

## NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting  
February 22, 2019, 9:30 a.m.

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

### ADOPTED MINUTES

**ATTENDANCE:** President Waits, President Elect French, Lincoln County Commissioner Higbee, Mineral County Commissioner Price, Lyon County Commissioner Hunewill, Esmeralda County Commissioner Keyes, Lander County Commissioner Allan, Elko County Commissioner Dahl, Storey County Commissioner Gilman, Washoe County Commissioner Lucey, Washoe County Commissioner Hartung, Carson City Mayor Crowell, and NACO Staff (Executive Director Dagny Stapleton, Deputy Director Vinson Guthreau, and Amanda Evans)

**REMOTE ATTENDANCE:** Pershing County Commissioner Shank, Eureka County Commissioner Goicoechea, and Past President Weekly.

**OTHER ATTENDANCE:** Travis Brewer LaChapelle, Office of Senator Rosen; Lyon County Commissioner Keller, Murph Glover, NDOT; Rudy Evensen and John Raby, BLM; Jared Buscar and Denise Tanata, Children's Advocacy Alliance; Dagen Downard and Savannah Reid, Policy Advocacy Clinic, University of California, Berkeley School of Law

The meeting was called to order at 9:31 am.

1. **Public Comment.** Travis Brewer LaChapelle introduced himself to the Board, Mr. LaChapelle is the newly appointed Northern Rural Director for Senator Jacky Rosen.
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Dahl with second by Commissioner Higbee.
3. **NACO President's Report.** President Waits informed the Board that she and Dagny had made a presentation before the Assembly Government Affairs Committee on NACO and counties and noted that the Committee members were attentive and asked good questions. She concluded her remarks by acknowledging the Board members with February birthdays.
4. **NACO Executive Director's Report.** Dagny informed the Board that staff would be distributing information on events being held outside of the NACO Legislative Conference in Washington DC the following week. She reminded the Board of Local Government Day at the Legislature which will be held on March 28<sup>th</sup>. There would be an evening reception with legislators and all Commissioners are invited to attend. She also noted that staff would be working on obtaining meetings with legislators for NACO leadership during the day. Dagny informed the Board that prior to their meeting on March 29<sup>th</sup>, the Legislative Rural Caucus would be holding a breakfast and invited commissioners to join her and Vinson at that meeting. She reminded the Board that April is National Local Government Month and noted the link to the ICIVIS computer game that encourages engagement in the local government process. She concluded her remarks by noting the publication of the 2019 NACO Annual Directory.
5. **Approval of Minutes of the January 25, 2018 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Allan with a second by Commissioner Price.
6. **Recommendation of Three Nominees to Fill the Director of a Social Services Agency Seat on the Board of Trustees of the Fund for Hospital Care to Indigent persons.** Dagny informed the Board that recommendations had been received from the Association of Health and Human Services' Directors and directed the Board to the letter included in the agenda packet. She outlined the appointment process that requires the Association to submit three names for consideration by the Governor for appointment to the Board. The recommendations from the HHS Association were Mike Pawlak from Clark County who currently sits on the Board, Karen Beckerbaur from Douglas County and Mary Jane Ostrander from Carson

City. The Board approved the three recommended individuals for the Governor's consideration on a motion by Commissioner Allan with second by Commissioner Price.

