

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

June 24, 2016, 9:30 a.m.

NACO Office

304 S. Minnesota Street

Carson City, NV 89703

ADOPTED MINUTES

Attendees: (NACO Staff Jeff Fontaine, Dagny Stapleton, Tori Sundheim and Amanda Evans) President Carson, President Elect Phillips, Past President Wichman, Douglas County Commissioner Johnson, Esmeralda County Commissioner Bates, Storey County Commissioner McGuffey, Washoe County Commissioner Herman, Lander County Commissioner Waits, Lyon County Commissioner Alt, Washoe County Commissioner Lucey and Tami Davis, Treasurers Association of Nevada.

Remote Attendees: Vice President Weekly, Pershing County Commissioner Irwin, Churchill County Commissioner Olson, Clark County Commissioner Kirkpatrick, Nye County Commissioner Schinhofen, Eureka County Commissioner Goicoechea and Elko County Commissioner Dahl

Other Attendees: Linda Bisset, NV Energy; Bill Miller, White Pine County; Tim Rubald, Society for Range Management; Bill Payne, UNR; Christian Bailey, NV BLM; and Steve Clutter, NV BLM.

1. **Public Comment.** None was given.
2. **Approval of Agenda.** The agenda was approved on a motion by Past President Wichman with second by Commissioner Bates.
3. **NACO President's Report.** President Carson reported that the 2nd Public Lands Breakfast was held in Las Vegas on Monday and that the White Pine County Commission voted to move forward with a lands bill.
4. **NACO Executive Director's Report.** Jeff noted that several Nevada Commissioners and he have been testifying in Washington DC before Congressional Committees on several different issues. He spoke about the NACo Annual Conference to be held in July and asked that those attending let staff know so that invitations can be extended for special events being held outside of the conference itself. He also reminded the Board that voting credentials need to be submitted to NACo and that they need to be signed by the individual Commission Chairs and asked that anyone needing assistance to contact him. He also noted that NACo Policy Steering Committee membership applications need to be turned in and that unless he hears from current Committee members he will keep them on those committees. Jeff also said that NACO's new website is live and that while information is still being added to the site it is working well and should be a benefit to members.
5. **Approval of Minutes of the May 20, 2016 NACO Board of Directors Meeting.** The minutes were unanimously approved on a motion by Commissioner Johnson with second by Past President Wichman.
6. **Recommendation of a NACO Representative for Appointment to the Nevada Department of Health and Human Services' Grants Management Committee (NRS.232.383).** President Carson noted that Jeff has sat on the Committee as NACO's representative for 6 years and has also chaired the Committee. She said that Jeff can sit on the Committee for an additional 6 years but inquired as to if any members had an interest in sitting on the Committee. Past President Wichman moved to re-seat Jeff on the Committee and the motion was unanimously approved on a second by Commissioner Bates.

