

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

July 31, 2020, 9:30 a.m.

via Teleconference

ADOPTED MINUTES

ATTENDANCE: President French, President Elect Kirkpatrick, Vice President Lucey, Past President Waits, Carson City Supervisor Giomi, Churchill County Commissioner Olsen, Elko County Commissioner Dahl, Elko County Commissioner Steninger, Eureka County Commissioner Goicoechea, Lincoln County Commissioner Higbee, Lincoln County Commissioner Lister, Lyon County Commissioner Keller, Mineral County Commissioner Price, Nye County Commissioner Wichman, Washoe County Commissioner Hartung, White Pine County Commissioner Carson, Kathy Lewis, NV Association of County Clerks & Election Officials; Eric Spratley, NV Sheriffs & Chiefs Association and NACO Staff (Dagny Stapleton, Vinson Guthreau, Colby Prout & Amanda Evans)

The meeting was called to order by President French at 9:32 a.m.

1. **Public Comment.** Linda Bisset, Government Relations Manager with NV Energy introduced Vice President of Transmission Development, Carolyn Barbash to the Board. Ms. Barbash informed the Board of a new project to install new transmission lines across 11 Nevada counties. The project will be completed in phases, conclude in 2031, provide additional access to renewable energy, jobs, address immediate power needs in the northern part of the state and lower energy costs. Marci Ryba, Executive Director of the Department of Indigent Defense Services referred to her submitted written comments distributed to the Board and the availability of funds available through Coronavirus Emergency Supplemental Funding and encouraged counties to apply to her office for the dollars available to support indigent defense activities.
2. **Approval of Agenda.** The agenda was approved on a motion by Supervisor Giomi with second by Commissioner Carson.
3. **NACO President's Report.** President French remarked on the continuing challenges counties face in navigating the pandemic and that he looks forward to being able to meet in person again. He remarked on the budget issues that counties face and anticipated challenges in the coming legislative session. He concluded his remarks by encouraging the Board to engage their state and federal representatives to reconcile budgets to preserve services and although he doesn't expect it, to support assistance with loss of revenue at the federal level.
4. **NACO Executive Director's Report.** Dagny expressed condolences to the families of the wildfire pilots killed in the plane crash in Lincoln County. She reminded the Board that the National Association of Counties (NACo) Steering Committee appointments are open and encouraged any Commissioners interested in serving to let her know. She congratulated Vice President Lucey on his appointment to Vice Chair of the Transit and Rail Subcommittee and to Commissioner Higbee on his appointment to Vice Chair of the Land Management Subcommittee. Dagny reminded the Board that the approved calendar for 2020 NACO Board meetings included hosting the September meeting in Clark County. The Board expressed interest in meeting in person, pursuant to pandemic conditions, and so the issue would be addressed again by the Board in August. Vinson informed the Board that the State

had inquired about counties who would be applying for Federal Emergency Management Agency (FEMA) dollars and reminded them that any counties that are planning to need to submit applications for Request for Public Assistance (RPAs) through the State. It is unknown how long the process will be open and submitted RPAs act as a placeholder for FEMA applications.

5. **Election of Nevada's Two Representatives to the National Association of Counties (NACo) Board of Directors.** Clark County Commissioner Marilyn Kirkpatrick and Lincoln County Commissioner Varlin Higbee were reappointed to the NACo Board of Directors on a motion by Vice President Lucey with a second by Washoe County Commissioner Hartung. Both Commissioners Kirkpatrick and Higbee thanked the Board for their support and faith and ensured the group that they would continue to work hard to represent Nevada on the national level.
6. **Approval of Zetkha Fountas to Serve on the Nevada Rural Housing Authority Board to Represent Recipients of Assistance from the Authority.** Ms. Fountas's appointment to the Nevada Rural Housing Authority Board to represent the tenants of the Authority was approved on a motion by Past President Waits with second by Commissioner Higbee.
7. **Discussion and Approval of a Possible Contract Between NACO and a Third Party to Help Create a Program for Nevada's Counties to Provide Grants to Small Businesses Using County CARES Coronavirus Relief Funds, and Requiring Interested Counties to Reimburse NACO for Their Share of the Cost of the Program.** Dagny gave a summary of the proposed program previously discussed by the Board in June. She informed the Board that the proposal is to have a third party develop the application, scoring recommendations and make recommendations for awarding the grants. Dagny referred to the contract proposals included in the back up materials and noted that the proposals include a cost not to exceed \$500,000, which is based on an estimated 5% of grant dollars awarded. She informed the Board that nine counties have already indicated interest in the program or committed a portion of the CARES dollars they received to the program. Dagny told the Board that National Development Corporation is well vetted by the State and Clark County and their proposal is more complete than that of Open Government, which is a little less hands on. She reiterated that the net cost to counties would be \$0.00 because the program, including administration costs is an allowed use of CARES Act funds. Commissioner Steninger asked whether the individual counties would have the ability to veto grant award recommendations made by the contractor. Dagny informed the group that a working group of county representatives had already been convened to develop the application criteria and that they would have input on the final grant awards. Commissioner Lister inquired as to what the cost to NACO would be and if the Association would need a cut of the percentage of administration costs. Dagny stated that any percentage to the Association would be a decision of the Board and that the only costs associated with the program for NACO are for staff time. President French stated that he thinks the Association should be compensated for the costs of staff time working on the project. Commissioner Steninger noted that he feels the money needs to go to the businesses and it was reiterated that all administration costs are allowed uses of the CARES Act dollars received. Commissioner Lister noted that he understands both sides of the issue but feels that it is his duty as a Board member to ensure that the Association stays whole for the additional work put on to staff. Commissioner Dahl agreed as did Supervisor Giomi who also noted that if the counties were developing and administering the program themselves, they would have to absorb the administration costs. Commissioner Keller also supported a 1% distribution of the approved grant dollars to NACO to offset the cost of staff time. Staff was authorized to enter into a contract with a third party to administer a grant program which will grant county CARES CRF dollars to

