

## NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

April 30, 9:30 a.m.

Carson City Sheriff's Office

Ormsby Conference Room

911 E. Musser St., Carson City Nevada

### 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 Andreozzi, 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 9:32 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 Supervisor Giomi.
3. **NACO President's Report.** President Kirkpatrick thanked Carson City for hosting the physical location of the meeting.
4. **NACO Executive Director's Report.** Director Stapleton gave the Board an update about the money each county receives from State marijuana sales proceeds for the purpose of addressing local impacts from legalization. She said that Legislative budget committees had been interested in reporting from counties regarding the uses of this money and reminded each of them to check on how they were budgeting and using this money in case asked. The intent of those dollars is to mitigate impacts, so, human services and law enforcement would be appropriate uses.
5. **Approval of Minutes of the March 26, 2020 NACO Board of Directors Meeting.** Upon correction of a typo noted by Commissioner Lister, the minutes were approved on a motion by Commissioner Lister with second by Past President French.
6. **Approval of NACO's March 2021 Financials and Investment Reports.** Dagny reminded the Board that the reports are provided for review on a quarterly basis. She noted that revenues for the year are on target as are the expenses. Fiscal Officer Kalt noted that currently the expenses are under the approved budgeted amounts and the investments are in line with the approved policy and performing as anticipated. Mr. Kalt clarified that the Association's fiscal year is January-December. The reports were approved on a motion by Vice President Higbee with second by Past President French.
7. **Discussion and Possible Approval of the Reappointment of Roger Mancebo to the Nevada Rural Housing Authority Board of Commissioners (NRS 315.977).** Dagny

reminded the Board that Mr. Mancebo is one of the Association's two representatives on the Board and has served in that capacity for several years. Mr. Mancebo had requested reappointment and there were no other applicants. Mr. Mancebo's reappointment was approved unanimously on a motion by Commissioner Carson with second by Vice President Higbee.

- 8. Update on Federal COVID Relief Dollars (the American Rescue Plan Act), Including Guidance and Possible Uses.** Dagny reminded the Board that the Act was passed in March, and that due to the advocacy efforts of the National Association of Counties (NACo) that direct funding to local governments was included. She noted that NACo is also working with the US Department of the Treasury (Treasury) on the creation of the guidance for use of the funds, which could come out as early as the following week. Dagny reminded the Board that information on the allocation each county would receive had been distributed, noting that the first distribution was expected 60 days following the passage of the Act, on May 11<sup>th</sup>. She gave an overview of the allowed uses of the funding, including COVID related expenses and infrastructure investments. Dagny then discussed the requirement that all counties have a SAM and DUNS number, which she noted all 17 have. Dagny concluded her presentation of the item by informing the Board that the Nevada Rural Housing Authority had requested that any county which would be doing any form of housing assistance with the funding to collaborate with them to avoid 'double dipping'. President Kirkpatrick suggesting having a meeting with county fiscal staff when the guidance is released, noting that it would be advantageous for all 17 counties to have a similar approach to managing the funds when it comes time for the audit piece of the Act. Commissioner Lister inquired as to who will be conducting the audits and what the criteria would be. Dagny informed the Board that it was unclear who would be responsible for the audits as well as what the criteria would be as the guidance for the American Rescue Plan Act had yet to be released. She then noted that the Association had conducted a workshop for the CARES Act to assist with the understanding of the uses and guidance. President Kirkpatrick shared that Clark County had some issues with the audit piece surrounding the funding they provided to the City of Henderson from the CARES Act, noting that the updating of the initial guidance from Treasury had been a part of that issue. Supervisor Giomi stated that having a whole state interpretation of the guidance and uses of the funds would build positive influence during the audit processes. Dagny then inquired if Mr. Arthur Scott from NACo had anything to add to the discussion. Mr. Scott stated that Dagny's presentation of the facts as known was accurate and that he agreed with the group's discussion on the whole state approach going forward. President Kirkpatrick closed the item by stating that everyone would be kept informed as the situation develops, and information and guidance is released.
- 9. Overview of Rural Broadband Funding Opportunities and Project Models, Arthur Scott, National Association of Counties Associate Legislative Director and Political Outreach Manager.** Dagny informed the Board that NACo Executive Director, Matt Chase had recommended that Mr. Scott be the representative to discuss this item on the federal level. She noted the importance of Broadband expansion in underserved and rural communities and that with the COVID-19 pandemic the inequities had been compounded. Mr. Scott informed the Board that NACo is compiling a resource warehouse for Broadband information and that will be found at [naco.org/broadband](http://naco.org/broadband). He also echoed that the pandemic had magnified the issues surrounding Broadband connectivity and that the issue is now a bi-partisan priority in Congress. Mr. Scott discussed proposed bill regarding telehealth that will have funding reserved for Broadband as well as provisions for the Federal Communications Commission (FCC) that could provide for a \$50/month stipend for emergency connection for those that cannot afford it on their own. He also referenced a year end package that includes \$65 million for the FCC. He reminded the Board that the

