

## NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

January 25<sup>th</sup>, 2019, 1:00p.m.

Clark County Government Center-Organizational Training Center, Training Rm. 3

500 S. Grand Central Parkway

Las Vegas, NV 89155

### ADOPTED MINUTES

**Attendance:** President Weekly, President Elect Waits, Vice President French, Clark County Commissioner Kirkpatrick, Nye County Commissioner Wichman, Elko County Commissioner Steninger, Esmeralda County Commissioner Keyes, Lincoln County Commissioner Lister, Lander County Commissioner Allan, Mineral County Commissioner Price, Churchill County Commissioner Olsen, Storey County Commissioner Gillman, Lincoln County Commissioner Higbee, and NACO Staff (Dagny Stapleton, Vinson Guthreau and Amanda Evans)

**Remote Attendance:** Washoe County Commissioner Hartung and Lyon County Commissioner Keller

**Other Attendance:** Jacqueline Holloway, Anthony Perez, Kaizad Yazdani, Mike Harwell, Katie Walpool and Alex Ortiz, Clark County; Lee Bonner, NDOT; Anthony Perez and Mathew Steadman, Smart Works Partners; Denise Tanata, Children's Advocacy Alliance; Savannah Reed and Dagen Downard, Berkley Law; Shauna Lemieux and Ivory Lyles, UNR Cooperative Extension, and Chris, Fred and Patrice Stewart.

The meeting was called to order at 1:01 p.m.

- 1. Public Comment.** Denise Tanata of the Children's Advocacy Alliance, Savannah Reed and Dagen Downard of Berkley Law addressed the Board with comments on juvenile justice issues, specifically on fees, fines, and restitution and their effectiveness vs. revenue generation and how they can cause financial difficulties within families, they requested to be placed on a future agenda to further discuss the issue. UNR Cooperative Extension Director, Ivory Lyles informed the Board that Holly Gatsky had taken a position as the new Northern Area Director and that a search is being conducted for her replacement in Lincoln County. He also informed the Board that Nye County would be receiving a new Extension Director and introduced Shauna Lemieux who had joined the Clark County Extension office.
- 2. Approval of Agenda.** The agenda was approved on a motion by Commissioner Wichman with second by Vice President French
- 3. Investiture of the 2019 NACO Officers.** Lander County Commissioner Patsy Waits was installed as President, Humboldt County Commissioner Jim French was installed as President Elect, and Clark County Commissioner Marilyn Kirkpatrick was installed as Vice President. 2018 NACO President, Clark County Commissioner Lawrence Weekly, administered the Oath of Office.
- 4. NACO President's Report.** President Waits welcomed the seven new members to the Board of Directors and informed the Board that she and Dagny had attended the Presidents and State Executives meeting hosted by NACo earlier in the month. She noted that the panels were informative and engaging and that 79 of the 101 new Congressional representatives have

previous experience in county government. She informed the Board that the Director and Deputy Director of White House Government Affairs were also in attendance. She informed the Board that National County Government Month will be in April and informed the Board that there is a video game to engage young people in county government functions. She acknowledged the January birthdays of the Board members. President Waits concluded her remarks by informing the Board that she had appointed President Elect French and Commissioner Higbee to Chair and Vice Chair the Public Lands and Natural Resources Sub-Committee and Commissioner Lucey and Commissioner Wichman to continue serving as Chair and Vice Chair on the Legislative Sub-Committee.