7. **Appointment of Two NACO Representatives to the National Association of Counties (NACo) Western Interstate Region Board (WIR).** Elko County Commissioner Dahl and Humboldt County Commissioner French were unanimously reappointed to the WIR Board on a motion by Commissioner Hartung with second by Commissioner Lucey.
8. **Discussion and Approval of Washoe County to Host the NACO 2019 Annual Conference.** Dagny informed the Board that the conference would be held on September 25<sup>th</sup> and 26<sup>th</sup> and would have an abbreviated schedule to encourage attendance at the NACo Annual Conference. She informed the Board that staff had been in contact with the Sparks Nugget and that the venue has offered a favorable contract. Commissioner Lucey informed the Board that he and Commissioner Hartung had discussed the issue at length and that Washoe County is pleased to host the event and encouraged consideration for the County to host a full conference in a later year. Commissioner Hartung echoed Commissioner Lucey's comments and noted that the County is honored to host the event. The Board approved the location of the conference on a motion by Commissioner Price with second by Commissioner Higbee.
9. **Discussion of a Request for Support from NACO for the National Horse and Burro Rangeland Management Coalition's 2019 Summit in Nevada.** President Elect French informed the Board that as a member on the BLM's National Wild Horse and Burro Advisory Board the event had been discussed at their meeting in Salt Lake City. Pursuant to that conversation Dr. Barry Perryman has spearheaded the creation an event through UNR to occur in May in Reno and be co-sponsored by the Society for Range Management. He noted that the event is expected to be similar to the one in Elko and would entail discussions on recommendations to present to the Department of the Interior for wild horse and burro management programs. President Elect French informed the Board that the group is looking for private sponsors but is requesting support from the Association and encouragement from the counties on participation and support. Commissioner Dahl inquired as to why the event is being planned in Reno instead of Elko and it was noted that proximity to the airport is the main consideration. Commissioner Lucey inquired as to if there would be the opportunity to take attendee's to areas where the rangeland has been compromised and the herds are endangered. President Elect French informed the Commissioner that, that is an ongoing conversation. Dagny informed the Board that the Association's budget includes a line item for sponsorships of \$1500.00 and suggested pledging up to \$1000.00, noting that the Association is also a member of the Society for Range Management. Commissioner Hartung moved to pledge the full \$1000.00 in support of the event, the motion was approved on a second by Commissioner Price.
10. **Presentation on Juvenile Fee Collection in Nevada, Denise Tanata, Children's Advocacy Alliance and Dagen Downard and Savannah Reid, Policy Advocacy Clinic, University of California, Berkeley School of Law.** The group gave a presentation to the Board that included information on the collection of fees and fines charged to juveniles within the State, noting that data collected shows that the collections are low revenue generators and lead to financial hardships and recidivism. They concluded their presentation by informing the Board that a bill will be introduced in the Legislature that will repeal discretionary fines for juvenile offenders. Commissioner Allan inquired as to average fees and Ms. Reid noted that the fees vary from county to county. Other discussion from the Board included the fees being intended to act as a deterrent and Mr. Downard informed the Board that the data collected shows that those juveniles who have been assessed the fees have a greater recidivism rate.
11. **Presentation on the Revised Rulemaking/Definition Regarding Waters of the U.S. (WOTUS), which Clarifies Federal Authority Under the Clean Water Act, Julie Ufner, Associate Legislative Director of Environment, Energy and Land Use, National Association of Counties.** Ms. Ufner joined the meeting by teleconference and thanked the Board for their previous engagement on the WOTUS issue. She gave an overview of the Act and the historical actions surrounding it. She referenced the order that required the Army Corps of Engineers to re-write the rule that they proposed for adoption in 2015. She informed the Board that the newly proposed rule was published the previous week and had opened a 60-day comment period, which would expire on April 15. She gave an overview of some of the more concerning portions of the proposed rule, including the definitions of navigable water ways, determination of historical flow averages and recharge areas. Ms. Ufner informed the Board that NACo is working on an in-depth comparison of the 2015 Rule and the proposed rule and would be submitting comments. She also informed the Board that a meeting would be taking place at the NACo headquarters in Washington DC on March 1 and encouraged Commissioners who are attending the NACo Legislative Conference to attend the

meeting. Commissioners Hartung and Dahl indicated that they would attend the meeting. President Waits, clarified that NACo would be requesting a 60-day extension to the comment period and Julie indicated that it is expected to be granted. Dagny inquired as to the Board's appetite for submitting comments and engaging in the process. She informed the Board that the Public Lands Committee has expressed interest in engagement, she also informed the Board that RCI would be able to provide support during the process. The Board approved engagement in the process and the submission of comments by the Association on a motion by Commissioner Dahl with second by Commissioner Lucey.

**12. Update from the NACO Legislative Committee and Staff on Proposed Legislative Measures, Budget Requests, and NACO Priorities for the 2019 Nevada Legislative Session.** Chair Lucey noted that the Legislature had been in session for three weeks and that Committee had been meeting weekly with staff to discuss proposed legislation. Vinson gave the Board an update on the NACO bills. He informed the Board that SB12, which would allow for a change in the usage of 911 fees, was heard in Senate Government Affairs and is moving forward. AB21 which will allow rural counties to appoint members to small boards and commissions was heard in Assembly Government Affairs - he thanked President Elect French for attending and giving Humboldt County's perspective and Nye County for providing exhibits and that the bill appears to be moving forward. Dagny informed the Board that SB13, which would allow counties to create 501(c)3's to accept donations in times of emergency, was heard. Comments and requests from the Committee included: the need to define what an emergency is; whether employees could serve on the Board; that 100% of all funds collected would be distributed; and direct reporting from a 501c3 board to the BOCC's. She informed the Board that an amendment including those provisions is being worked on. Dagny informed the Board that SB48 which would enable rural counties to enact diesel fuel taxes is expected to be heard in Senate Revenue and encouraged attendance at the meeting in addition to the resolutions of support that have been passed. Vinson informed the Board that SB150 that would require water resource plans be included in county master plans had been submitted by CNRWA, noting that an amendment is being submitted to allow 3<sup>rd</sup> party water resource plans to be used for those counties with external or regional water authorities. Dagny discussed collective bargaining bills and noted that direction given to staff the previous session was to support or be neutral on bills that make minor changes and that direction from the Committee had remained the same. AB103 allows paid leave for employees to participate in union activities and that many counties already allow this, and the bill would be an opportunity to show support. SB111 would change the end fund balance for use in bargaining from 25% to 16% which meets GASB standards and staff discussed potential support. Vinson presented SB153 which reverses major collective bargaining provisions passed in 2015 which the Legislative Committee recommended opposition to and the Board agreed on consensus. President Elect French suggested taking a position of neutral on SB111 but allowing for support if it would be beneficial to other efforts. Commissioner Hartung noted that funds in reserve maintain jobs during economic hardships and President Elect French concurred. Staff was given direction to remain neutral on SB111 and bring the bill back to the Board for a change of position if necessary. Dagny discussed AB 119 and AB 138, which make changes to workers compensation benefits for the public safety employees. The bills expand presumptive eligibility and would also expand heart and lung benefits. She noted that there was a working group that included POOL/Pact and that the consensus was that the liability expansion had the ability to cause great financial distress for counties. President Elect French inquired if there was a funding mechanism included in the bills and Dagny informed the Board that fiscal notes have been requested and there are no proposed revenue sources included in the bills. Staff was given direction to continue to negotiate on the proposed workers comp bills but to oppose if necessary. Dagny informed the Board that AB81 regarding indigent defense will be heard the following Monday. She noted that a proposed amendment by the Assembly Majority Leader is expected to give a large amount of funding but does not include a guaranteed sustained funding source or ensure that there will be no unfunded mandate to counties. She noted that the plan is to oppose the Leader's mock up and support an amendment that may be proposed by Clark County. Mayor Crowell noted that the bill was not what the Commission recommended but the potential amendment is better. The final bill discussed was SB205 which will provide a funding stream for local governments to utilize for federal grants that require matching funds.