Broadband Data Act forces the FCC to collect data on where service is and is not provided. He discussed the use of the TestIT app developed in partnership with NACo and how that is one tool being used to collect this data. Mr. Scott also noted that the Act allows state and local governments to verify the data collected to ensure areas are not overlooked. President Kirkpatrick noted that the FCC is unregulated and that the Board is primarily comprised of retirees from the wireless network providers and expressed concern at how the data would be collected based on prior experience. Mr. Scott affirmed that previously the carriers reported connectivity by Census block, meaning if one residence had access, the whole Census block would be reported as having connectivity. Now the data will be collected on a more granular level, every home would be reported as connected or not connected. Mr. Scott also noted that all agencies and Congress would now have access to the data to determine the funding needed to supply connectivity. President Kirkpatrick inquired as to the timeframe and accountability of the implementation of the Act. Mr. Scott stated that rulemaking was currently taking place and reiterated that state and local governments would have the ability to not only fact check the data collected, but to supplement with their own data sets. Commissioner Gibson stated that he lives in a very urban part of Clark County and has virtually no connectivity, noting that the issue is not confined to rural areas. Commissioner Lister informed the group that he had recently been on trip where he was in 14 different states within 10 days and he was disappointed in the coverage areas for cellular communication, noting that it was disturbing how much of the country is not accessible. Mr. Scott agreed with Commissioner Lister's assessment and noted that there are areas within the country that have what is considered to be 3<sup>rd</sup> world level connectivity. Mr. Scott then informed the Board that 65 counties have what is regarded as below standard connectivity. What could have been considered sustainable prior to the pandemic is now grossly insufficient. Commissioner Gibson then noted that areas without new development have services and infrastructure that are decade(s) old. He then discussed that anything that would motivate providers to improve existing services would be welcome. Mr. Scott informed the Board that is a specific target of the Taskforce, noting that lack of competition is a challenge. President Kirkpatrick discussed the FCC's efforts to dismantle local authority of agreements with providers, and Mr. Scott also stated that the Taskforce is in a position to address that issue. Past President French inquired as to what the next step would be to make the providers step up and address the issues, assuming that the \$65 million was enough to produce an accurate map. Mr. Scott stated that there were two factors that would address the issue. The first being the definition of minimum standard of service, and the second to provide incentives to provide higher than minimum levels of services. But acknowledged that lack of competition allows the providers to not only set standards but pricing as well. He informed the Board that success has been seen with municipal options, but many states preclude the ability for local governments to provide the services, noting that the proposed bill would include language that would eliminate those bans. Mr. Scott then noted that Broadband is not a luxury it is a necessary utility and that where local governments who build the infrastructure, providers would be attracted to. President Kirkpatrick inquired as to the use of rescue funds for Broadband, and if NACo would be providing guidance on the development of Requests for Proposal. Mr. Scott stated that would depend on the guidance provided by Treasury and what was included on the list of eligible expenses. He also noted that the way locals use the funding will be largely based on individual need, but that counties are traditionally creative when it comes to the use of resources and programs. Dagny noted that a template or model on how-to stand-up Broadband at the county level would be welcome and that a partnership with NACo to support the development of such a tool would be helpful. President Kirkpatrick remarked on challenges at the State level. Mr. Scott stated that the Taskforce report included a list of best practices. He also discussed the development of a second list of policy recommendations for the FCC that parallels the best practices in the report, which hopefully

