

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting
December 14, 2018, 9:30 a.m.
NACO Office
304 S. Minnesota Street
Carson City, NV 89703

ADOPTED MINUTES

Attendance: President Weekly, President Elect Waits, Vice President French, Nye County Commissioner Wichman, Esmeralda County Commissioner Bates, Elko County Commissioner Steninger, Western Interstate Region Member-Elko County Commissioner Dahl, Carson City Mayor Crowell, Lincoln County Commissioner Higbee, Douglas County Commissioner Thaler, Mineral County Commissioner Tipton, Lyon County Commissioner Mortensen, Austin Osborn on behalf of Storey County Commissioner McGuffey and NACO Staff (Dagny Stapleton, Vinson Guthreau, Sandy Hoover and Amanda Evans)

Remote Attendance: Clark County Commissioner Kirkpatrick, Churchill County Commissioner Olsen, Pershing County Commissioner Shank

Other Attendance: Lyon County Commissioner Alt; Lee Bonner, NDOT; Dean Payne, UNR; Rudy Evenson and Brian Amme, BLM Nevada; Katie Coleman and Bill Brewer, Nevada Rural Housing Authority (NRHA); Jennifer Carr, NDEP and Linda Bissett, NV Energy

The meeting was called to order at 9:30 am.

1. **Public Comment.** The BLM's Acting State Director, Brian Amme informed the Board that a permanent State Director has been assigned. John Raby, who currently serves as the Acting State Director of Montana will take the helm in Nevada on January 14th. Mr. Amme informed the Board that he is excited to work with Mr. Raby, who has a proven record of solid and collaborative engagement with stakeholders.
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Tipton with second by Commissioner Wichman.
3. **NACO President's Report.** President Weekly thanked the Board again for the President's Reception at the November Annual Conference and for the caricature he was presented with at the event. He informed the Board that he had recently attended the NACo Large Urban Caucus meeting in San Diego, CA, and spoke on a panel at the meeting. He discussed updates on the planning efforts for the 2019 NACo Annual Conference being hosted by Clark County. He concluded his remarks by acknowledging the Board members with December birthdays.
4. **NACO Executive Director's Report.** Dagny reminded the Board that the January meeting will be held in Clark County and the investiture of the 2019 Officers will take place at that meeting. Prior to that meeting Clark County will be providing a tour of possible event sites for the 2019 NACo Annual Conference, as well as additional information regarding the planning of the event so that the Board could support that process. Dagny asked that members of the Board inform any new Commissioners assigned to the Board of this so that they may plan appropriately. She also informed the Board that the Public Lands and Natural Resources Subcommittee will be meeting at 8:00 that morning as well. Dagny requested that any educational session ideas for the National conference be forwarded to her to be passed along to Clark County. Dagny reminded the Board that registration for the NACo Legislative Conference in March is open and referenced information on a Broadband conference coming up in January that had been distributed that morning and encouraged Board members to attend. She also noted that information on the foster care system had been distributed pursuant to the Board's previous discussion on Health and Human Services in October. Dagny recognized those members of the Board that are outgoing and reminded the Board that the position announcement for the Association's Natural Resources Manager had been released.

