

## NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

February 17, 2017, 9:30 a.m.

This meeting will be conducted via video and teleconference

Members of the public can participate in the meeting at the

NACO Office

304 S. Minnesota Street

Carson City, NV 89703

### ADOPTED MINUTES

**Attendance:** Elko County Commissioner Dahl, Washoe County Commissioner Herman, Esmeralda County Commissioner Bates, Douglas County Commissioner Thaler and Nevada Assessors Association, Dave Dawley. (NACO Staff: Jeff Fontaine, Dagny Stapleton and Amanda Evans)

**Remote Attendance:** President Elect Weekly, Nye County Commissioner Wichman, Vice President Waits, Lyon County Commissioner Alt, Mineral County Commissioner Tipton, Pershing County Commissioner Shank, Storey County Commissioner McGuffey, Churchill County Commissioner Olsen, Nevada Treasurers Association, Tammi Davis and Nevada Association of Clerks and Election Officials, Nancy Parent.

**Other Attendees:** Nye County Commissioner Schinhoffen, Lyon County Commissioner Gray, John Slaughter, Washoe County Manager; Nick Marano, Carson City Manager and Lee Bonner, NDOT.

The meeting was called to order at 9:33A by President Elect Weekly.

1. **Public Comment.** None was given
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Thaler with second by Commissioner Bates.
3. **NACO President's Report.** President Phillips was unable to attend the meeting, none was given.
4. **NACO Executive Director's Report.** In the interest of time none was given.
5. **Approval of Minutes of the January 27, 2017 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Bates with Second by Commissioner Dahl. Commissioner Tipton abstained because she was unable to attend the January meeting.
6. **Approval of NACO's 2017 Associate Members.** Jeff reviewed the portion of the By-Laws that requires the approval of Associate Members by the Board and referred to the list included in the agenda packet which included previous and new firms interested in participating in the program. Vice President Waits inquired as to if the list should be read into the record and it was suggested by President Elect Weekly that the list be included as an addendum to the minutes which was concurred with by Commissioner McGuffey. The 2017 NACO Associate Members were approved on a motion by Commissioner Dahl with second by Commissioner Herman.
7. **Approval of a List of Persons from which the Governor will Appoint NACO's Representative to the Nevada Commission on Off-Highway Vehicles (NRS 490.067).** Jeff reviewed the Commission's duties related to the oversight of registration and licensing of OHV's including the report provided to the Legislature included in the agenda packet. Jeff noted that NACO's current representative to the Commission is Sue Baker (Clark County Commissioner Brown's Liaison) and that she also serves as Vice Chair of the Commission and has requested to be considered for reappointment. Jeff informed the Board that he has not received any other requests for appointment and recommended her reappointment. Commissioner McGuffey inquired as to if Ms. Baker rides ATV's and Jeff said that he can't answer that but noted that there is a representative of the ATV Riders Association on the Commission and Commissioner Alt inquired as to if there was representative of the ranching

Community on the Commission. Dagny informed the Board that the Commission is comprised of 11 members, made up of representatives for: OHV dealers, sportsmen, ranchers, law enforcement, DCNR, NACO, OHV users association and four OHV enthusiasts. Commissioner McGuffey noted that while he is an advocate of the registration for the building and maintenance of trails he expressed frustration with the registration process through the DMV. Jeff said that he believes the program is out of the DMV to the Department of Conservation and Natural resources and that the Commission is working on those issues and that he would pass along the concerns. Ms. Baker was reappointed on a motion by Commissioner Wichman with second by Commissioner McGuffey.