would be released in July. Commissioner Keyes stated that he represents the least populous county in the State, which is served by an Electric Co-op. He noted that he has encouraged them to take federal grant dollars to improve broadband service, but he has been unsuccessful in getting them to ask for those dollars and requested information on how to show them where they are missing the mark in services. He was encouraged to use the TestIT app to show them aggregate data from the county. President Kirkpatrick suggested involving someone from the military in the issue, stating that she knows some of the local bases also have insufficient services. Mr. Scott stated that would be an interesting component and that NACo would investigate that component. Past President French inquired as to how First Net played into the issue and Mr. Scott stated that he was unfamiliar with First Net and could not discuss how that tied into the greater Broadband issue. Commissioner Lister inquired as to the low-level satellite being developed by Elon Musk. Mr. Scott noted that he could not speak to the success of the model but that NACo believes in an all of the above approach, noting that what works for one does not work for all. He did state that the threat of that service would force ground providers to compete.

**10. Update on NACO Bills and Other Policy Issues Affecting Counties in the 2021 Session of the Nevada Legislature.** Dagny introduced David Longo to the Board, reminding them that he is the Association's Intern for the session and noted that he had been extremely helpful in watching hearings, floor sessions and assisting with other important duties. Dagny referred to the bill tracker which had been distributed the previous afternoon. Dagny discussed the overall themes of importance in the session, including justice reforms and issues surrounding short term rentals (Air B&B etc.). Dagny also discussed the State's proposed budget especially with regards to how it would affect county assessments, including dramatic cuts to Clark and Washoe counties in child welfare as well as closely monitoring Medicaid. She also discussed the proposed cuts to the China Springs budget, noting that counties are working on the issue, but it is currently not in a good situation. She referred to the cutting of programs due to lack of funding and the possibility of a potential infusion of federal dollars. She noted that the current expectation is that the budget will close with the proposed cuts, but the hope would be that add backs could be made with federal dollars. Dagny informed the Board that regarding China Springs their current assessments would not increase but that there would be an expectation and possibly requests from China Springs for the counties who utilize the facility to step up to provide additional funding. Dagny then discussed bills regarding mandates or preemptions of local authority, which they have been seeing. The first bill discussed was regarding short term rentals and includes language mandating what local ordinances look like. Commissioner Lister inquired as to the potential for requiring the owner of a residence to have a state business license, Dagny affirmed that it is important for local governments to maintain regulatory authority. She next discussed bills that include mandates regarding testing for employment and/or promotion, tiny homes, urban agriculture, tentative maps, and regulation of wildlife. Dagny again stressed the need to maintain local control for individual community issues and services that counties have traditionally provided and/or regulated. She shared with the Board that counties have been successful in rolling back many of those mandates or changes to local authority AB116 was discussed next, the bill would move penalties for traffic violations from criminal to civil, but it was noted that counties proposed an amendment, which was accepted, to ensure that the fines associated would still come to the courts. Another bill of concern was AB424 which includes bail reforms and changes to the risk assessments for pre-trial release. A matter of concern to counties in the bill, would be the change for the time frame of initial appearance after arrest, which would have a significant fiscal impact to counties. Vinson informed the Board that an amendment was being drafted that would soften the language but still include a time limit, noting that 24 hours was not a realistic time frame for initial appearance, especially in rural counties. He