**13. Update and Discussion on NACO and NACO Members Participation in the National Association of Counties 2019 Legislative Conference in Washington D.C., including Meetings and Events Held During the Conference and Approval of Final NACO Federal Policy Priorities for 2019.** Dagny informed the Board that staff is continuing to work on meetings with the delegation and a schedule of events will be distributed to those attending. She referenced the Federal Priorities included in the packet and asked for approval of the document and its use in communications with the delegation. The

Association's Federal Priorities were approved on a motion by Commissioner Gillman with second by Commissioner Keyes.

14. **Introduction and Remarks from John Raby, Director, Bureau of Land Management, Nevada.** Mr. Raby thanked the Board for their time. He informed the Board that he has been with the BLM for 23 years, in Oregon and Montana. He told the Board that he is glad to be in Nevada and is looking forward to working with the Board on a number of issues. Mr. Raby noted that David Bernhardt has been nominated for the position of the Director of the DOI and that they are still waiting on a BLM Director Nomination, and that a nomination for the Director of Operations is forthcoming. He informed the Board that the Bureau is working through the Governor's consistency review on the Greater Sage Grouse LUPA and that ROD's are expected in mid-March. He informed the Board that grazing regulations are up for review and that Nevada is well positioned to be active in those regulation updates because there are currently five pilot studies being conducted throughout the State. He concluded his comments by noting that they are currently working on the valuation of producer allotments that may be affected by the proposed withdrawals at NAS Fallon.
15. **Update and Possible Action Regarding Natural Resources and Public Lands and Issues Affecting Counties Including:**
  - a. **NACO Public Lands and Natural Resources Committee Update.** President Elect French informed the Board that the Committee meeting was brief, and the agenda sub-items will cover their discussions.
  - b. **Update on NACO's Natural Resources Management Position and Discussion and Possible Approval of an Interim Contract with Resource Concepts, Inc.** Dagny reminded the Board that the search for the position had been placed on hold due to the legislative session and that funding for any work completed under the contract is available in the budget through cost savings in salary and benefits due to the position remaining vacant. The contract was approved on a motion by Commissioner Dahl with second by Commissioner Lucey.
  - c. **The BLM and USFS Greater Sage Grouse Resource Management Plan Amendments.** Jeremy Drew of RCI informed the Board that the ROD is expected in March and that there are no expected changes based on the Governor's Consistency review submitted by Governor Sandoval. He informed the Board that there were 14 protests submitted, including the Association's and that additional information would be shared as it is received. Jeremy noted that comments have been submitted to the Forest Service and that the Proposed ROD is expected in April and will have a comment period. He also informed the Board that there was an Executive Order regarding compensatory mitigation and the SEC's conservation credit program; he will keep the Board informed as to any meetings on the issue. He also noted that the regulation would have a six-month trial period prior to becoming a permanent regulation.
  - d. **The U.S. Department of the Navy's DEIS for the Fallon Range Training Complex Modernization.** Vinson informed the Board that comments had been submitted on the 14<sup>th</sup> as required and that the final documents are included in the agenda packet.
16. **National Association of Counties and Western Interstate Region Board Member Updates.** Commissioner Dahl informed the Board that the next meetings are during the National Association's Legislative Conference and that conversation at WIR is expected to include resolutions on wildfire, SRS reauthorization, and the need to work toward a permanent funding source for PILT.
17. **NACO Board Member Updates.** Updates were given by members of the Board on activities within their counties.
18. **Public Comment.** Amanda requested all those attending the NACo Legislative conference to share their travel dates.

Adjournment.