7. **Presentation from Associate Chief Justice James Hardesty regarding the Use of County Seals on the New Supreme Court Building Under Construction in Las Vegas.** Justice Hardesty gave a brief overview the fact that the Supreme Court conducts oral arguments in Las Vegas in the Regional Justice Center and that under the plan that created the Court of Appeals they also hear cases on the same floor as the Supreme Court. He noted that he was approached by a developer to erect a building for the Supreme Court and the Court of Appeals. Following negotiations with Clark County and approval by the Legislature the new building was started. He informed the Board that the plan for the building is to include carved marble seals of each county on the exterior of the building. The Associate Chief Justice requested that there be NACO and county representatives at the opening of the building upon completion of construction.
8. **Update on Nevada's Rural Community Development Block Grant (CDBG) Program.** Corey Hunt appeared before the Board on behalf of Peter Wallish. Cory is Chair of the Advisory Committee which reviewed all of the CDBG applications submitted over the past year. Mr. Hunt noted that there had been 26 applications for a total of \$6.3 million in requested funding and that the funds allocated were \$2.4 million. After administrative costs the total project funding was \$2.3 million and \$2.2 million was awarded to 11 fully funded and 3 partially funded projects. He noted that there will be a phase 2 round of funding for just over \$300k in additional funding and that a request for proposal would be released in July. He noted that HUD funds the program and that financing has decreased across the nation at a total of 25% but only 19% in Nevada. He noted that the focus of the program and GOED is to fund fewer but larger projects and shift to capacity versus operation. The Committee unanimously approved a pre-application process for 2017 to reduce staff time and increase early engagement for project eligibility. He noted that the application will focus more on economic development and infrastructure building. He also informed the Board that the application process will now be conducted online and that the new process is to encourage stronger applications and allow counties to identify funding streams for projects that don't meet the CDBG criteria. Jeff inquired as to the applications and county recommendations and it was noted that all applications that were recommended for funding by the Advisory Committee were approved and that the average award was \$150k, an average increase of 20%.
9. **Presentation on AT&T Nevada's Application to the Public Utilities Commission for Relief from Designation as a Provider of Last Resort in Portions of Nevada Pursuant to NRS 704.68886.** Randy Brown, Director of Regulatory Affairs for AT&T Nevada addressed the Board and reviewed the history of the designation and the application. He noted that a request for relief was previously approved in Washoe and Clark Counties in 2015 and that the application if approved would affect all 17 counties. He noted that the application requires AT&T to prove that there are at least two wireless providers covering the service area they are requesting relief from and all rules regarding 911 remain. He also noted that they would be required to continue provide lifeline service to low income residents within their service territory. Commissioner Waits inquired as to what the response was on their tour along the I80 corridor and Mr. Brown noted that the required consumer meetings were completed in 12 of the affected counties and that they were also required to have meetings with law enforcement. Mr. Brown informed the Board that the meetings which had already been conducted had low consumer participation and that AT&T has verified cellular coverage at the residences in which people had voiced concerns. Mr. Brown reviewed the details of their notification requirements and stressed that they did all they did more than required to notify the public. Commissioner Waits noted that the concerns that she has include the fact that Lander County does not have reliable wireless coverage, the cost of cellular phones and the major issues with dropped calls within the rural areas in the state as well as the fact that the general public does not understand the notices or the impact of the application. Mr. Brown stressed that the application would not affect the poor and Commissioner Waits noted that the average citizen may not be considered poor but may not be able to afford wireless coverage, the lack of security for business lines and encouraged them to work on their maps to confirm coverage. Mr. Brown informed the Commissioner that the PUC asked for specific locations and Commissioner Waits inquired as to what constitutes acceptable service and what would happen if there were equipment issues. Stephanie Tyler, State President of AT&T Nevada noted that the company's goal is to increase economic development and increased broadband coverage including cellular services and that the approval of relief will allow AT&T to use funds to provide the products that the rural communities have requested instead of maintaining copper lines required for the designation. She spoke to the relief the company has received in 17 of the 22 states in which she

competes for funding and that it is difficult for her to receive funding from AT&T when Nevada hasn't provided relief to increase services that people are requesting. President Carson noted that their maps don't show other carriers and Mr. Brown noted that they relied on 16 other carriers and that they provided a map of coverage for all 16 of them and that they were developed by the individual carriers and were verified by a 3rd party. Past President Wichman noted that AT&T's maps effectively split Nye County in half and that emergency service in Northern Nye County doesn't currently have reliable coverage and that they can't use AT&T which services Southern Nye County and are required to have multiple phones. President Carson also echoed Commissioner Wichman's concerns that citizens of her community also are required to have several phones from different carriers to conduct their business. Ms. Tyler noted that they don't intend to take any services away, that less than 50% of AT&T's customers are enrolled in land line service and that they wish to concentrate in wireless and broadband services. When questioned on federal mandates Mr. Brown informed the Board that there is a safety net in the legislative tool available to the PUC but assured that it would not be needed because AT&T has no plans to tear out their infrastructure. Jeff questioned if the application was approved that they could tear out the copper wire necessary for landline service and Mr. Brown told the Board that they had no plans to do so and the direction of their CEO is "no one left behind" and that although they may provide service on different platforms that they would be providing service. Jeff also inquired as to areas where cell service isn't stable and if that was something that would be addressed prior to the application being approved and if not what the obligation would be to address those issues discovered after the potential approval. Mr. Brown noted that there are multiple avenues for complaint and that they respond to all complaints even if they are outside of their jurisdiction. Jeff then clarified what would happen in areas where AT&T is not a wireless provider. Mr. Brown reiterated that he doesn't know how other companies address complaints and that they are constantly changing their maps according to service. Mr. Brown noted that they had already requested that a couple of areas be removed from the request based upon lack of service. Commissioner Irwin spoke to the lack of participation at the meeting in Pershing County and felt that it was due to lack of notification as he had specifically requested personal notification of the meeting and received none. He also spoke to the fact that the Pershing County Courthouse is wired in copper and that the expense required to replace their whole system would be greatly prohibitive, and the same is true for 911 services and within their hospital. He also noted that he was sent a letter by AT&T that informed him that they were no longer able to use data on the system because there was too much roaming and were requested to move to a new provider.

