

# NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

March 26th, 9:30 a.m.

*Virtual Attendance Only*

## ADOPTED MINUTES

**ATTENDANCE:** President Kirkpatrick, President Elect Lucey, Vice President Higbee, Past President French, Carson City Supervisor Giomi, Clark County Commissioner Gibson, Douglas County Commissioner Gardner, Elko County Commissioner Steninger, Esmeralda County Commissioner Keyes, Eureka County Commissioner Goicoechea, Lincoln County Commissioner Lister, Lyon County Commissioner Keller, Mineral County Commissioner Hall, Nye County Commissioner Strickland, Pershing County Commissioner Shank, Washoe County Commissioner Hartung, White Pine County Commissioner Carson, Fiscal Officer Kalt, and NACO Staff (Dagny Stapleton, Vinson Guthreau, Colby Prout, Amanda Evans, and David Longo)

The meeting was called to order at 9:30 a.m.

1. **Public Comment.** None was given.
2. **Approval of Agenda.** The agenda was approved on a motion by Vice President Higbee with second by Commissioner Gibson.
3. **NACO President's Report.** President Kirkpatrick remarked that NACO is doing a phenomenal job navigating the Legislative Session while still working on the COVID-19 pandemic issues. She noted that plans are in the works for opening the Legislative building thanks to vaccination and thanked the counties for their efforts in that process. She announced that she would be putting a broadband item on an upcoming agenda for participation by the National Association of Counties and concluded her remarks by encouraging all the counties to actively participate with the (Nevada) Attorney General's office to determine the best distribution of funds coming into Nevada from opioid settlements.
4. **NACO Executive Director's Report.** Dagny informed the Board that one of the two seats NACO has on the Nevada Rural Housing Authority Board is up for reappointment. She reminded the Board that the current representatives are former Nye County Commissioner, Joni Eastly and former Pershing County Commissioner, Roger Mancebo. Dagny noted that Mr. Mancebo is seeking reappointment and the item will be on the April agenda.
5. **Approval of Minutes of the February 26, 2020 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Gibson with second by Commissioner Strickland.
6. **Discussion on Future NACO Board Meeting Dates and Locations.** Dagny noted that she had received several communications requesting an in-person meeting. She informed the Board that Carson City had offered space that would accommodate social distancing and video conference capabilities for the April meeting if the Board was inclined to meet in-person. President Kirkpatrick inquired as to if there would be an opportunity to do something in honor of Past President French. Dagny stated that it could be done during a Board meeting or be put off until the summer when it could be a more social event. Past

President French also informed the Board that it was the consensus of the Public Lands and Natural Resources Subcommittee to begin hosting their meetings in-person beginning in April. At the request of Commissioner Gardner, it was confirmed that the meeting would still take place on April 30. It was determined by consensus of the Board that the meeting will be in-person utilizing the space reserved by Carson City.

