessment tool, which is being conducted in Clark, Washoe, White Pine and Douglas Counties (all of whom volunteered). The National Association of Counties has policy that is supportive of pretrial reform because it potentially saves counties money if implementation of pretrial tools is effective. Commissioner Weekly inquired as to who volunteered Clark County for the pilot study, Dagny let the Commissioner know that Clark County Assistant Manager Wells is on the Committee along with representatives of the DA's office as well as persons from within their jail. The Commissioner also noted that Clark County is dealing with structural and budgetary deficits and reforms to pretrial release would be paramount to their program especially if there is flexibility to the program in terms of dealing with mental and physical health issues. Commissioner Waits inquired as to the length of the pilot study and if there would be a mental health component. Dagny noted that the study is to last 6+/- months and that she would get the Commissioner the details if Lander County would be interested in participating. Jeff noted that he has discussed the mental health component with the Justice and that he is sensitive to the issue and will be incorporating the issue into the assessment. Commissioner Kirkpatrick noted that reimbursement of medical expenses is a major cost to counties and needs to be closely looked at within the assessment tool. Commissioner Olsen echoed the importance of the mental health component and that it is imperative for judges to 'buy in' to the process. Dagny stated that all the issues discussed are components of the Committee's work and that the majority of the Committee members are judges.
14. **Discussion regarding Possible Opportunities for Expanding Legal Representation for NACO and Nevada's Counties.** Jeff noted that with Tori's legal background she has introduced some potential opportunities for leveraged legal resources for not only some of ongoing issues with public lands but also during the legislative session as well as for some of the rural counties. Tori outlined her research and specified two organizations interested in representing counties and local government pro-bono and the issues that they are interested in working on. She provided the Board with their websites and how to contact them as well as how these organizations determine the cases they will take on.

- 15. Update and Possible Action on AB191 Enacted in the 2015 Legislative Session which Authorizes a County to Place on the Ballot at the General Election on November 8, 2016 a Question which Asks the Voters in the County whether to Authorize the Board of County Commissioners to Impose, for the Period beginning on January 1, 2017, Annual Increases to Taxes on Certain Motor Vehicle Fuels.** Jeff reviewed the Board's previous discussions and information provided for this standing agenda item. He requested direction from the Board as to what they would like staff to do to support the issue. It was clarified that the questions need to be submitted to the county clerks or registrars by mid-June. Jeff gave several options for participation of the Board, one being to officially support or not support the matter, as individual counties and Commissioners are not able to utilize resources do so. He also noted that NACO can continue to coordinate and provide information or do nothing. There are also groups that are willing to support the issue and they have reached out staff. Commissioner Tipton asked if it would be possible for staff to supply possible language for the pro/con portion of the question for counties that don't have staff available or able to provide the language. Jeff said that standardized language can be prepared. He also noted that it is important for the individual counties to have a list of the projects the counties will use the funds on if the question passes. Commissioner Kirkpatrick stated that the Clark County Commission has seen the benefits of the leveraging and fully supports the measure to the extent they are able. She also noted that NDOT has an active working list of priority projects and although those projects are specific to what the State would do with their portion it is at least a place for the smaller counties to start. Commissioner Johnson said that anything staff can do to assist the counties would be helpful but he would be hesitant for the Board to officially support the questions. Jeff said staff will work on draft language for the question as well as pros/cons and that information on individual county projects will need to be received in the short term.
- 16. Update and Possible Action regarding NACO's Priorities and Discussions with Nevada's Congressional Delegation during the National Association of Counties Legislative Conference in Washington, D.C. February 20-24, 2016.** Jeff announced those that have confirmed their attendance to the event noting that there are 12 of the state's 17 counties and that it will be phenomenal group attendance. He outlined the current schedule of congressional meetings as well as the reception and capital tour by Congressman Porter and the NACO state dinner. Jeff referred to the Board's direction at the December meeting to focus not only on specific issues but to apprise the delegation of what is going on in individual counties. He noted the creation of a Nevada 'Counties Matter' document per that discussion and individual letters being prepared to each representative thanking them for issues they have been specifically helpful on and supportive of. Dagny reviewed the draft Nevada Counties Matter document and noted that the National Association is assisting with the completion of the document including specific statistics and graphics to remind the delegation of what counties do. She also discussed the policy statements that will be provided on specific issues. Commissioner Dahl requested that everyone has a copy of HR1484 for the transfer of public lands to the State. Vice President Weekly inquired about the discussion surrounding the priorities of I-11 funding. Jeff said that the document includes transportation items and I-11 can definitely be called out specifically under that point. Jeff reminded the Board that with a large group there is limited time to review priorities and it is important to not spend too much time on any one issue or county and that the dinner on Monday is also the time in which it is decided who will speak on each individual issue.
- 17. Update on the Feasibility of NACO Serving as a Wildfire Grant Clearinghouse for Addressing the State Wildland Fire Issues in Prevention, Suppression and Post Mitigation.** Jeff noted that not much activity has occurred on this item but there is a meeting with stakeholders on February 9<sup>th</sup> to discuss the matter and the first item of discussion will be how to restore credibility to the proposed clearinghouse. He will provide a more detailed update at the next meeting.
- 18. Discussion and Possible Approval of a NACO Position Paper on the Basin and Range National Monument Designation.** This item was pulled from the agenda for additional information.
- 19. Discussion and Possible Action regarding the Bureau of Land Management's and U.S. Forest Service's Greater Sage-Grouse Approved Resource Management Plans (ARMP'S) including the The Complaint for Declaratory and Injunctive Relief Filed by Western Exploration LLC, Elko County, Eureka County, Quantum Minerals, White Pine County, Lander County, Humboldt County Ninety-Six Ranch, LLC, Paragon Precious Metals, LLC,**

