

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

September 29

Immediately Following the Annual Business Meeting

Fallon Old Post Office

90 N. Main St.

Fallon, NV 89406

NOTICE TO THE PUBLIC:

The public may provide public comment in advance of a meeting by written submission to the following email address: info@nvnaco.org For inclusion or reference in the minutes of the meeting, your public comment must include your full name and be submitted via email by not later than 3:00 p.m. the day before the meeting.

The public may also join the meeting via telephone and provide verbal public comment during designated times by calling: (800)791-2345 Passcode: 58666

AGENDA

Some NACO Board members may attend via remote technology from other locations. Items on the agenda may be taken out of order. The NACO Board may combine two or more agenda items for consideration. The NACO Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Call to Order, Roll Call and Pledge of Allegiance

1. Public Comment. Please Limit Comments to 3 Minutes.
2. Approval of Agenda. **For Possible Action.**
3. NACO President's Report.
4. NACO Executive Director's Report.
5. Approval of Minutes of the August 27, 2021, NACO Board of Directors Meeting. **For Possible Action**
6. Discussion and Possible Approval of One Nominee for Appointment by the Governor for NACO's Seat on the Nevada Commission on Nuclear Projects. **For Possible Action.**
7. Annual Update from NACO Investment Advisor, Moreton Asset Management, Andy Robbins, Chief Operating Officer, Moreton Asset Management.
8. Discussion Regarding County Staff Salary Classifications, including Management Compensation and Best Practices for Competitive Recruitment. **For Possible Action.**
9. Updates from Members on the National Association of Counties Board, Western Interstate Region Board, and Individual Counties.

10. Public Comment. Please Limit Comments to 3 Minutes.

Adjournment.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify NACO in writing at 304 S. Minnesota Street, Carson City, NV 89703, or by calling (775) 883-7863 at least three working days prior to the meeting.

Members of the public can request copies of the supporting material for the meeting by contacting Amanda Evans at (775) 883-7863. Supporting material will be available at the NACO office and on the NACO website at: www.nvnaco.org

This agenda was posted at the following locations:

NACO Office 304 S. Minnesota Street, Carson City, NV 89703

Washoe County Admin. Building 1001 E. Ninth Street, Reno, NV 89520

Elko County Manager's Office 540 Court Street #101, Elko NV 89801

POOL/PACT 201 S. Roop Street, Carson City, NV 89701

Agenda Item 5

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting
August 27, 9:30a.m.
NACO Office Conference Room
304 S. Minnesota St.
Carson City, NV 89703

UNADOPTED MINUTES

Attendance: President Elect Lucey, Vice President Higbee, Past President French, WIR Representative Elko County Commissioner Steninger, Carson City Supervisor Giomi, Churchill County Commissioner Olsen, Clark County Commissioner Gibson, Douglas County Commissioner Gardner, Elko County Commissioner Andreozzi, Esmeralda County Commissioner Keyes, Eureka County Commissioner Goicoechea, Lincoln County Commissioner Lister, Lyon County Commissioner Keller, Mineral County Commissioner Hall, Pershing County Commissioner Shank, Storey County Commissioner Gilman, Washoe County Commissioner Hartung, White Pine County Commissioner Carson and NACO staff (Vinson Guthreau and Amanda Evans)

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 Commissioner Goicoechea with second by Commissioner Olsen.
3. **NACO President's Report.** President Elect Lucey stood in for President Kirkpatrick, no report was given.
4. **NACO Executive Director's Report.** Vinson informed the Board that the Nevada Commission on Aging had two vacancies specific to County Commissioners and directed any Board member or other Commissioner interested in serving on the Commission to the information included in the agenda packet. He informed the Board that recruitment for the Public Health Coordinator position had taken place, and although there had been an interview conducted the Committee is still looking for the right candidate to fulfil the tone and mission of the position as presented to the Board. Commissioner Andreozzi, a member of the Selection Committee, echoed Vinson's remarks regarding the recruitment and selection process.
5. **Approval of Minutes of the July 29, 2021, NACO Board of Directors Meeting.** Commissioner Lister noted the use of the word heaving instead of heavy during the discussion regarding heavy trucks during the NDOT presentation. The minutes were approved as corrected on a motion by Commissioner Lister with second by Supervisor Giomi.
6. **Update and Discussion of NACO's 2021 Annual Conference, September 28-30th, Hosted by Churchill County.** Vinson gave the Board an update on the planning process for the Conference and thanked Churchill County for their hard work in the process. Amanda gave an update on the timeline for registration and Commissioner Carson reminded the Board about the need to provide items from their counties for the Silent Auction.

