

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

May 29, 2020, 9:30 a.m.

Zoom – Teleconference

ADOPTED MINUTES

Attendance: President French, President Elect Kirkpatrick, Vice President Lucey, Past President Waits, Carson City Supervisor Giomi, Clark County Commissioner Weekly, Elko County Commissioner Steninger, Esmeralda County Commissioner Keyes, Eureka County Commissioner Goicoechea, Lincoln County Commissioner Higbee, Lincoln County Commissioner Lister, Lyon County Commissioner Keller, Pershing County Commissioner Shank, Storey County Commissioner Gillman, Washoe County Commissioner Hartung, White Pine County Commissioner Carson, Fiscal Officer Kalt and NACO staff (Dagny Stapleton, Vinson Guthreau, Colby Prout and Amanda Evans)

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

1. **Public Comment.** Comments were given by Jeff Church of renotaxrevolt.com. Mr. Church expressed concern with how some local governments were seemingly locking out the public during meetings held remotely during the COVID-19 stay home orders and lack of direction by the Attorney General regarding the Open Meeting Law. He also spoke as to concerns with how the reopening of the state would be structured and forecasted fiscal issues.
2. **Approval of Agenda.** The agenda was approved on a motion by Past President Waits with second by Vice President Lucey.
3. **NACO President's Report.** President French spoke to the dedication of Commissioners in navigating the challenges presented by the COVID-19 pandemic. He also spoke to the challenges counties will be faced with in the current and next budget cycles, noting that Humboldt County had already cut \$5 million from their budget. President French concluded his remarks by encouraging the Board to remain vigilant in recording and monitoring the impacts of the pandemic and noting the lessons learned to be able to better address a recurrence of the virus if and when one occurs, including how to effectively conduct meetings remotely.
4. **NACO Executive Director's Report.** Dagny informed the Board of the National Association of Counties (NACo) We are Counties campaign, noting the lack of understanding at both the State and National level of what counties do, the services they provide and the abundant responsibilities they share. She noted that the campaign is designed to educate policymakers of these responsibilities and encouraged the counties to submit videos to NACO so that they can be shared with NACo. Dagny also informed the Board that the videos submitted would be used to create a Nevada specific video to be shared with the public and policymakers. She informed the Board that President-Elect Kirkpatrick and the Las Vegas Chamber of Commerce had created 'Stay Safe, Stay Open' posters and to contact her if anyone is interested in obtaining them to assist in their messaging. Dagny discussed the many avenues for Coronavirus funding including the CARES Act. She informed the Board that the Association had worked with county fiscal staff to gather information on the impacts of the virus, which resulted in a joint letter to the Governor from NACO and the League of Cities and Municipalities to encourage the sharing of CARES Act funding received by the State with local governments. Dagny reminded the Board that a curated list of grants related to the pandemic could be found on the NACO website and thanked them for their outreach to Congress to encourage the inclusion of direct funding to local governments in future relief packages. She informed the group that the State is accepting applications for CDBG funding for various programs related to the virus, and that NDEP is accepting applications for revolving funds for waste and drinking water projects. Dagny concluded her remarks by letting the Board know that a call with the County Fiscal Officers Association had taken place in April and another would be taking place later in the day to share information on the fiscal impacts of

the virus and budgeting solutions counties had implemented. Commissioner Carson inquired as to a call that had taken place with Senator Cortez Masto regarding how possible direct funding to counties would be allocated, asking if the Payment in Lieu of Taxes (PILT) structure would be used as discussed. Dagny informed the Board that there is hope for the inclusion of those dollars in the next stimulus package and through negotiations at the national level with NACo and the National League of Cities and Municipalities the distribution formula currently being worked on is by population.