5. **Approval of Minutes of the November 14th, 2018 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Tipton with second by Commissioner Thaler.
6. **Approval of NACO's October 2018 Financial Statements and October 31, 2018 Investment Reports.** The financial statements and investment reports were approved on a motion by Commissioner Tipton with second by Commissioner Bates.
7. **Discussion and Approval of NACO's 2019 Budget.** Dagny informed the Board that the Budget included in the agenda packet is identical to the draft provided in October. She informed the Board that the Budget is based on the inclusion of a .5% multiplier for the public lands dues assessment and that total dues to NACO would increase by roughly \$12,000. She noted that there were substantial savings from 2017-18 due to staff turnover and savings in operating costs, and those savings carry over into the 2019 Budget. She noted that a net loss is expected for 2019 due to the possibility of only breaking even at an abbreviated NACO Annual Conference and the need to replace the office roof, however, with the positive net position coming into 2019 it should not be an issue. She concluded her review with the fact that the budget includes a 2% COLA increase for staff. The budget was approved on a motion by Commissioner Tipton with second by Commissioner Wichman.
8. **Approval of NACO Resolution 18-02 Thanking Douglas County for Hosting the 2018 NACO Annual Conference.** The resolution was approved on a motion by Commissioner Wichman with second by Commissioner Tipton.
9. **Final Update on NACO's 2018 Annual Conference.** Dagny referenced the budget included in the agenda packet, noting that while registration was virtually the same as in 2017 attendance was higher. She also informed the Board that there was a significant increase in sponsors.
10. **Possible Approval of an Annual Conference Performance Bonus for NACO's Office Manager.** Dagny requested approval of a bonus of \$2,500.00, noting that Conference cost savings and additional revenues were more than that and that Amanda works very hard on the event. The bonus was approved on a motion by Commissioner Wichman with second by Commissioner Tipton.
11. **Nomination of One of Nevada's Two Representatives to the National Association of Counties (NACo) Board to Serve out the Remainder of the Appointment Currently Held by Commissioner Tipton.** Dagny reminded the Board that the appointments are for two years and that Commissioner Tipton had been appointed in July and that the term will conclude in July of 2020. She noted that the tradition of the Board is to appoint one urban representative and one rural representative, and that Commissioner Kirkpatrick currently serves as the urban representative. Commissioner Tipton informed the Board that she had served on the Board for ten years and nominated Commissioner Higbee to assume the position noting that he has tremendous background in a variety of issues addressed by the NACo Board. The nomination was seconded by Commissioner Bates and Commissioner Higbee was unanimously approved to represent Nevada on the NACo Board of Directors.
12. **Presentation and Discussion on State Requirements in County Subdivision and Water/Wastewater Infrastructure Approval Processes, Jennifer Carr, Deputy Administrator, Nevada Division of Environmental Protection.** Ms. Carr informed the Board that there are issues being discovered with local water and waste water infrastructure. She noted that these issues are in part due to the approvals of tentative and final development maps. She noted that the plans don't always consider planning for safe drinking water and challenges with sewer and waste water systems that are at or nearing capacity. She discussed the loss of institutional knowledge within NDEP and the importance of local planning and building departments working in concert with NDEP to address these issues. She requested further partnerships between the affected county departments and NDEP to ensure that safe drinking water and appropriate waste systems are planned and provided for; and she distributed a document with more details and direction. Vice President French noted issues with sequential parceling and lack of oversight of septic system placement and suggested that the agency request to be placed on the agendas for the individual regional planning commissions. Ms. Carr agreed that there are several locations in the State with nitrate issues in the fresh water systems and thanked the Commissioner for the suggestion.
13. **Update and Possible Action Regarding Proposed Legislative Measures, Budget Requests, and NACO Priorities for the 2019 Nevada Legislative Session.** Dagny noted that the Session is quickly

approaching and that there are several bills already out, she informed the Board that Commissioner Lucey is the Chair of the Legislative Committee and that they had been meeting monthly and will be meeting weekly during the Session. Vinson updated the Board on the Association's bills noting that they had already been pre-filed and assigned to their committees. The diesel tax bill is SB48, the bill that would allow counties to form 501(c)3's is SB13, AB21 is the bill that would allow rural county appointments to fill vacancies on small boards and commissions, SB12 is the bill regarding the usage of 911 fees, and AB82 is the primary elections bill. He noted that several meetings have been held with legislators regarding the legislative priorities of the Association, specifically that engagement has been made with thirteen members of the Assembly and eleven members of the Senate including members of leadership. Additional meetings are scheduled. Dagny informed the Board that SJR14, a Constitutional amendment that addresses property tax reform through removing depreciation, will be reintroduced. Commissioner Kirkpatrick inquired as to the impacts of the proposed bill and Dagny informed the Board that the information is not currently available but that Senator Ratti has commissioned a study on the issue. President Elect Waits noted issues with improvements offsetting depreciation on older properties, Commissioner Tipton noted the inclusion of provisions for breaks for seniors and disabled people. Vice President French noted that with the current property tax caps, and no corresponding floor on decreases, it will take 22 years for the property taxes in Humboldt County to return to 2008 revenues. Commissioner Mortensen noted issues with homes in subdivisions having vastly different tax rates based upon date of build/sale. Commissioner Kirkpatrick suggested the Board remain neutral until additional information on impacts can be obtained, and the Board agreed by consensus. Dagny inquired as to the Board's continued support for a bill for the White Pine County courthouse, she referenced the U.S. Marshall's report included in the agenda packet, the funds the County has set aside, and the amount requested from the State, the Board agreed to continue to support the bill by consensus. The next bill discussed was the Indigent Defense bill, AB81. Dagny informed the Board that the general feelings of the members of the Right to Counsel Commission, including the 7 county representatives, is that the language of the bill does not reflect the wishes of the Commission, specifically that there is no clear language that funding for any reforms must come from the State. Though the bill draft does include retaining local control and that the proposed State oversight commission would be comprised predominately of county representatives, there is a group of stakeholders, including NACO, who are working on an amendment to clarify various provisions of the bill including county immunity from unfunded mandates related to any proposed new regulations. Commissioner Tipton and Mayor Crowell agreed that the language of the bill does not match the intent of the Commission. The Board held a brief discussion on marijuana laws and the Board's priority positions remained the same on the issue, as in the 2017 legislative session.

