

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

August 25, 2017, 9:30 a.m.

NACO Office

304 S. Minnesota Street

Carson City, NV 89703

ADOPTED MINUTES

Attendance: President Phillips, Vice President Waits, Past President Wichman, Washoe County Commissioner Lucey, Mineral County Commissioner Tipton, Humboldt County Commissioner French, Elko County Commissioner Dahl, Esmeralda County Commissioner Bates, Washoe County Commissioner Herman, Lincoln County Commissioner Higbee, Lyon County Commissioner Alt, Pershing County Commissioner Shank, Douglas County Commissioner Thayler, Churchill County Commissioner Olsen, Storey County Commissioner McGuffey, and Nancy Parent, Nevada Association of County Clerks & Election Officials

Remote Attendance: White Pine Commissioner Perea; Bob Roshak, Nevada Sheriff's and Chiefs Association and Nye County Manager Pam Webster

Other Attendance: Karen Ellison, Douglas County Recorder; Larry Burtness, Washoe County Recorder; Elko County Manager, Rob Stokes; Lisa Ross, Ralph Thomas, and Ken Collum, BLM; Dan and Kathy Bax, WiFi in the Park; Lee Bonner, NDOT and Steve George, Nevada 2-1-1

The meeting was called to order at 9:35 a.m.

1. **Public Comment.** Lee Bonner informed the Board that they had received a flyer regarding the NDOT Statewide Transportation Improvement Plan (STIP) and that it contains a link to the proposed STIP projects. He explained that the top two projects as approved by the individual Boards of County Commissioners will be included in the plan.
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Tipton with second by Commissioner Lucey.
3. **NACO President's Report.** President Phillips informed the Board that he had attended the Wild Horse and Burro Summit in Salt Lake City earlier in the week and that there was lots of discussion on the need to do something to protect the range and animals.
4. **NACO Executive Director's Report.** Jeff reminded the Board of the upcoming Annual Conference and made note of some of the program and sessions.
5. **Acceptance of the Resignation Letter of NACO Executive Director Jeff Fontaine and Terms of Resignation.** Jeff referenced the letter previously sent to the Board and that in the communication he was unsure of his departure date. He informed the Board that his last day would be September 29 and read a letter into the record (attached). He addressed provisions of his employment contract and requested affirmation of the provision for payout of unused annual leave not to exceed 240 hours. He also informed the Board that CNRWA had requested execution of his employment contract to begin Sept. 18 which creates a two week overlap in assignments – he assured the Board that he would be able to accomplish the duties of both Associations during those two weeks and requested affirmation of the same. The letter of resignation was accepted on a motion by Commissioner Tipton with second by Commissioner Bates. The Board approved the payment of Jeff's accrued annual leave on a motion by Commissioner Tipton with second by Commissioner French. Commissioner McGuffey noted that the job description for the Executive Director says that dual employment is not allowed and Jeff provided the Board clarification of his employment contract that states that temporary, short term consulting, teaching etc. opportunities can be allowed at the pleasure of the Executive Committee as long as those opportunities don't interfere with the duties of NACO. Jeff also noted that the same

language is included in the job description provided to the Board under item 6 under the portion labeled outside activities. Commissioner French stated that the request is acceptable and he believes there would be no conflict. He also noted that he would like to see the two week overlap to allow Jeff to provide oversight and facilitate a smooth transition with his replacement. Jeff's request to be allowed to continue working with the Association from September 18 to September 29 while under contract with CNRWA was approved on a motion by Commissioner French with second by Commissioner Tipton with Commissioner McGuffey voting nay.

6. **Appointment of Deputy Director, Dagny Stapleton, as NACO Executive Director and Approval of the Employment Agreement.** Past President Wichman moved to appoint Dagny as Executive Director, Commissioner Tipton seconded the motion to appoint Dagny as Executive Director. The Board unanimously appointed Dagny to the position. The employment agreement was unanimously approved on a motion by Past President Wichman with second by Commissioner Herman, Dagny's first day as Executive Director will be September 30.
7. **Approval of Minutes of the June 23, 2017 and August 10, 2017 NACO Board of Directors Meetings.** The minutes were approved on a motion by Commissioner Tipton with second by Commissioner French.
8. **Acceptance of NACO's July 2017 Financial Statement and Investment Report.** Jeff referred to the statement and reports included in the agenda packet, noting that they were prepared through the end of July. The statement and report were approved on a motion by Commissioner Tipton with second by Past President Wichman.
9. **Approval for Charter Communications to be an Associate Member of NACO.** The membership was approved on a motion by Commissioner Tipton with second by Commissioner French.
10. **Selection of Six Nominees who Reside in a County whose Population is Less than 100,000 for Possible Appointment by the Governor to Four Positions on the Nevada Right to Counsel Commission (SB377 from the 2017 Legislative Session).** Jeff referred to SB377 passed during the 79th legislative session that creates the Counsel. He noted that the Association was neutral on the bill although there were concerns with how it was written and it was followed closely through the process. He noted that those concerns included the Constitutional obligation of the State to provide the services, 95% of the cost of which have been pushed down to the counties. He noted that the bill sponsor recognized the inconsistencies and the burden to the counties, and that the bill was amended to include no changes to the existing system but instead creates a commission to study the issue in the interim and make recommendations to the Legislature regarding minimum case load standards, funding etc. He noted that is an official interim committee with funding and that it will be staffed by LCB. He informed the Board that there will be 13 voting members and gave an overview of how those members would be determined. The Association was tasked with submitting six nominee's from counties with populations less than 100K to the Governor, of which the Governor will appoint four. On a motion by Commissioner Tipton with second by Commissioner Lucey the Association will send Carson City Mayor Crowell, former Nye County Commissioner and former Nye County Asst. Manager Joni Eastley, Assemblyman John Ellison, Commissioner Tipton, Commissioner Bates and former Assemblyman Tom Grady to the Governor for consideration.
11. **Discussion regarding the Submittal of Nominees by Counties for Possible Appointment by the Governor to the Board of Directors of the Nevada Clean Energy Fund (SB407 from the 2017 Legislative Session).** Jeff informed the Board that the bill creates the Fund and Board as a non-profit corporation to attract investment in renewable energy; he noted that the Board will include nine members and explained the makeup of that Board. He informed the group that NACO doesn't have an appointment but the counties do. He noted the importance of having a rural county representative on the Board and encouraged the NACO Board members to make nominations for appointment. President Phillips asked for clarification that the nominations must come from the individual county Boards of Commissioners. Jeff confirmed that fact and encouraged them to make the nominations as soon as possible.