businesses in their communities, up to a contract amount of \$500,000 to be reimbursed by participating counties in proportion of their share of the cost of the services; additionally counties shall pay NACO 1% of the dollars granted from their county to NACO to pay for NACO's administrative costs to assist with and coordinate the program on a motion by Commissioner Higbee with second by Commissioner Keller.

8. Presentation and Discussion Regarding the Governor's Executive Order on Climate Change (2019-22), Brad Crowell, Director, and Dr. Kristin Averyt, State Climate Policy Coordinator, Nevada Department of Conservation and Natural Resources (DCNR).

Director Crowell informed the Board that DCNR was appointed by the Governor as the co-lead for the development of the strategy, including the gathering of data to create a roadmap of steps necessary to adopt the appropriate (climate change) policy. He informed the Board that the initial strategy is due to the Governor's office September 1st, but that it would be a living document subject to adjustment, as necessary. Mr. Crowell then introduced Dr. Averyt who is also a former President of the Desert Research Institute. She led the Board through the presentation included in the supporting materials. The presentation included information on the aggressive emission reductions included in SB254 from the 2019 Legislative Session, where the emissions are coming from, the costs associated with implementation of the associated reduction policies, and feasibility of implementation due to current legal constraints. She also informed the Board that listening sessions would be held throughout the state to obtain stakeholder input. Commissioner Lister inquired as to what Nevada's contribution to worldwide emissions is. Dr. Averyt replied that the state's contribution when compared worldwide is small. Commissioner Lister inquired as to Nevada's contribution worldwide and Dr. Averyt noted it is small. Commissioner Lister also expressed concern that the policies would disproportionately affect the rural counties because the information he has seen is based on broad assumptions and targeted to specific industries that are traditionally rural based. Mr. Crowell noted that is actually the opposite, the policies proposed will affect the urban counties more, because they have more emissions and that the intent is to shape the policies so that they aren't forced where they don't fit. President French stated that he believes the directives of SB254 will have dramatic effects on the rural communities that have traditionally natural resource-based economies. Commissioner Goicoechea noted that he didn't want to follow the lead of California especially with regards to farming equipment and that the rural counties must be engaged in a meaningful way. President French noted that the pandemic will affect public input and meaningful discussions, especially in areas where internet service is not reliable, and encouraged that DCNR develop and implement a robust plan to get information to and input from the public prior to the report submission. Director Crowell and Dr. Averyt assured the Board that they would be reaching out to receive the appropriate stakeholder input and promised to return to update NACO.

9. Legislative Update Including Discussion on Possible NACO Bill Draft Requests for the 2021 Session of the Nevada Legislature. Vinson gave the group an update on the activities of the 31st Special Session convened by the Legislature. He noted that initially staff was concerned about the proposals put forth to address the State's budget issues which would have adversely affected county budgets that were already greatly affected by the pandemic. He mentioned that staff monitored the session closely and that the Legislature was able to address the State's situation with cuts to other areas. He informed the Board that the 32nd Special Session had convened that morning and that staff was working through the policy changes being introduced. Vinson informed the group that the Legislative Subcommittee had been working through potential BDR proposals that could be brought to the Board, reminding the Board that NACO has the option submitting BDRs to the Legislature during each regular session. The first proposal approved by the Subcommittee