10. **Presentation on the Society for Range Management.** Tim Rubald, President of the Society for Range Management (SRM) addressed the Board on the purpose of his organization. SRM's mission is to promote and encourage proper management of Nevada's range using science and academic based information. He gave a brief overview of the Society's programs including those focused on youth. Mr. Rubald noted that the Society's meetings address issues with management and focus heavily on education. He noted that they are happy to partner with NACO on common issues and stressed their focus on science vs. politics.
11. **Discussion and Possible Approval of a Salary Increase for the NACO Executive Director.** President Carson informed the Board that the Executive Committee met in April to discuss the issue and recommends approval of an increase of 10% to bring his compensation more in line with his colleagues noting that Jeff hadn't had an increase in over 2 years. Vice President Wichman inquired as to how the proposal fits within the budget and it was clarified that the increase is actually 1% less than what was budgeted for his position. The item was approved unanimously on a motion by Vice President Wichman with second by Commissioner Herman. Prior to the vote Commissioner Johnson noted that the organization is lucky to have Jeff and the staff he has assembled.
12. **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 closed session with legal counsel.

13. **Discussion and Possible Action for NACO to File an *Amicus Curiae* brief in Support of an Upcoming Petition for Writ of Certiorari on behalf of Former County of Los Angeles Sheriff Lee Baca in the Matter of *Garcia v. County of Riverside, et al.*, 817 F.3d 635 (9th Cir. 2016).** Jeff informed the Board that he had received a request from the attorneys on the case and followed up with a conversation with them. Jeff also forwarded the request to Clark County, and spoke with Las Vegas Metro's legal counsel who is looking at the case and will be briefing the Sheriff for approval. If Metro agrees to sign on they have indicated they would allow NACO to sign onto their brief. Commissioner Kirkpatrick informed the Board that Clark County is filing a brief in support. Michael Allen, counsel for the County of Los Angeles gave a brief history of the situation and noted that they are requesting counties throughout the west to file briefs. He noted that they are filing the case in the Supreme Court and that the current decision has major impacts to larger jail systems, requiring the shifting of resources and how persons arrested by outside agencies and transferred to custody under warrants are handled, including requiring additional investigations and increased county liability. Mr. Allen noted that having the briefs increases the acceptance of the case by the Supreme Court. Commissioner McGuffey clarified that the case was going to the U.S. Supreme Court. Commissioner Dahl inquired as to the timing the hearing and it was clarified that the briefs would be due in early October. Jeff noted that it is an action item and outlined that the best option available for the Board is to join a brief prepared by Clark County or Las Vegas Metro. He noted that there is no internal ability to write a lone brief and that there would be costs associated with filing a lone brief. Commissioner Wichman moved to join a filing by Clark County or Metro and the item passed unanimously on a second by President Elect Phillips.
14. **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).** Dagny provided an update to the Board including that the Faculty Senate heard the consolidation proposal for the 3rd time and finally approved it. The approval did include one change to the plan: that the Director of Cooperative Extension would be a full Director as opposed to an Associate Director. This change was in alignment with one of the assurances that NACO had requested. Dagny noted that following the vote NACO finally received a response to NACO's April letter to the Provost and a second meeting between the NACO Working Group and the Provost was scheduled. That meeting occurred on June 9th and, though there was some progress made on the list of assurances requested, the Administration made clear that they were not able to provide any additional funding until the 2019 Legislature and only very limited increases to positions. She noted that the proposal will go to the Board of Regents in September for approval and that Dean Payne was also a party to the June 9th meeting. In that meeting Dean Payne touched on his desire to start strategic planning for implementation of the plan prior to final approval. Dagny also mentioned the MOU's from the individual counties and that Dean Walker sent a draft of a possible MOU and indicated the University's desire for a standard document throughout the state. Clark County is currently working on an MOU with their DA. Dagny also informed the Board that there has been a new Interim Chancellor appointed and that a meeting with the Interim Chancellor will be requested. Dean Payne then spoke and reiterated the need to continue to improve communication; he also reviewed the history of the proposal at the Faculty Senate. The Dean spoke to his perspectives on the June 9th meeting and noted that they are proposing three new faculty members within Cooperative Extension and that the college doesn't feel they are in a position to actively fight for reinvestment in the 2017 Legislature but would not actively fight against it. He noted that they will be conducting a national search for a new Dean and that they have proposed a liaison position that would be housed within NACO. He spoke to the creation of a strategic plan to guide reinvestment and to the amount of time that the proposal has taken. Commissioner Kirkpatrick asked that the dialogue continue before the whole Board and noted that she doesn't understand how the University can say that funding isn't important when Cooperative Extension and its programs have a huge impact on everyday life across the state. The Dean agreed that communication is important and that would be a key component of the proposed liaison position, which he would like to further discuss soon. He noted that he has been fighting for reinvestment across all the affected departments and that he and his affected colleagues are part of a larger system that has different priorities and that it is not within their role to actively fight for the needed financing. President Carson noted that NACO, the voice of all 17 counties, has been largely ignored. The Dean stated that he sees the need to increase funding for Cooperative Extension and cooperation. Commissioner Herman noted her disappointment in seeing new buildings going up on the University while the children and families throughout the state,

especially within the rural counties have been shortchanged. The Dean stated that Commissioner Herman had a valid point and that must change and the NAES is in the same role as Cooperative Extension.