7. **Approval of the 2021 NACO Honor Roll and NACO Participatory Democracy Awards for Presentation During the 2021 NACO Annual Conference.** Vinson gave the Board an overview of the two awards and reminded them of several past recipients. The award recipients were approved unanimously on a motion by Past President French with second by President Elect Higbee.
8. **Possible Selection of one NACO Sponsored Applicant to Attend the National Association of Counties (NACO) 2021 County Leadership Training Institute in Washington D.C.** President Elect Lucey gave the Board an overview of the program and his experience as a past attendee. He noted that it is an intense and in-depth program but well worth the attendance. Commissioner Lister, also a past attendee, concurred with President Elect Lucey's comments. Vinson informed the Board that within the Association's partnership with NACO, there is a line item within the budget to cover the registration cost of the program if a nominee from Nevada is selected for participation. He noted that he had put out a request for Commissioner's interested in the program to contact him, and Commissioner Hall was the only response he received. Commissioner Lister inquired as to if the Association was limited to one nominee. Vinson clarified that was the case and that only 30 Commissioners from across the country are selected for the program. Commissioner Hall's nomination to the program was approved on a motion by Commissioner Goicoechea with second by Commissioner Lister.
9. **Presentation and Overview of Nevada County Human Services from the Nevada Association of County Human Services Administrators (NACHSA).** Shannon Ernst, Churchill County Social Services Director made the presentation to the Board on behalf of NACHSA. Ms. Ernst began her presentation by explaining that human services are provided utilizing seventeen different models across the state based on the individual needs of each county. She gave an overview of the NRS governing the provision of human services in Nevada and explained the different tax bases utilized in funding these operations, she also explained the importance of grant funding to bolster the programs administered by the counties. Ms. Ernst discussed the ramifications of changes to the assessments from the State to the counties in the 2011 legislative session that effectively created unfunded mandates to the counties how these increased assessments affected the provision of human services across the state. She gave an overview of the NRS428, which governs Indigent medical care and discussed the Indigent Accident Fund, which funded by a portion of property tax and administered by NACO, helps to counties to pay their obligation to provide indigent care. Ms. Ernst concluded her presentation by explaining that NACHSA meets monthly to discuss the services each county provides and how collaboration can reduce duplication of services and exploit successful programs. She encouraged the Board to attend the meeting that will take place during the NACO Annual Conference and further participation with NACHSA. Commissioner Olsen commended Ms. Ernst on the amazing work she does for Churchill County. President Elect Lucey commented on the amazing ability of the Human Services Administrators to pull funding together for various projects the counties are unable to fund or fully fund. Supervisor Giomi inquired as to how the counties ensure that they are providing services to only those they are responsible for, and Ms. Ernst ensured the Supervisor that residency is looked at very closely and the county Human Services Administrators have a close relationship to ensure services are being provided correctly. Commissioner Lister inquired about the difference between a county hospital and a hospital district. Ms. Ernst explained that it is different for each county and used the example of the hospital in Churchill County being a non-profit and that the County has a cost share agreement with the hospital. Vinson clarified that Clark County was specifically called out in the overview because the County owns and administers University Medical Center. The

statutes and regulations regarding health districts were clarified and it was noted that it is critical for county health officers to be engaged when a health district is in place. Ms. Ernst then explained that Churchill, Eureka, Pershing, and Mineral Counties are in the process of forming a health district and noted that it is a requirement for counties entering into a health district to have adjoining boundaries. She also noted that the counties forming the district also have similar demographics and health needs. Vinson informed the Board that NACHSA is currently Chaired by Clark County Human Services Administrator, Tim Burch and NACO actively supports the group with state contract reviews and negotiations, assisting the State with leveraging federal match dollars, rural assessments, and various other items. He concluded the item by informing the Board that NACHSA and NACO are working together to obtain more predictability in not only the assessments but what services counties are responsible for and what they are paying for.

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

- a. Updates from the Public Lands and Natural Resources Subcommittee.** Vice President Higbee informed the Board that the Subcommittee had discussed the proposed NASA withdrawals and noted that Nye County had requested support on the issue. The group also discussed the issues surrounding wild horses and burro's and encouraged the Board to contact the federal delegation in support of funding the BLM's 5-year program for removal of excess animals. Past President French discussed the ongoing situation with the Sage Grouse and the current limbo between the adoption of the 2015 or 2019 plans based upon recent court actions. It was also noted that three Nevada Counties have standing with the courts should the issue end up back before the court. It was also noted that Governor Sisolak's recent Executive Order (EO) regarding conservation inserts his office into the discussion and that recommendations were being requested from various State agencies. The fact that the Sagebrush Ecosystem Council (SEC) was not directly mentioned in the EO was discussed and the Subcommittee requested a letter to the Governor requesting engagement with the SEC regarding sage grouse management. Jeremy Drew of Resource Concepts, Inc. reiterated that letters regarding the issues discussed were important and that drafts will be provided for discussion and approval at the next Board meeting.
- b. Providing Direction to NACO Staff Regarding Recent Administrative Actions Related to the Waters of the U.S. (WOTUS).** Mr. Drew informed the Board that the Army Corps of Engineers (Corps) is in the process of rescinding the rule adopted under the Trump administration and proposing the drafting of a new rule. He then suggested that the Board send a letter to the Corps discouraging the rescission and rewrite, stressing the need for counties to be involved in any rule making process and the inclusion of previous comments submitted on the issue. Commissioner Lister commented on the difficulty and time-consuming process of rescinding the existing rule and Supervisor Giomi discussed the Corps recent decision to call the entirety of the Carson River navigable. Supervisor Giomi further remarked that the decision, based on historical use, has significant effect on work that can and needs to be done near the river, noting the Carson River Sub conservancy is looking at options to address the decision. Mr. Drew encouraged the close monitoring of how the Corps handles season watersheds and noted the lack of transparency on their decision-making process. Commissioner Hartung inquired as to what should be done going forward and Vinson stated that the Subcommittee had suggested sending a letter as previously discussed and requesting a coordination in all future processes and actions. The sending of a letter, prepared by staff, was approved on a