8. **Update on the 2017 Legislative Session and Possible Action regarding NACO Priorities, including Budget Requests, Bill Draft Requests, Bills and other Measures.** Jeff noted the second week of the Session is wrapping up and that there had been a lot of action in the first two weeks. He noted that the Governor's recommended budget is being heard and pointed out the county cost assessments from the Department of Health & Human Services specifically regarding child welfare and staffing increases; and increases in Medicaid Match program assessments. He also noted that he has a meeting scheduled with the Director of the Health and Human Services Department and he will be bringing county representatives with him to that meeting. Jeff also mentioned that there is great concern with increases in the assessments for pre-sentence investigation reports and noted that there had been a hearing on SB8 and during that hearing statistics had been presented to the Committee that the proposed increase to the parole and probation cost assessment was roughly 72% and that the total county allocation had increased 118% from the 2012/2013 Biennium when the counties first began paying the assessments. All of these increases occurred while the counties revenue growth is only 6.4% and the States revenue growth is 17.4%. Jeff noted that the assessments were put in place to help the State balance the budget during difficult times and that now the counties will be charged more money with no control of the reports. The message that NACO is sending to the Legislature is that county revenues are not keeping up with the growth of the State's revenue and that assessments need to be addressed. Dagny updated the Board on AB43 regarding property taxes and that there had been a lot of discussion within the Legislature as well as in the media. Since the beginning of Session that there were a number of presentations given by counties and cities on property taxes and how their ability to provide services are being affected. She noted that AB16 (Cooperative Extension) should have a hearing soon and that an amendment will be requested to clarify the match requested by the State is to be the one cent provided by the counties. Dagny next provided the Board a review of previous discussions regarding AB40, the White Pine County Courthouse Bill. She mentioned that previously, information was given about the service the Courthouse provides to the State's maximum security prison and noted the inclusion of the breakdown of the prisoner population by county of origin was included in the current agenda materials. President Elect Weekly inquired as to the Board's feelings on the issue and indicated that he felt it important for NACO to take a position on the issue because it has come up for a number of Legislative Sessions. Commissioner Shank noted that if the bill is passed, Pershing County would look at their needs as they host a state facility as well. Commissioner Waits noted that it hasn't come before Lander County's Board but she understands the needs and supports the measure especially since the major issue is the location of the current courthouse. Commissioner Dahl inquired as to the total cost of the courthouse, White Pine's contribution and where the remaining funds would come from. Jeff clarified that the preliminary construction estimate is \$16M with White Pine contributing \$9M and that the funding requested in the bill is a state appropriation that would not come from the individual counties. He also noted that the bill is being put forth by the Supreme Court and that, as he understood it, a state appropriation was requested due to the fact that the issue is of state-wide interest. Commissioner Thaler noted that Douglas County would not be opposed and that he had used the same concept and argument for successfully obtaining funds for the China Springs Youth Camp. Commissioner Wichman noted that Nye County would also be in support of the important issue. Vice President Waits agreed that NACO needs to take a position but would like to take the issue back to her Board for discussion. President Elect Weekly concurred that it is important to have individual Board discussions and inquired as to how that would work for time. Jeff noted that the next meeting of the Board would not be until the end of March, and that if the bill is heard prior to that there might be the need to convene a special meeting if the bill is heard prior to the next meeting or the official position could be deferred to the Legislative Committee. Commissioner Thaler noted that Board members are elected by the individual Commissions to speak on their behalf. Commissioner Tipton concurred with the statements of Commissioner Thaler. Commissioners Schinhoffen and Gray also agreed that the arguments for the

bill are sound, there is no pass down, and that the Board should take a stance one way or the other and then the individual Commissions could take the item up if they so choose. Commissioner McGuffey agreed as well. Staff was requested to provide a draft letter of support for the counties to use individually. Jeff was asked for a roll call vote and the Board unanimously approved support of AB40 and direction to prepare a draft letter of support for individual county use on a motion by Commissioner Alt.

The Board was next asked to consider Senator Ford's body worn camera bill, SB176. Dagny reviewed the issue and reminded the Board that during the 2015 session the Board didn't oppose the policy issue (wearing the cameras) but opposed the 2015 bill because it was an unfunded mandate. She noted that work had been done with Senator Ford and that with the mandate for the cameras he has included a funding mechanism in the bill. The funding mechanism is an expansion of the use of 911 surcharges on phone bills and enables the counties to enact an increase to those charges. She noted that Senator Ford is not open to amendments on the policy but is open to discussion on the 911 portion of the bill and that he wanted it to be heard the following week. Jeff noted that there are concerns over the funding needs of the counties for communications and that discussion would be held regarding a potential delay of the implementation date from January 2018 to July 2018 to give the counties time for budget planning. He also noted that the increase in the 911 surcharge could be a significant revenue source and inquired as to the Board's appetite to potentially use the funds to assist with the replacement of the ADS system. Commissioner Herman asked if storage costs would come from the surcharge and Jeff noted that all costs associated with body cameras would be included in the funding mechanism and he will make sure that is clarified on the record. Commissioner Thaler noted that it will no doubt pass and not be vetoed and that it is good that the bill is enabling and would provide the appropriate funds necessary. Commissioner Thaler also inquired about the possibility of working ADS into the bill. Jeff noted that emergency management and communication systems are critically integrated in data systems. Nick Marano informed the Board that Carson City would generate roughly \$250K in additional revenue and policy and technology implementations will drive ongoing costs. Mr. Marano also noted that the existing surcharge does not cover the County's costs and that the language may need to be broader regarding the uses of the funds. Jeff noted that it would be a fine line because from a policy standpoint there would need to be a clear nexus to the 911 system. Commissioner Alt noted that there would need to be reserves and it was clarified that the bill includes a reserve requirement and limit by size of county. Commissioner McGuffey noted that not all counties have enacted the fees and Jeff noted that the fee is a surcharge on each phone bill and not based upon actual 911 calls - the phone companies collect the fees and then send the funds to the counties. Dagny reiterated that the funds going to the counties could be significant if they are raised and Jeff noted that the current fee of \$.25 is far below what other states charge. Staff was directed to work toward broader language for the uses of funds and was directed to formally support the bill by consensus. Jeff informed the Board that AB153 was introduced by Assemblyman Daly and includes cosponsors from the Washoe County delegation. The bill would require counties where large development is taking place to compensate neighboring counties for proposed/expected impacts. Commissioner Wichman asked if the language is may or must regarding the impact statements and fees and Jeff and Dagny clarified that the language is mandatory. Commissioner McGuffey stated that Storey County is highly opposed and noted that while the development in the USA Parkway corridor may be employed in the county, workers live in Washoe County and that that county is benefiting from sales, property and other taxes where Storey County will not receive benefit from sales and use taxes for years due to abatements used and to bring industry in. He also noted that the costs of the impact studies required will be significant. Commissioner Thaler agreed with Commissioner McGuffey's statement and noted that it would pit counties against each other. Commissioner Shank also agreed noting that it will impede growth. Staff was instructed to oppose the bill by consensus of the Board. Jeff also informed the Board that there is discussion regarding possible enabling legislation that would allow individual BOCC's to adopt by ordinance an index on diesel fuel of up to five cents and inquired as to the Board's appetite to continue the discussions. Commissioner Tipton said Mineral County would like to see it happen. Vice President Waits inquired as to the Bill Draft and Jeff clarified that it is currently only a discussion. Staff was instructed to continue to participate in the discussion and President Elect Weekly requested that the discussion include provisions in the language to require that Nevada companies and workers be considered first for road work projects. Jeff concluded the item by informing the Board that the final draft language of the Indigent Defense bill along with a summary of what the advantages and disadvantages may be to the counties will be distributed to the Board and

