

**NEVADA ASSOCIATION OF COUNTIES (NACO)
Board of Director's Meeting**

November 16, 2016

Upon adjournment of the NACO Annual Business Meeting
but no earlier than 8:15 a.m.

Valley Electric Association, Inc.

800 E. Hwy 372

Pahrump, NV 89048

UNADOPTED MINUTES

Attendance: President Carson, Vice President Weekly, Past President Wichman, Douglas County Commissioner Johnson, Lander County Commissioner Waits, Humboldt County Commissioner French, Mineral County Commissioner Tipton, Churchill County Commissioner Olsen, Washoe County Commissioner Lucey, Esmeralda County Commissioner Bates, Lyon County Commissioner Dahl, Pershing County Commissioner Irwin, Nye County Commissioner Schinhofen, Storey County Commissioner McGuffey, Washoe County Commissioner Herman, Tammi Davis, Nevada Treasurer's Association and NACO staff; Jeff Fontaine, Dagny Stapleton and Tori Sundheim.

Other Attendees: Humboldt County Commissioner Brissenden, Humboldt County Commissioner Cerri, Douglas County Commissioner Thaler, Churchill County Commissioner Erquiaga, Nye County Commissioner Carbone, Dave Mendiola, Humboldt County Administrator; Jeff Page, Lyon County Manager; John Slaughter, Washoe County Manager; Ken Tipton, Humboldt County Commissioner Elect; Anthony Manner, Clark County; Pam Webster, Nye County Manager; Rob Stokes, Elko County Manager; Sheree Stringer, Nye County Assessor and Sarah Adler, USDA Rural Development

1. **Public Comment.** None was given.
2. **Approval of Agenda.** The agenda was approved on a motion by Vice President Weekly with second by Commissioner French.
3. **Approval of the Minutes of the October 21, 2016 NACO Board Meeting.** The minutes were approved on a motion by Commissioner Fiero with second by Commissioner Irwin.
4. **Approval of the 2016 NACO Honor Roll and NACO 2016 Participatory Democracy Award.** The Honor Roll inductee and recipient of the Participatory Democracy award were approved unanimously on a motion by Commissioner Tipton with second by Commissioner Johnson.
5. **Discussion and Possible Approval for NACO to File an Amicus Brief in Support of Washoe County's Request for Rehearing En Banc the Nevada Supreme Court's Reversal of the Second Judicial District Court's Grant of Summary Judgment and Remand of Fritz v. Washoe County Inverse Condemnation Action.** Jeff informed the Board that staff had been contacted by Washoe County's District Attorney to file a brief in support of their request for a re-hearing of the item in front of the entire Supreme

Court. He noted that a panel of the Supreme Court reversed a grant of summary judgment for the defendants, Washoe County, regarding an inverse condemnation case. It is believed that this case is important to counties because the plaintiffs claim that because the County approved a subdivision map and a street dedication, though they did not build the street, that by virtue of the acceptance of the dedication the County is now liable for flooding issues that have allegedly resulted downstream from the subdivision. Jeff noted that the time frame is very short and that a brief would need to be filed by November 21st which isn't possible. The only way the Association could feasibly participate is if there is an extension granted or if another entity that has similar interests files and allows the Association to join in their brief. Past President Wichman moved that any participation form NACO would serve well for the counties and Commissioner Tipton seconded the motion. The motion passed unanimously.

- 6. Update on Interim Legislative Committees, Studies and Priorities for the 2017 Legislative Session.** Dagny informed the Board that NACO is still waiting for the LCB to return completed bill drafts. LCB has contacted NACO and is currently fine tuning the three bills submitted for the session. NACO will provide these to the Board when they are completed. She noted that NACO is participating in a working group with the Clerks and Registrars regarding the potential update of voting equipment, which the Clerks and Registrars unanimously agree need to be replaced. She said the group is working on a whitepaper which outlines the needs and issues as well as develops a potential strategy for replacement. The Board will be provided a more detailed update at the next Board meeting. Jeff provided a quick update on the bill language regarding indigent defense and noted that NACO staff worked closely with members and others to get to acceptable language. He said that the draft bill was transmitted to the Supreme Court and the Advisory Committee on the Administration of Justice. He noted that the language was accepted by the Committee with opposition from the Attorney General's office, District Attorney's and Law Enforcement. He informed the Board that he reached out to those entities to find out why they were in opposition - and that several didn't see the language and others were concerned about their ability to provide the service.
- 7. Update and Possible Action Regarding Public Lands and Natural Resources Issues Including but not Limited to:**
 - a) The Center for Biological Diversity's Lawsuit against the U.S. Fish and Wildlife Service Seeking to Vacate their Decision Not to List the Bi-State Sage Grouse as an Endangered Species and NACO's Motion to Intervene on behalf of the F&WS.** Jeff gave a brief reminder of the details surrounding the item and that after discussion with both the Attorney General's office and the Governor's office and with the support of the Board, the Association agreed to intervene. He informed the Board that Tori wrote the brief which included declarations from himself, Commissioner Tipton and Commissioner Boland and filed it with the Court the previous week. He noted that the filing was met with resistance from the plaintiffs who stated that the State could represent the counties, which we disagree. Jeff also noted that it is a landmark situation for the Association to participate in a federal lawsuit in this capacity. Tori added that because there is opposition she is working on a schedule but as of the previous day it was the plaintiff's intention to formally oppose our motion on the 18th and that we would have until the 29th to respond. She noted that she is gathering information and requested the Board reach out to her as quickly as possible with any additional information due to the limited time frame.
 - b) The U.S. Department of the Navy's Fallon Range Training Complex Modernization: Expansion of Land Ranges, Airspace Modifications, and Public Land Withdrawal Renewal Environmental Impact Statement, and the U.S. Air Force's Notice of Intent to Prepare a Legislative Environmental Impact**

Statement for the Nevada Test and Training Range Military Land Withdrawal at Nellis Air Force Base. Jeff inquired if the Board had an appetite to become a Cooperating Agency with NAS Fallon, noting that they are interested but that the Association would need to send a request. Discussion also included having Nye, Mineral and Clark Counties apply and appoint the Association as proxy. Commissioner Tipton moved that the Association request to act as a Cooperating Agency for both the NAS Fallon and Nellis AFB EIS's. Past President Wichman seconded the motion and it was unanimously approved.

c) Update on H.R.1484 - Honor the Nevada Enabling Act of 1864 Act.

Commissioner Dahl informed the Board that he testified on the Act the previous day in Washington D.C. and that another hearing is expected in January, and gave a brief overview of the history of the Nevada Land Management Task Force, the subsequent SJR, and Congressman Amodei's introduction of the Bill. Commissioner Dahl noted that while the Bill calls for the transfer of valid existing rights and uses those opposed to the land transfers are concerned with the State restricting access and/or selling lands that are excluded in phase two of the transfers. He noted that concerns have been raised with legislators from Las Vegas controlling land in other areas of the state and raising fees and or limiting access. He noted that bringing stakeholders from the opposing groups to the table will be important moving forward. Commissioner Tipton noted that the Task Force had agreed that there would need to be a change to the Constitution to ensure the continuation of rights and use. Commissioner Dahl noted that discussions would need to be held and that all factions would need to be a part of the conversation.

8. County Updates. This item was not heard in the interest of time.

9. Public Comment. None was given