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 let the Board know that half of the counties have responded to a request for status have adopted their resolutions and the remainder would do so by the end of the month. He noted that some counties have chosen to cap at 3 cents and others had used NACO's draft language with an explanation. He noted that there have been difficulties in some counties with finding Pro/Con committees and that he has talked to several committees to try and clarify the bill while making it known that the Board has not taken a position. He also reminded the Board to let him know if there are any questions going forward and that there are still questions and/or differing interpretations of the bill.
16. **Update on Interim Legislative Committees and Studies, Legislative Priorities and Possible Approval of NACO Bill Draft Requests for the 2017 Legislature.** Commissioner Lucey, Chairman of the Committee informed the Board that the Committee has met biweekly and that the Committee has discussed BDR ideas including an increase in sales tax to ½% for infrastructure for counties with a population of less than 100K by ordinance and property tax reforms. Discussion has also been held on presentence investigation reports to reduce the cost to counties from 70% to 30% based upon the majority of use benefit. Commissioner Kirkpatrick, Vice Chair of the Committee also noted discussion on making funding for Cooperative Extension a priority and making Public Administrators an administrative function vs. an elected position. Commissioner Wichman noted the possibility of a modification allowing counties to remove civil duties from the District Attorney and make them administrative and able to be directed by the Commissions. The Committee has also discussed the lack of requirement of approval or input from the counties when tax abatements are given. Jeff noted that the BDR's are due Sept. 1 and with no July meeting of the Board direction is requested on which ideas to move forward on. Direction was given to continue working on the ideas presented.
17. **Discussion and Possible Action Regarding Public Lands and Natural Resources Issues Including:**
 - a. **Report from the NACO Public Lands Committee.** Tori informed the Board that at the previous day's meeting the USFS Humboldt-Toiyabe Forest Hydrologist gave a presentation on the Service's updated climate change study and its results and adaptation strategies. Commissioner Dahl inquired as to whether the numbers of trees in the forest were supported by the existing and/or expected water resources. Cheva Gabor of the USFS stated that that information was not a part of the presentation and that she would get that information to him. Tori also updated the Board on the proposed "plug & play" socioeconomic analysis which could be used in future BLM management plans and noted that it will continue to be looked into. She noted that the Record of Decision was signed regarding the Bi-State Sage Grouse and that USFS included a public interest clause which is helpful and that the BLM and USFS did have some discrepancy within their documents. Tori also gave an update on the Western Interstate Region conference and her meetings with colleagues from neighboring states - she found that there were many common issues experienced. Tori encouraged review and comments of the proposed policy to be presented at the NACo Annual Conference in late July. Tori also informed the Board that we have been invited to be on the next two agendas for the Legislative Interim Committee on Public Lands. Jeff noted that the next meeting of the Committee is July 28th in Elko and the August meeting is scheduled on the same day as the NACO Board meeting and suggested attending the July meeting. Direction was given to attend the July meeting.
 - b. **Update on the Bureau of Land Management's Proposed 2.0 Planning Regulations.** Tori noted that the Planning 2.0 comments were submitted and that several other comment letters were submitted with NACO's markups attached. She also noted that conversations were had with Director Kornze at the NACo WIR meeting on the subject and that Jeff would be testifying in Washington on the subject in early July.

- c. **BLM's Proposed Sagebrush Focal Area Withdrawal Environmental Impact Statement.** Tori informed the Board that NACO is a cooperating agency for both Nye and Lander Counties and that we are working through the process including reviewing required documents and generating responses. No action was taken.
18. **Update on the Southern Nevada Public Land Management Act (SNPLMA) Partners Working Group.** This item was not heard in the interest of time.
19. **NACO Committee of the Emeritus Update.** Past President Wichman informed the Board that the recent workshop regarding the use of social media was a success and that the video recording of the workshop can be found on the NACO website. She noted that the Committee is continuing to work on new ideas for workshops. Dagny announced the next workshop will be on September 9th on Public Lands Laws and that the group is also gearing up for a review and revamp of the New Commissioner Handbook as well as training for new county elected officials. She concluded the report with the work being done to determine ideas for use of Home Rule and that no reports of use have been received.
20. **National Association of Counties and Western Interstate Region Board Member Updates.** None were given.
21. **NACO Board Member Updates.** Commissioner Waits discussed a story in a recent edition of NACO News and noted that the American Legion also facilitates proper disposal of American Flags.
22. **Public Comment.** Jeff informed the Board that Doug Busselman has returned Nevada as the Executive Director of the Nevada Farm Bureau.

The meeting was adjourned at 1:46P