**Churchill County, Washoe County and the State of Nevada.** This item was heard in a closed session with legal counsel.

20. **Update on NACO's Comments on the Bureau of Land Management's and U.S. Forest Service's Proposal under the Amended Resource Management Plans to Withdraw Lands Within Sagebrush Focal Areas from Location and Entry under the 1872 Mining Law, Subject to Valid Existing Rights, and Approval of NACO's Comments on the Nevada and California Bi-State Distinct Population Segment Forest Plan Amendment and Final Environmental Impact Statement.** Tori informed the Board that the SFA Withdrawal comments were submitted and that the Bi-State comment period was extended to January 29<sup>th</sup>. She noted that the USFS representative Cheva Gabor was instrumental in the organization of a meeting held on the 21<sup>st</sup> with the USFS, BLM and stakeholders including representatives from the Governor's office and Senator's Heller and Reid. She noted that the meeting enabled clarification on some of the proposed changes and that it also clarified that the two agencies are inconsistent in their plans specifically with the proposed connectivity habitat area. She noted that both agencies offered to provide workshops on the effects of the changes and encouraged the counties to become cooperating agencies.
21. **Discussion and Possible Action to Support Increased Funding for U.S. Department of Agriculture, Animal and Plant Health Inspection Service Predator Control Efforts in Nevada.** Jeff referred to a letter in the packet from RCI and other documents that outlined the issue and funding concerns that are allotted to the issue. He noted that it has become a critical issue specifically where the sage grouse is concerned and that the letter requests additional funding for the program. He asked for direction on if the Board wants to support the effort. President Carson also noted that funds are not always properly allocated. Commissioner Dahl moved to support the item and Commissioner Goicoechea seconded the motion which passed unanimously.
22. **NACO Committee of the Emeritus Update.** Commissioner Irwin updated the Board on the activities of the Committee and announced that as the Immediate Past President Lorinda will now chair the Committee. He spoke to the upcoming workshop on and that there was a clean-up to the by-laws and that the revised document will be distributed. He noted that they will be keeping the funds for the PAC as they are and they will be looking at potential issues for the PAC to become involved with. President Carson inquired about the next workshop and Dagny noted that it will be March 9<sup>th</sup> at 10:00A and will be on county finances and how the budget process works. She also noted that the Committee had brainstormed some ideas on how the counties can utilize the newly acquired home rule responsibly.
23. **National Association of Counties and Western Interstate Region Board Member Updates.** Commissioner Dahl announced that the next WIR meeting is in Jackson Hole in May. He also informed the Board that he had spoken to Mark Pollot regarding the Wild Horse and Burro suit and was informed that the Government will be filing their brief and that the case will then be assigned to a panel in the 9<sup>th</sup> circuit. He noted that as Mr. Pollot is very involved in the Hage case that there is potentially a good chance of getting the Supreme Court to hear the case. He also noted that the State of Utah commissioned a legal analysis to evaluate theories on arguments that could be used to obtain control of public lands and that the report concludes that they have a good shot at obtaining jurisdiction to go directly to the Supreme Court. Commissioner Tipton announced that the next big meeting is at the National Association's Legislative Conference and that the Annual Conference will be held in Long Beach in July and encouraged everyone to attend since it is so close. She also reminded the Board that Leslie Phillips is now the Chair of the Western Region and that she has implemented a policy that the first 30 minutes of the call is centered around a single state and its issues and that it has been a good tool for educating the other states on the issues important to each individual state.
24. **NACO Board Member Updates.** Updates were given on the activities occurring within their counties by members of the Board.
25. **Public Comment.** Comments were given by Lyon County Commissioner Alt regarding public lands. Commissioner Waits inquired as to if there will be traveling meetings this year since it is a non-legislative year and Jeff said it is under consideration for the Spring and/or Summer. It was also decided that the February meeting will be canceled due to the National Association's Legislative Conference.