5. **NACO Executive Director's Report.** Dagny congratulated the new officers and welcomed the new Commissioners to the Board. She noted that the Presidents and Executives meeting is an annual event and noted that she will bring more information on the video game President Waits referenced in February. She shared information on ways that various counties are looking into helping citizens affected by the federal government shut down and asked the Board to reach out to staff for additional information. Dagny thanked Clark County for the tour of one of the proposed mobile workshops for the 2019 NACo Annual Conference earlier in the day. Dagny reminded the Board that Local Government Day at the Legislature is March 28<sup>th</sup> and asked the Board to make sure that they have the event on their calendars as an opportunity to meet with Legislators as a group.
6. **Approval of Minutes of the December 14<sup>th</sup>, 2018 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Wichman with second by Commissioner Higbee.
7. **Approval of NACO Resolution 19-01 Recognizing January as National Radon Action Month.** The resolution was approved on a motion by Commissioner Wichman with second by Vice President Kirkpatrick. Vice President Kirkpatrick also reminded the Board that Cooperative Extension provides free test kits.
8. **Update and Discussion on New Federal Rules for Counties Regarding Local Regulation of the Installment of 5G Wireless Infrastructure.** Dagny gave the Board an overview of the item and reminded the group of previous discussions surrounding the issue and Clark County's work on an ordinance and their request for a presentation when the process was complete. Jacqueline Holloway, Clark County's Director of Business Licensing provided a presentation on Clark County's adopted ordinance. Ms. Holloway outlined the need for counties to preserve their right of ways and asset management. She addressed the need for a streamlined permit approval process, stakeholder inclusion and preservation of design standards. She noted that the counties fees would be determined by the installation district and fees collected would be used for capital improvements and to help bridge connectivity gaps. Kaizad Yazdani with Clark County Public Works informed the Board that the County had also begun installing 'smart poles' and other infrastructure to allow for co-location of the necessary 5G equipment by multiple providers in way that is in line with the counties design standards. Anthony Perez from Clark County discussed the FCC order that cap's permit fees, design requirements and time frames local jurisdictions can charge providers. He noted that legal challenges had been filed and that those actions have been consolidated and transferred to the 9<sup>th</sup> Circuit and that further action would be monitored, he also noted legislation introduced in Washington that would overturn the FCC order, but it is too early to determine what would happen. President Elect French noted that current laws and regulations are creating a divide between rural and urban areas based on ROI vs. the needs of communities for internet connectivity. Commissioner Steninger requested clarification on the Order's language regarding the fee caps, it was noted

that the Order's language and the FCC's pleadings before the 10<sup>th</sup> Circuit were contradictory and leaves room for interpretation. President Elect French also inquired as to if the providers were informing the County that they were installing equipment on infrastructure, and it was noted that they are.

9. **Update and Discussion on the 2019 National Association of Counties Annual Conference in Clark County Including Planning, Sponsorships, and Ways that NACO Members Can Provide Support.** Clark County's Katie Walpole and Alex Ortiz reminded the Board that it had been 25 years since the County had hosted the event and that it will be held at Paris and Bally's. They gave an overview of the planning process, preliminary event layout, promotional activities and the sponsorship requirements of the County. Katie thanked the Board for endorsing the sponsorship letter that the County is using while engaging with potential sponsors. President Elect French inquired as to suggestions on how the other counties can assist, and Alex noted that volunteer assistance would be welcomed and that communications with potential local organizations or companies that may be interested in sponsorship opportunities will be welcome as well. Vice President Kirkpatrick informed the Board that there will be a community service contest among others to engage commissioners from across the country as well. Dagny concluded the item by reminding the Board that NACO would be holding a state dinner and requested the Board to encourage their colleagues to attend. No action was taken.
  
10. **Presentation and Discussion on Solutions to Wildfire Management Presented by Chris Stewart, Ninety-Six Ranch.** Ms. Stewart addressed the Board about the wildfires which took place earlier in the year and the millions of acres that had burned affecting multiple ranches, private property and public lands across several counties. She noted that as the owner of Nevada's oldest ranch that was essentially devastated by the fire, she felt it was important to address the causes of wildfire, the need for responsible land management (including grazing) and post fire restoration. She outlined her grass roots efforts with local stakeholders, to develop a proposed plan to present to federal land management agencies, her experiences meeting with the federal delegation and the White House, on programs to address the issue on multiple cooperative levels, including the revision of policies to allow for FEMA funds following these disasters.
  
11. **Update and Possible Action Regarding Proposed Legislative Measures, Budget Requests, and NACO Priorities for the 2019 Nevada Legislative Session.** Dagny informed the Board that budget hearing had begun and reminded the Board that staff is closely watching the process and is working with DHHS regarding assessments to counties and informed them that there will be an increase to the Medicaid Match assessment, although the exact amounts had yet to be determined. She informed the Board that although the University had committed to support an increase in funding to Cooperative Extension, that the request was not included in the Governor's proposed budget. She requested confirmation that the increased funding is still a priority of the Board. Vice President Kirkpatrick noted that program is not permitted to lobby the Legislature for increased funding and that it would be important for Commissioners to do so, continued support was confirmed by consensus of the Board. Vinson discussed the bill tracker included in the agenda packet that shows all the legislation that the Association is tracking and that the Legislative Committee meets weekly and reviews an updated version of the document. He asked that the Board members share any bills that they would like to see tracked as well as any potential legislation that may affect counties. He also addressed the summary of the five NACO bills included in the packet and encouraged the Board to use the document when discussing bills with members of the Legislature. Dagny directed the Board to the draft support resolution template regarding the Associations bill to allow the rural counties