7. **Discussion and Approval of one of NACO's Three Appointees to the Committee on Local Government Finance.** President Kirkpatrick informed the Board that Clark County CFO Jessica Colvin's term is up and that she would like to be reappointed. Dagny reminded the group that the Association's other appointments are Christine Vuletich from Washoe County and Gina Rackley from Humboldt County. Fiscal Officer Kalt informed the Board that he was previously on the Committee and that Ms. Colvin is very engaged and highly recommended her reappointment. Ms. Colvin was reappointed to the Committee on Local Government Finance on a motion by Vice President Higbee.
8. **Update on Opioid Litigation, Robert Eglet and Richard Hy, Eglet Adams.** Mr. Eglet informed the Board that Erica Entsminger and Robert Adams were also in attendance should there be any questions or issues that they needed to address. He informed the Board that he could not discuss any case specific details in the public meeting setting for those counties that the firm represents directly. He informed the Board that the county specific cases are currently stayed until the Supreme Court rules on the case filed by the drug companies regarding local government preclusion from filing individual cases. He also informed the Board that the firm is still gathering documents and evidence, noting that the individual District Attorneys have been extremely helpful in the process. Mr. Eglet also reminded the Board that all the counties who have filed, filed in Nevada to avoid being forced into Multi District Litigation (MDL) at the Federal level, and he gave an overview of that process. He then discussed the role of McKinsey in the crisis and how Nevada came to have a settlement separate from the other states within the MDL. Mr. Eglet informed the Board that the AG's settlement is the second highest reached within the KcKinsey case and gave an overview of the settlement. He also encouraged the group not to expect any more settlements until additional trials have occurred. Ms. Entsminger then gave an overview of the process for the companies declaring bankruptcy and how the funds obtained in those proceedings would be awarded. She also gave an overview of the expected rules surrounding use of those funds as well as how the plan for use could be developed. Dagny then informed the Board that she brought the item to them because there are a lot of moving parts and some settlements have options for negotiating allocations. She said she had been in contact with the AG's office and suggested a working group to determine the allocation for the McKinsey settlement dollars. Mr. Eglet then stated that he thinks a working group is a great idea and that with the information already obtained that a fair funding formula could be reached with stakeholder participation. He also noted that the Attorney General is open to cooperation in the process. Mr. Eglet then concluded his remarks noting that the companies in question are afraid of having trials in Nevada because the State has the best consumer protection laws in the Country. President Kirkpatrick remarked that there are a decade of lost citizens and that counties do most of the groundwork on the crisis. The development of a working group was approved by consensus and Dagny requested that she be informed of who would represent each county. Dagny then inquired if an agreement is reached with the AG, if that would preempt legislative action, noting that current bills are being watched closely and that the legislative option is less favorable to counties. Ms. Entsminger concluded the item by informing the Board that the current criteria for use has yet to be determined so the legislature cannot make requirements on the funds.

9. **Update from the Nevada Department on Indigent Services on Recently Adopted State Regulations and County Plans, Marcie Ryba, Director.** Ms. Ryba gave the Board an overview of the creation of the Department and the creation of the plan. She noted that her Department will be working with each county to create their individual plans to best address the needs of their citizens. Dagny reminded the Board that the Board of Indigent Defense Services is made up predominately of county representatives and reiterated that an important component is that anything over and above the current cost to the county would be paid by the State. Noting, that should be kept in mind as the counties develop their plans. No action was taken.
  
10. **Update on NACO Bills and Other Policy Issues Affecting Counties in the 2021 Session of the Nevada Legislature.** Dagny informed the Board that there were around 800 bills of over 1,000 out and that staff is getting an idea of how things will go as some deadlines have been extended. She informed the Board of the status of NACO's bills. SB10 regarding property taxes would be heard soon. AB33 regarding the determination of paternity would be up for a committee vote and AB1 to require local government training for new legislators had fully passed the Assembly and was on its way to the Senate. Finally, AB2 which would allow for an individual to sit on more than one governor-appointed board was passed out of committee unanimously. She informed the Board that staff is working with representatives from the Juvenile Probation community on the large cuts to the China Springs budget and a proposal had been sent to legislative leadership. An amendment is being worked on for AB116 which affects traffic fines, decreases in bail and forfeiture reductions. Commissioner Lister inquired as to if the sponsor would be willing to discuss enforcement and it was believed that they would. Dagny then discussed the Innovation Zone bill, noting that it was not out but that many had seen a draft. She informed the Board that based on the draft the Legislative Subcommittee recommended opposition to the bill. Commissioner Goicoechea, Commissioner Keller and President Kirkpatrick then discussed and agreed to putting talking points together in collaboration with Storey and Lyon Counties for the group to use in lobbying efforts. SB287 a proposal from 2017 to pull Extension out of UNR and expand land grant status to UNLV and DRI was next to be discussed. The current proposal would again expand land grant status but would pull Extension and Experiment Station under the Chancellor, further, Extension would be split into Northern and Southern regions and Lincoln and Nye Counties would be pulled into the Southern region with Clark County. It was expected to have a hearing the following week and the Association was previously opposed to the proposal. President Kirkpatrick noted that as it stands it appears to be a toxic proposal that pits north vs. south, she also informed the Board that the bill did not come from the Clark County Commission and that she has been working with people to understand the value of Extension. President Elect Lucey also discussed SB321 which would separate community colleges from NSHE, noting that if the division is allowed there could be impacts to counties. Commissioner Lister stated that dividing Extension would essentially destroy a program that has minimal funding anyway. Commissioner Goicoechea remarked that he was not sure the proposal is so much about destruction of the programs, noting the valuable land that is used by the Experiment Station and that UNLV does not have the programs necessary for proper use of those assets. Commissioner Carson suggested the counties submit letters in opposition. Dagny requested the members to reach out the Regents and Chancellor and anyone the members know at the institutions to pull back support of the proposal. Drafting letters from the Counties, and official opposition to the bill was approved on a motion by Commissioner Strickland with second by Commissioner Carson. The item was concluded with a request by Commissioner Gardner to discuss SB150, which would require the allowance of tiny houses. Dagny informed the Board that she had let the sponsor know that counties are opposed to the bill as written and suggested a population cap and softening of the language for the urban counties. She