5. **Approval of Minutes of the February 21, 2020 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Goicoechea with a second by Commissioner Hartung.
6. **Discussion and Approval of June Meeting Format, Including Previously Planned Strategic Planning Session.** Dagny reminded the Board of their discussion during the approval of the 2020 NACO calendar to hold a half - day strategic planning session instead of a normal Board meeting in June. She asked about the Board's desire to hold that session in light of COVID-19 pandemic, if they would like to hold a regular Board meeting instead. President French asked if the format for the planning session would remain intact or if the agenda would need to shift. Dagny reminded the Board that the format discussed was to have a moderated planning session, but it would have to be held in a remote format due to current social distancing directives and that would change the discussion. Discussion among the group included the challenges of having a strategic planning session remotely, the need to shift the planned discussion to include COVID-19 related realities, including providing assistance to the business community, and youth, and counties having to pause, reduce or discontinue services due to budget realities. The rumors and probability of a special session of the Legislature were also discussed, including the need to strategize a collective message to legislators regarding the new realities of county budgets. Dagny suggested holding a regular Board meeting in June and coming back to the Board in a couple of months with a proposal to hold an in person strategic planning session. Vice President Lucey noted that the NACO Legislative Subcommittee would be having a meeting soon and that strategy for a special session could be discussed among the group. He also noted that it may be prudent to wait until the conclusion of a special session to be able to include any impacts to effectively strategize long term. President-Elect Kirkpatrick noted that the forecasted budget cuts are roughly four times greater than those from 2009 and discussed the LEAP structure noting that it wouldn't be terribly hard to include that structure into a planning session. By consensus the Board chose to postpone the planned strategic planning session.
7. **Approval of NACO's Year-End Financials for 2019, March 2020, and Investment Reports for March 2020.** Dagny gave the Board a brief overview of the documents, noting that staff and NACO's Fiscal Officer Alan Kalt had been working hard to save the Association money wherever possible and that there had been significant savings accomplished in the 2019 NACO budget. She also informed the Board that the transition to the new financial advisor had been completed and that Association had seen a small increase in the value of the investment accounts during the transition. The financials and reports were approved on a motion by Supervisor Giomi with second by Commissioner Hartung.
8. **Discussion and Possible Approval for NACO Staff to Draft a Letter to the Governor Regarding the State of Nevada FY 20 and FY21 Budgets and Requesting Communication Regarding Impacts of Potential Budget Cuts on Counties.** Dagny informed the Board that the item had been placed on the agenda to request permission to send a letter to the Governor. She noted that the letter would include a request for information on the State's fiscal situation, what proposed cuts may look like and a request that NACO be involved in discussions on any cuts or changes to services that would impact counties. She noted that the requests had already been made verbally through staff and that the letter would simply formalize those discussions. The letter was approved on a motion by Past President Waits with second by Commissioner Hartung.
9. **Discussion and Update Regarding County and State COVID-19 Response Activities.**

- 10. Discussion of the Current status of the Delegation of Public Health Authority to Rural Counties and Update on Coordination of COVID-19 Response Between the Department of Public and Behavioral Health (DPBH) and Counties, Julia Peek, Administrator, DPBH.** Items 9 and 10 were combined due to subject matter. Ms. Peek informed the Board that the response efforts pulled on two NRS and applauded the counties, their respective health boards and officers for their work. She noted that NRS439 speaks to the county responsibilities and 441A speaks to the responsibilities of health districts and all other duties fall to the State. She acknowledged that the impacts and response looked different in each county. She informed the Board that the daily reports submitted by the State lab regarding testing have exceeded the normal number of tests completed yearly. The massive increase in testing needs caused the lab to pivot quickly and modernize systems to accommodate the need. She praised the Quad County model and the effectiveness of the partnership between Elko and Eureka Counties. The Board was informed that contact tracer onboarding has been a challenge, but a partnership has been developed with NSHE to provide training and certifications for contact tracers. They will also be implementing a digital platform to assist with contact tracing. Ms. Peek also spoke to the question as to the ability of counties to enact involuntary quarantine for those who are not participating on their own. She informed the group that they are working with the Attorney General's office to ensure county authority. She informed the Board that funding has been identified and provided to both the northern and southern labs to pay for the 2% of population testing per month CDC requirement and that those funds must be dedicated to the payment of testing that is required in each county. Past President Waits noted concern with positive cases not being broken down by zip code in the rurals. Ms. Peek indicated that the information is available and reported to the health officers, but there are concerns with privacy issues and it is up to the individual health officer as to if, and with whom, that information is shared. Caleb Cage, the newly appointed COVID-19 Response Officer for the State, praised Ms. Peek and her critical partnership to ensuring the effective response by the state to the virus. He informed the Board that strategic plans for testing and tracing are under a final review and that needed necessary resources have been identified and that he is working on the funding piece. He expressed gratitude to the Board for the work and partnership of the counties. President French thanked Mr. Cage for his assistance in Humboldt County and President Elect Kirkpatrick and Vice President Lucey praised Mr. Cage and Ms. Peek for their efforts. No actions were taken.
- 11. Update on the Fund for Hospital Care for Indigent Persons (IAF) and the NACO Study of Medicaid Long Term Care Costs (Assessments) in Nevada.** Dagny reminded the Board of the recent decision by the IAF Board to increase the amount of funds available to reimburse the counties for a portion of their assessments. She noted that the matter must be brought before the Interim Finance Committee (IFC) but due to the pandemic and other factors that hearing has been delayed, but she will continue working on the issue and keep the Board apprised. She also informed the Board that Actuarial Study to determine what the assessments look like going forward is nearly complete and that the Study is being adjusted to include COVID-19 related costs. The report will hopefully be available in draft form for the Board to review in June. No action was taken.
- 12. Update from the Nevada Department of Indigent Defense, Marcie Ryba, Director.** Dagny gave a brief history and overview of the creation of the Department and make-up of the Board, including the inclusion of several county representatives. Carson City Mayor Crowell, who Chairs the Board, spoke briefly and praised Ms. Ryba for working through the challenge of opening a new State Agency with a lack of funding. Ms. Ryba informed the group that five meetings of the Board had been held and the next is scheduled for June 17th. The draft for the proposed regulations for the Department are at the LCB for review and were developed through outreach to lawyers and judges and included minimum standards and contract details. The agency has received funding through the IFC that will fund a case management tracking system and a workload study that will begin in August. The IFC funding also allowed for a data analyst that provided information that helped in the formation of the draft regulations. Ms. Ryba informed the Board that model plans and contracts for counties are under development. She spoke to the constitutional requirement that the State provide indigent defense services and that the maximum contribution from each county is being determined and will be built into the budget,