encouraged the Board to submit fiscal notes for their counties. The Board was informed that while other justice reform bills are being watched closely, the District Attorney's and Sheriff's are taking the lead on many of those bills. The Board was informed that the bill to allow Innovation Zones was dead, and the counties were thanked for their work on the issue. President Kirkpatrick informed the Board that an amendment to SB287 is being developed. The amendment would hold counties harmless if UNLV is granted land grant status. The Board was informed that a bill was introduced to establish a public option for health insurance. The Bill would provide the insurance through the state but could impact counties depending on how it was instituted. President Kirkpatrick stated that Clark County cannot absorb any more upfront costs, noting that it would be more cost effective for the county to establish its own system and get the federal match themselves. Past President French stated that the Association needs to support Clark County as a team and that it will have an affect on counties with county run hospitals as well. Commissioner Carson remarked that part of NACO's ideology is counties supporting other counties and that the issue should be looked into. Commissioner Keyes informed the Board that since the closing of the Tonopah hospital, Esmeralda County must hand transport patients to other agencies, and they do not get paid for the initial intervention. Commissioner Strickland asked Commissioner Keyes to contact her regarding that issue and concurred that everyone should work together on the issue. Staff was directed to continue work on the bill. The Board was next informed of SB430 which was introduced the previous day. This bill would expand the State Infrastructure Bank, it is a large policy and staff will further review the bill for impacts to counties and how it may allow for additional federal dollars. Vinson then gave the group and overview of the timing of the remainder of the session. He noted that budget hearings are on the horizon and may begin to take place on Saturdays. He reminded the Board that the Economic Forum would take place the following Tuesday, the deadline for second house committee passage is May 14, and second house passage is May 21<sup>st</sup>, with Sine Die scheduled for May 31. Vinson also thanked the Legislative Subcommittee for their hard work and participation. He then updated the Board on the status of the Association's remaining bills. AB33, which will adjust the way paternity is determined was heard in committee the previous day and went well. AB1, to require training on local government for legislators, is awaiting the Governor's signature. A work session on AB2, which would allow a person to serve on more than one Gubernatorially appointed board, is expected. Past President French inquired about concerns on the bill. Vinson informed the Board that the concerns that had been brought forth were about things not addressed in the bill, concerns about Boards that NACO does not appoint members to, as well as issues with boards that are not Gubernatorially appointed. The item was concluded with a discussion on AB372 -- Commissioner Carson inquired about that bill, which would bring doctors to Nevada. Dagny informed the Board that currently the bill mandates a fund to incentivize Doctors to stay in Nevada and that funding would come from counties, the State, and donations. She informed the Board that she had worked with the sponsor and that the funding mandate will be removed -- instead, the language will be that counties may participate in funding the program at their discretion. No formal action was taken by the Board.

#### **11. 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 the Subcommittee had discussed the release of a rule regarding the California Condor, who's range includes the Northwest portion of the state. They also discussed SJR3, regarding the Wild Horse and Burro populations in Nevada -- the Board was informed that the Resolution had been amended in committee, the amendment was not acceptable, and work was done with a coalition

of stakeholders to prevent the bill from passing out of the Senate. The proposed legislation did not make it past the last deadline. The Committee also received an update on the litigation that Eureka, Humboldt, and Elko Counties have intervened in over the Greater Sage Grouse. Commissioner Keyes inquired as to what had stalled an application for a lithium project in Esmeralda County. Colby stated that he would investigate the issue and get back to the Commissioner. Commissioner Lister brought a piece of legislation from a neighboring state to the attention of the Board. The proposal would significantly change the issuance of grazing permits in a positive way. Commissioner Lister also brought a document from the BLM to the Board's attention. This document, received by Lincoln County along with application materials for SNPLMA funds outlined the Department of Interior's priorities. The county was informed that their grant application would be evaluated based upon those priorities. Dagny informed the Board that NACO has a seat on the SNPLMA Partners Working Group that evaluates the applications, and she would look into the issue, noting that alignment with Interior's priorities should not be a criterion of any application to SNPLMA because the grant qualifications are in statute. A copy of that document was requested to be sent to the members. Dagny also discussed AJR3, regarding the Biden administration's conservation plan commonly known as "30 by 30". She noted that NACO had testified as neutral on the measure but is working to see if local government can be added to the policy discussion. The Board discussed drafting a Nevada perspective on the 30 by 30 issue that could be elevated through the National Association of Counties. Finally, Commissioner Carson informed the Board that she had seen a notice in the Federal Register that NASA was planning to withdraw approximately 23,000 acres in Nye County.

12. **NACO Committee of the Emeritus Update.** Vinson reminded the Board that the Committee would reconvene upon the conclusion of the legislative session.

13. **Updates from Members on the National Association of Counties Board, Western Interstate Region Board, and Individual Counties.** Past President French informed the Board of the upcoming WIR conference May 26-28. Commissioner Steninger will be attending that meeting as the sole voting member of the Association, as Past President French will be attending a meeting of the BLM Wild Horse and Burro Advisory Committee. Vice President Higbee noted that discussion at the Board and Western Region's recent meetings included veteran's legislation proposed to include outdoor recreation components for the treatment and recovery of PTSD. New representatives at the Department of Interior were also introduced, including Liz Archuletta, a former Arizona County Supervisor. State associations were also asked to provide resolutions on the 30 by 30 proposal to submit to NACo.

14. **Public Comment.** None was given.

The meeting was adjourned at 12:02 p.m.