County Managers within the next week or so and encouraged the Board to review the language closely, as it is important that the bill doesn't become a divisive issue among the Association.

9. **Update and Discussion regarding Meetings and Events during the National Association of Counties Legislative Conference in Washington, D.C. February 25 to March 1, 2017.** Jeff informed the Board that it was expected for 18 to 21 persons attending the conference representing eleven counties and that the schedule of events and Capitol Hill visits would be distributed the following week. Also, meetings were scheduled with all members of the Delegation and also, an informal discussion among the states that have approved recreational marijuana will be held as well. President Elect Weekly inquired as to any events scheduled with former Congressman Porter and Jeff informed the Board that the Congressman is hosting a reception as well as a guided tour of the Capitol. No action was taken
  
10. **Update and Possible Action Regarding Public Lands and Natural Resources Issues Including:**
  - a) **The Bureau of Land Management's Final 2.0 Planning Regulations.** Jeff informed the Board that on February 7<sup>th</sup> the House repealed the regulations under the Congressional Review Act and that there is a similar measure in the Senate. This measure has support of NACo and that, while the Western Governors Association has concerns with the regulations, they stopped short of requesting repeal of the regulations. Jeff noted that unless the Board's appetite regarding the issue had changed the Association would continue to support repeal of the measure.
  - b) **Nominations to Fill Future Vacancies on the BLM's Wild Horse and Burro Advisory Board.** Jeff informed the Board that Commissioner French had submitted an application to fill a vacancy on the Board and that a letter had been sent from the Association as well as from the National Association of Counties supporting his appointment to that Board.
  - c) **NACO's Efforts Seeking to Compel the U.S. Bureau of Land Management to Comply with the Provisions of the Wild Free-Roaming Horse and Burro Act.** Jeff informed the Board that oral argument before the 9<sup>th</sup> Circuit US Court of Appeals in San Francisco will occur on March 14<sup>th</sup> at 9:00 AM.
  - d) **The BLM's and U.S. Forest Service's Greater Sage-Grouse Resource Management Plans including the Complaint for Declaratory and Injunctive Relief Filed by the State of Nevada and Seven Nevada Counties, and BLM's Sagebrush Focal Areas Withdrawal Environmental Impact Statement.** Jeff thanked the Board and Counties that attended the hearing held in Reno regarding the question of whether the State and Counties had standing and that Judge Du indicated that she would be making a decision on the issue within 4-6 weeks. He also noted that the DEIS has been released for public comment and that the comment period ends on March 30<sup>th</sup> - there will be public meetings held in Sparks and Elko. Jeff reminded the Board that the Association is a Cooperating Agency and will be submitting comments as well.
  
11. **NACO Committee of the Emeritus Update.** Commissioner Wichman, Chair of the Committee deferred to Dagny regarding the item and Dagny informed the Board that several Commissioners had been invited to join the Committee by President Phillips and that the first meeting of the Committee would be the following week. She also noted that the Committee had previously worked on the issue of Home Rule and that the report submitted to the Legislature on Home Rule was included in the agenda packet and can be found on the NACO website.
  
12. **National Association of Counties and Western Interstate Region Board Member Updates.** None were given.
  
13. **NACO Board Member Updates.** None were given.
  
14. **Public Comment.** Jeff informed the Board that nominations for the NACo County Leadership Institute are open and requested anyone is interested in attending to

The meeting was adjourned at 11:25A.