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

- a. NACO Public Lands and Natural Resources Committee Update.** Commissioner Tipton informed the Board that the Committee had a lengthy meeting the previous day and that the Committee recommends the Board have a presentation on potential solutions to fire management by Chris Stewart and continue the conversation regarding transfer of already identified federal public lands for disposal to the State.
- b. The BLM and USFS Greater Sage Grouse Resource Management Plan Amendments.** Sandy informed the Board that the BLM's plan had been published and reminded the Board that they had given the Public Lands Committee the discretion to decide on the filing of a protest of the agency's final plan. She informed the Board that the Committee has decided to file a protest and that when that document is complete it will be distributed to the Committee for approval. She informed the Board that comments are being drafted on the Forest Service's DEIS and would be submitted prior to January 3rd. She encouraged counties to submit individual comments and that the Association would distribute a template prior to December 24th. Commissioner Tipton clarified that several key issues of concern were not included in the BLM's final draft and that coupled with the need to maintain standing is why the Committee decided to file the protest.
- c. Discussion on the Contract with Resource Concepts, Inc., to provide Technical Support to Counties on Issues Related to the Greater Sage Grouse Resource Management Plan Amendments.** Dagny gave an overview of the RCI contract and noted that at the end of the BLM process is imminent and that roughly only ½ of the approved contract amount had been utilized. She requested clarification from the Board that they intended to use the contract to work on the Forest Service portion of the issue as well, noting that any unused portion of the

approved contract amount would be returned to the counties that contributed. She also noted that there is no expectation to exceed the contract amount. The Board affirmed use of the contract for USFS sage grouse plan as well.

- d. **Possible NACO Support for the Request of an Executive Action Related to RS2477 Rights of Way.** Commissioner Tipton informed the Board that Eureka County's Jake Tibbits had attended the meeting the previous day and gave the Committee updates on the issue from SLUPAC workshops. She noted that the Committee believes it is important for the Board to engage in the issue and that a possible Executive Action could include changing the burden of proof from the counties to the agencies on the status of a RS2477 road. Sandy read language that SLUPAC included in their resolution and then the language the Committee proposed to be included in the request for an action "On December 14, 2018, the Nevada Association of Counties Board of Directors unanimously voted to support the resolution of public rights of way across federal lands established by RS 2477 by requesting an Executive Order that would shift the burden of proof for determining RS 2477 status from counties to the Federal agencies. Such an Executive Order would require Federal agencies to provide clear and convincing evidence that a road is not an RS 2477 right of way prior to any proposed closure or restricted travel on that road." Vice President French noted that it is important that counties identify roads and file legal and historic data and incorporate that data into master plans. The language developed by the Committee and read by Sandy was approved by the Board on a motion by Commissioner Dahl with second by Commissioner Wichman.
- e. **The U.S. Department of the Navy's DEIS for the Fallon Range Training Complex Modernization.** Sandy gave an overview of the issue, former direction to staff and Board decisions. She reminded the Board that communication has been restricted due to NDA's but that the Association had submitted comments containing approved Board positions. She informed the Board that while most of the Association's concerns had been addressed, the DEIS does not include any mitigation planning or costs which is an overarching concern for all counties involved. She noted that the Public Land and Natural Resources Committee discussed the issue the previous day and is requesting direction from the Board regarding continued engagement on the issue. Commissioner Tipton stated that the Committee would like to request an extension on the comment period and that since no mitigation language is included that Congress can not make an informed decision on the costs associated with the plan. Dagny encouraged the Board to reach out directly to their representatives in Congress regarding the lack of inclusion of mitigation plan or funding in the DEIS. The Board voted to continue to work on the issue as a Cooperating Agency on a motion by Commissioner Tipton with second by Commissioner Wichman.

15. **National Association of Counties and Western Interstate Region Board Member Updates.** Vice President French informed the Board that discussions at the most recent WIR call included the inclusion of language from Senator Hatch that would make funding for SRS permanent and fire and forest management funding and protocols in the Farm Bill. Additional discussion during the meeting included broadband connectivity in the rural communities and the need to adopt policies for solutions to the RS 2477 conversation.

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

17. **Public Comment.** NHRA Executive Director, Bill Brewer briefly spoke to the Board regarding affordable housing issues that will be coming up in the legislature and noted that he looks forward to working the Board on the proposed legislation.

The meeting was adjourned at 12:07 pm.