for Board consideration would be to allow for an individual to be appointed to more than one Gubernatorial appointed Board. The Committee cited the limited number of people with both the expertise necessary to serve on these Boards and their willingness to do so. The second proposal had to do with modifications to other county elected official offices. The next proposal was to work with the Legislative Council Bureau (LCB) to require training on local government for new Legislators. The Committee cited the importance for Legislators to firmly understand the authority local governments can and cannot exercise, budgetary processes and services provided, etc. It was noted that the Nevada League of Cities and Municipalities may potentially support the effort as well. Dagny discussed the fourth proposal regarding the current property tax structure. The proposal would entail a change to the current property tax caps so that they could not fall below 3% for residential and 8% for commercial properties. Commissioner Wichman noted that the proposal is like previous efforts brought by the Association to address the State's property tax structure. The final proposal would be to address the adoption process and how paternity is determined. The current statute is unclear, and judges interpret it differently leading to increased costs to counties as well as affecting how long children are left within the system. It was noted that the language for the proposed change was still be worked out and that if the Board were interested in the proposal it would be brought back for approval. Due to the timeline for the required submittal of BDRs Vinson suggested that if the Board were interested in moving forward on any of the suggestions that approval be given so that the drafting of the necessary documents could begin. Vice President Lucey, Chair of the Subcommittee, moved that the Board approve two of the proposals discussed, including a BDR putting a floor on Nevada's 3 and 8 cent property tax caps, so that the caps could no longer drop below 3%; and a bdr removing the limitation that individuals can only serve on one gubernatorially appointed board. The Board will make a final decision on the other proposals at their meeting in August. The motion was approved on a second by Commissioner Wichman.

10. **Presentation of the Final Milliman Actuarial Report on County Medicaid Long-Term Care Match Assessments.** Dagny referred to the presentation given at the previous meeting and informed the Board that the final report had been distributed as backup to the agenda. She noted that the assessments are projected to increase approximately 5.8% every year through the next 30 years, and that the assessments are projected to increase between 80% and 100% over the next decade. She reminded the Board that the report is to assist the counties with their budgeting process and to act as tool for use when discussing the impacts of the assessments with Legislators and the State. Past President Waits inquired as to whom the report had been distributed and it was noted that so far it had only been distributed to the Board, but she encouraged it be shared within each county.
11. **Discussion on COVID-19 Pandemic Impacts and County Needs.** Dagny informed the Board that the item would be a standing agenda item for the foreseeable future to provide the Board the opportunity to discuss issues and ideas, as necessary. She referred to the report from the White House on individual county risk levels and mitigation recommendations included in the agenda packet. She also discussed a survey being conducted on broadband needs to support the ability for schools to conduct remote learning and encouraged the Board to participate. The Board discussed the required contact tracing and how they are dealing with that within their communities. Discussion was also held on the lack of direct funding to counties within current federal legislation and the continued work of NACo to support funding for lost county revenues. Members of the Board inquired about antibody testing and President French informed the group that Humboldt County had set up a protocol with a funding mechanism but is waiting on approved tests prior to implementation. It was noted that antibody testing is a good tool to determine actual rates of non-symptomatic exposure, but that the science is still unclear on immunity

post exposure. The Board also discussed the testing of effluent matter to show the current rate of infection within a community but that is not a widespread practice and it is unclear as to how that data would affect mitigation efforts. No action was taken on the item.

12. Update and Possible Action Regarding Natural Resources and Public Lands Issues Affecting Counties Including:

- a. **Updates from the NACO Public Lands and Natural Resources Subcommittee.** Commissioner Higbee, Chair of the Subcommittee, informed the Board that the Subcommittee had discussed a resolution from the Coalition for Healthy Nevada Lands, Wildlife and Free-Roaming Horses to support the plan for increased gathers and for use of birth control. He informed the group that the coalition was requesting support from the Association for taking the resolution to the 2021 Legislature, noting that the resolution mirrors the policies in the Path Forward which the Board previously endorsed. President French requested that the resolution be distributed to the Board for review and input prior to any action. The group also discussed the federal funding from the Great American Outdoors Act which was signed into law. Colby mentioned that this funding will be split between states for the purposes of recreation grants and the other half for the government to acquire land. Colby clarified that these grants were separate from those from the Division of Outdoor Recreation. Colby mentioned that the PLNR committee did discuss the Outdoor Recreation Board as well. Colby concluded the item by reminding the Board that the final National Environmental Policy Act (NEPA) rule is expected to be released in September.

13. NACO Committee of the Emeritus Update. Past President Waits informed the group that the Committee is planning to have a workshop on October 9th and continuing to work on the updates to the Newly Elected Officials training and the associated handbook.

14. National Association of Counties Board Member Updates. Commissioner Higbee discussed the recent virtual Annual Meeting and election of the Second Vice President, noting that there was only one person in the running at the time of the meeting because the second candidate had lost their bid for re-election in the primary. He informed the Board of several policy resolutions that had been passed.

15. Western Interstate Region Board Member Updates and Updates from National Association of Counties' Policy Steering Committee Members. President French reminded the Board that the group's annual meeting in May had been canceled as has the Payment In Lieu of Taxes (PILT) annual fly into Washington DC, noting that an alternative effort for congressional interaction is being looked at. He noted that counties should have received their PILT funding the last week of June. He also addressed the Funding of the Land and Water Conservation Fund, noting that it could be negative for the West and will need to be carefully monitored.

16. NACO Board Member Updates. None were given in the interest of time.

17. Public Comment. None was given.

The meeting was adjourned by President French at 12:55 p.m.