informed the group that the bill was amended to require counties allow for tiny homes in only one area of a county, such as an existing mobile home friendly zoning district. Commissioner Carson inquired as if the bill included Conex boxes and Dagny noted that would be governed under county specific ordinance and building codes. Commissioner Keller reiterated that county code must be adhered to. It was clarified that the definition of a tiny house is 400 sq. ft. or less and Vice President Higbee noted that planning and zoning is not a State function and needs to remain under local jurisdiction.

11. **Update on Federal Legislation Affecting Counties Including the American Rescue Plan Act.** Dagny discussed the positive meetings held with members of the Nevada Congressional Delegation earlier in the month and informed the Board that she had already received follow up. She informed the Board that the American Rescue Plan Act had been passed and that the allocation numbers for dollars that will come to counties had been distributed to the Board members. She discussed the need to await the release of Treasury Guidelines prior to committing any of the funding and gave an overview of the expected allowable uses. President Kirkpatrick suggested having a meeting with county fiscal representatives when the guidance was released. Dagny directed the Boards attention to the proposed legislation from Senator Rosen included in the supplemental packet. The proposed legislation would adjust the way the non-federal share of Medicaid payments is determined. Specifically, that it would automatically change the FMAP when unemployment is high. It was noted that the Legislative Subcommittee supported bringing the bill to the attention of the Board. Past President French stated that he supports the concept as described by Dagny. Vice President Higbee requested a summary of the proposed language and Dagny noted that NACo supports the measure. The Board supported the proposed legislation by consensus.
12. **Update and Possible Action Regarding Natural Resources and Public Lands Issues Affecting Counties Including:**
  - a. **Updates from the Public Lands and Natural Resources Subcommittee.** Colby informed the Board that Past President French had been appointed Co-Chair of the BLM's Wild Horse and Burro Advisory Board. He discussed the expected 60-day rulemaking suspension and possible repercussions on NEPA (National Environmental Policy Act) and WOTUS (Waters of the US) activities. Colby noted the Subcommittee's support of SJR3, encouraging Congress to appropriately fund the reduction of wild horses and burros to Appropriate Management Levels (AML). Colby discussed the appointment of recent Cabinet positions in the Departments of Interior, Agriculture, and the Environmental Protection Agency. Colby concluded the item by giving the Board an overview of the Subcommittee's standing agenda items.
13. **NACo Committee of the Emeritus Update.** Vinson informed the Board that Committee would meet again after the conclusion of the legislative session and then begin planning workshops for the interim series. President Kirkpatrick suggested engaging the Committee members to assist with the efforts on SB287 to assist in educating Legislators on the importance of Extension.
14. **National Association of Counties (NACo) Board Member Updates.** An update will be given following the next meeting.
15. **Western Interstate Region (WIR) Board Member Updates and Updates from National Association of Counties' Policy Steering Committee Members.** The next meeting of WIR will be held in May, no update was given.

16. **NACO Board Member Updates.** Updates were given by members of the Board on activities within their counties.

17. **Public Comment.** Nate Helton from Senator Rosen's office thanked those that attended the virtual meeting on the Association's Federal Priorities and announced a virtual grants workshop on environmental issues scheduled for April 9<sup>th</sup>.

The meeting was adjourned at 11:58 a.m.