to enact a diesel fuel tax. She noted that it will be imperative to gain rural legislator support for the bill to gain traction. President Waits requested that the affected counties consider passing the resolution regardless of the appetite for utilizing the proposed legislation within the county. Commissioner Lister requested clarification on which diesel fuels are included and it was noted that dyed diesel fuel is specifically excluded in the bill. It was clarified for Commissioner Keyes that the legislation that allows Clark and Washoe Counties to receive diesel tax is specific to those counties and that the language in the bill requires the funds raised to remain within the counties. Dagny also spoke a BDR that will be introduced that will make a change to the statute that requires the addition of a Justice of the Peace when a counties population reaches 50K to increase the population cap to 75K and make it enabling instead of required, based on case load. Vice President Kirkpatrick noted that she would like to see the population cap removed. No action was taken on the item.

**12. Review and Discussion of NACO's Draft Federal Policy Priorities for 2019.** Dagny reminded the Board of the upcoming National Association of Counties Legislative Conference in March and noted the draft Federal Priorities document included in the agenda packet. She requested the Board to review the document, specifically the highlighted portions and to provide any feedback to staff for inclusion in the final document to be reviewed by the Board for approval in February. She also noted that the Public Lands and Natural Resources Committee had worked on that section during their meeting earlier in the day. Dagny requested that those planning on attending to let staff know because attendance lists are required to be provided to the offices of the Federal delegation with whom meetings are being scheduled. Commissioner Higbee inquired as to the possibility of scheduling meetings with specific committee chairs and Dagny stated that it would be investigated. No action was taken.

**13. Update and Possible Action Regarding Natural Resources and Public Lands and Issues Affecting Counties Including:** No actions were taken.

- a. **NACO Public Lands and Natural Resources Committee Update.** Chair French informed the Board that the Committee had discussed WOTUS during their meeting and that there is a need to make comparisons between the first version of the rule and the one that is expected to be published. Other discussion of the Committee included RS2477 roads, a letter of support urging the Governor to have a Public Lands and Natural staff person, the use of RCI during the legislative session for issues that may arise due to the lack of a Natural Resources Manager and the need to suspend the search to fill the position during the legislative session. Dagny noted that due to cost savings with the vacant position it would not create a financial hardship on the Association to use outside resources and that a specific action item would be brought to the Board in February to authorize the use of outside resources.
- b. **The BLM and USFS Greater Sage Grouse Resource Management Plan Amendments.** Chair French noted that the BLM's EIS decision deadline had been delayed by the federal government's shutdown and that NACO and some counties had submitted comments noting concern specifically with the removal of disposal lands. He noted that Jeremy Drew of RCI had spoken with the BLM's representative regarding those concerns and that continued work would need to be done on the issue. Chair French noted that the status of the USFS DEIS is essentially in the same holding pattern due to the shutdown.
- c. **The U.S. Department of the Navy's DEIS for the Fallon Range Training Complex Modernization.** Chair French noted issues with the FRTC DEIS include the loss of AUM's and water rights and lack of mitigation details within the document. Discussion included the need to continue to reach out to the federal delegation and

potentially gain meetings with the Armed Services Committee to discuss the issue prior to them handing down a recommendation for inclusion into the Defense Authorization Act. He noted that once the final plan is released there is a 30-day comment period prior to the plan being considered by the Committee.

14. **National Association of Counties and Western Interstate Region Board Member Updates.** President Elect French informed the Board that there was a WIR meeting scheduled in Washington State and that there was a meeting scheduled for the Wild Horse and Burro Resource Advisory Committee to present to congress in February but that has been postponed to due the shutdown, but that if it is postponed to after the 1<sup>st</sup> of March that the presentation would not be allowed to occur because the terms of three of the members of the RAC would be over and there would be no time for reappointments. Vice President Kirkpatrick informed the Board that she would have an update after the Legislative Conference.
15. **NACO Board Member Updates.** Updates were given by members of the Board on activities within their counties.
16. **Public Comment.** None was given.

The meeting was adjourned at 4:27 p.m.