motion by Commissioner Goicoechea with second by Vice President Higbee to ensure it was submitted prior to the end of the comment period current published in the Federal Register. The item was concluded by Commissioner Carson suggesting a letter to the Governor regarding his EO that puts the Department of Wildlife in charge of conservation to be discussed at the next meeting.

11. **NACO Committee of the Emeritus Update.** Vinson informed the Board that the workshop held on the American Rescue Plan Act (ARPA), in preparation of Treasury's August 31 reporting deadline was well attended by roughly 40 County Commissioners and staff. He reminded the Board that a recording of the workshop can be found on the NACO YouTube channel and informed the group that the next Committee meeting would be held in November.
12. **Updates from Members on the National Association of Counties Board, Western Interstate Region Board (WIR), and Individual Counties.** Past President French informed the Board that recent discussion at WIR included a letter from President Biden ensuring that ARPA funds were not in lieu of or in place of Payment in Lieu of Taxes or Secure Rural Schools funding, and a definition of dollars for tribal economic development. Members of the Board concluded the item by giving updates on various activities within their counties.
13. **Public Comment.** Commissioner Lister discussed the forward momentum of processes at the Supreme Court regarding water and encouraged the Board to reach out to him with any comments.

The meeting was adjourned at 11:32 a.m.

Agenda Item 6

[Commission on Nuclear Projects](#)

Agenda Item 8

Assembly Bill No. 385—Assemblywomen Benitez-Thompson
and Brittney Miller

CHAPTER.....

AN ACT relating to public employment; revising provisions relating to the compensation received by officers and employees of certain public bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, this bill prohibits a public body from entering into an employment contract that entitles an officer or employee of the public body to receive: (1) any fringe benefit, unless the public body has adopted a policy authorizing all persons employed in a similar position to receive the benefit; (2) any bonus, unless the bonus is based on merit and awarded at a public meeting; and (3) certain wages or other payments upon the termination of the employment of the officer or employee for cause or resignation of the officer or employee when an investigation relating to his or her employment is pending. This bill also prescribes certain payments and benefits to which an officer or employee of a public body is entitled or remains entitled upon termination of employment. This bill exempts from these requirements employment contracts for officers and employees of the Nevada System of Higher Education and employment contracts that are negotiated pursuant to a collective bargaining agreement.

For the purposes of this bill, the term “public body” has the same meaning as in the Open Meeting Law. (NRS 241.015)

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a public body shall not enter into an employment contract that entitles an officer or employee of the public body to receive:

(a) Any fringe benefit, unless the public body has adopted a policy authorizing all persons employed by the public body in a similar position to receive the benefit.

(b) Any bonus, unless the bonus is based on merit and awarded at a public meeting.

(c) Upon the termination of the employment of the officer or employee for cause or the resignation of the officer or employee when an investigation relating to his or her employment is pending, any:

(1) Wages in lieu of notice or administrative leave;



(2) *Salary, benefits or equivalent compensation, including, without limitation, severance pay;*

(3) *Bonus; or*

(4) *Other form of payment.*

2. *Upon the termination of the employment of an officer or employee of a public body, the person:*

(a) *Must be paid for any portion of accumulated annual leave and compensatory time and unused sick leave authorized by law or policy of the public body.*

(b) *Remains entitled to any pension or retirement benefit provided by the Public Employees' Retirement System or other retirement or pension program of which he or she is a member.*

3. *Nothing in this section shall be construed to limit or prohibit:*

(a) *A person from:*

(1) *Receiving compensation for past services upon his or her termination;*

(2) *Bringing any cause of action for wrongful or unlawful acts committed against the person relating to his or her employment or termination; or*

(3) *Accepting any legal or equitable relief awarded or recovered for wrongful or unlawful acts committed against the person relating to his or her employment or termination.*

(b) *A public body from entering into an agreement to pay the cost of purchasing credit for service on behalf of an officer or employee pursuant to NRS 286.3007 or under any other retirement or pension program, if applicable.*

4. *The provisions of this section do not apply to:*

(a) *Any contract negotiated pursuant to a collective bargaining agreement.*

(b) *Officers and employees of the Nevada System of Higher Education.*

5. *As used in this section, "public body" has the meaning ascribed to it in NRS 241.015.*

Sec. 2. (Deleted by amendment.)

Sec. 3. The amendatory provisions of this act do not apply to a contract entered into before December 1, 2022, but do apply to any renewal or extension of such a contract.

Sec. 4. This act becomes effective on December 1, 2022.