noting that the maximum contribution will not exceed the average paid for Fiscal Years 2018 and 2019 less inflation and will not include any costs associated with Capital murder cases. She informed the Board that she had begun a tour to gather information from each county that had to be put on hold due to the pandemic but that she hopes to resume that activity soon. She concluded her report to the Board noting that a report will be presented annually to the Governor, the Legislature and the Supreme Court; and that the ACLU has suspended their case against the State and is waiving attorney's fees as the State is currently in compliance based on the work that has been completed to date.

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

- a. NACO Draft Comments on the Bureau of Land Management (BLM) Draft Programmatic EIS for Fuel Reduction and Rangeland Restoration** Colby informed the Board that the Public Lands and Natural Resources Subcommittee had reviewed the draft comments. He gave an overview of the letter which was included in the agenda packet, specifically noting the letter included language that was generally supportive of the DPEIS and that the DPEIS would allow for local restoration and fuel reduction projects without needing to go through the NEPA process. He then informed the Board that the Committee had amended the language to include the allowance of stewardship agreements. The amended comment letter was approved on a motion by Past President Waits with second by Commissioner Higbee.
- b. Waters of the United States (WOTUS)**
 - i. Maui County v. Hawaii Wildlife Fund** Colby gave an overview of the case and informed the Board that the SCOTUS had identified a new test as to what counts as a discharge and remanded the case back to the 9th Circuit for review based on that test. The case will be monitored, and any new developments will be brought back to the Board. Commissioner Hartung inquired as to what level of treatment was identified and Colby noted that he will find that information and get back to the Commissioner. No action was taken.
- c. Other Updates from the NACO Public Lands and Natural Resources Subcommittee** President French informed the Board that the BLM Wild Horse and Burro program has had a shift in administration and staff, funding is not yet solidified and therefore the program and the Advisory Board are a bit adrift, he will continue to Keep the Board informed as things progress. Vinson informed the Board that Congressman Amodei had introduced a bill regarding the expansion of NAS Fallon that included most of what was requested by the counties and that he will also continue to keep the Board updated as necessary. It was noted that the Bi-State Sage Grouse has been removed from endangered species eligibility largely due to the collaborative effort of the counties and states for conservation. The Board was also informed that the Off Highway Vehicle (OHV) registration laws are being reviewed to see about allowing for picking up funds from out of state vehicles based on comments made to the staff of the Department of Conservation and Natural Resources at a previous meeting, The OHV Board will be soliciting input from the Association. No action was taken.

14. NACO Committee of the Emeritus Update. Past President Waits informed the Board that the April workshop was canceled due to the pandemic and that the June workshop has been postponed. The group will be meeting soon to discuss the situation and decide what to do about the remaining workshops.

15. National Association of Counties and Western Interstate Region Board Member Updates. President French reminded the Board that the WIR Conference had been canceled due to the pandemic. Appropriators are working on drafting a bill for the next funding cycle of the LWCF and there is a discussion on including permanent funding for PILT and SRS. Commissioner Higbee informed the Board that the Annual Conference scheduled for July has been canceled but that a virtual meeting would be taking place. The virtual meeting will include elections and Commissioner Higbee requested support from the Board for his application for appointment to a

leadership position within the Rural Action Caucus (RAC), noting the RAC doesn't currently have any western representatives in those positions. Staff was directed to support the application by consensus of the Board. Vice President Lucey concluded the item by reminding the Board that transportation funding identified under the CARES Act will be coming directly to counties.

16. **NACO Board Member Updates.** The Board gave updates on activities within their counties.

17. **Public Comment.** Commissioner Lister noted that he would like to see the Association assist the counties with addressing the issues that they are having with new software contract issues. Vinson reminded the Board of the need to track expenses for FEMA reimbursement related to the pandemic and offered assistance if needed.

The meeting was adjourned at 12:10 p.m.