12. **Approval of a Letter to Secretary of State, Barbara Cegavske, and Assembly Ways and Means Committee Chairman, Maggie Carlton, Expressing NACO's Appreciation for their Leadership in the Enactment of AB519 which makes an Appropriation of \$5 Million to Award Grants to the Counties for the Purchase of Voting Machines.** Dagny reviewed the work done in the 2016 interim to support the Clerks and Election Officials' efforts to provide education on the need for new voting machines. NACO also worked with the Clerks and Election Officials during the Legislative Session to support their efforts - the result of which was passage of a bill to fund a portion of the machines. Appreciation letters to Secretary Cegavske and Chair Carlton were drafted, in recognition of their work to ensure funding was provided for the machines. Dagny informed the Board that the letter to Assemblywoman Carlton would be changed to say \$8 million, instead of \$5 million, which was the true amount included in the bill. The letters were approved, with the change to Assemblywoman Carlton's, on a motion by Commissioner Tipton with second by Commissioner French.
13. **Briefing on Changes in Recording Fees Contained in AB169 Enacted in the 2017 Legislative Session.** Washoe County Recorder, Larry Burtness appeared before the Board on behalf of the Nevada Recorders Association. He explained the change in recording fees passed during the 2017 Session and noted that the change impacts not only County Recorders but consumers as well. He referenced the handouts passed to the Board that morning and the information they contained and noted that he is also the Vice President of the Property Records Industry Association (PRIA) which brings local government together with private industry to determine best practices for the management of property records. Mr. Burtness noted the current fee calculations which are not consistent and can vary greatly depending on the individual document, making it difficult for lenders and escrow agents to determine recording costs and making them difficult to understand for citizens. He explained the new predictable fee structure adopted in the bill and informed the Board that each county now has the ability to add up to \$6 to its recording fees to dedicate to funding for legal services for abused and neglected children. He encouraged the Commissioners to consider the timing to any code changes to give lenders and settlement agent's proper time to prepare, noting that there is a legal requirement to provide 60 day's notice. Dagny inquired if one of the new pass down fees was dedicated to guardianship and there was some confusion as to the intent of SB305. Commissioner Olsen noted that Churchill County is considering enacting the \$6 fee and asked if a Jan. 1 enactment date would be enough time for the business community to prepare, Mr. Burtness said four months would be a good timeline for preparation.
14. **Presentation by WiFi in the Park LLC on a Nevada Statewide Managed WiFi Network Proposal.** Kathy Bax informed the Board that Commissioner Kirkpatrick encouraged her to reach out to Jeff regarding her company and mission, noting that they have had long careers in telecommunications and also act as site stewards for outdoor areas of historic significance and as such noted a lack of connectivity at the sites, state parks, campgrounds etc. prompting the creation of the company. Danny Bax informed the Board that with the advancements in satellite technology there is now the capability to provide high speed internet with no dedicated fiber lines. He informed the Board that they have partnered with ViaSat to provide services to areas with little to no connectivity. It was noted that the systems placed in the parks, campgrounds etc. would be pay services, which, in the past portions of the fees would be revenue shared with the state. Mr. Bax informed the Board that they had reached a deal with the company and the state to instead utilize those fees to solve the digital divide being experienced by rural schools. Commissioner French noted that AT&T has been looking to be released as a provider of last resort in Humboldt County and that they are not interested in providing WiFi connectivity outside of the I-80 corridor which is an issue for economic development and inquired as to how their list of areas that need connectivity. Mr. Bax noted that they are currently trying to determine what rural areas are in need of connectivity and are looking into the best ways to distribute connectivity either by tying into existing fiber and distributing it or installing satellite services. Commissioner McGuffey inquired as to what the fees were based on and if there were certain locations that would be free. Mr. Bax said that there are areas that could be white listed and that there would be a certain amount of free usage for emergency connectivity. Jeff informed the Board that the Bax's will be participating in the Annual Conference and that additional information could be obtained there.
15. **Briefing on Nevada 2-1-1, a Free Service that Provides Information about Vital Health and Human Service Programs that are Available throughout the State.** Steve George informed the

Board that he is the Northern Nevada representative for the program and referenced the presentation included in the agenda packet. He gave an overview of the program and noted that it was created to assist in taking the load off the 911 system for non-emergency calls. He noted that every state must have a 2-1-1 program and that the purpose for the system is to provide basic health and human service information on a network and referral basis. The second purpose for the program is disaster assistance to take on the role of answering questions that may normally be addressed through county offices etc. that may not be available due to the associated disaster. Mr. George noted that the call centers are available 24 hours a day 365 days a year and the system can also be accessed via text and website and is also multilingual. He noted that the program is fully funded by a grant from DHHS and that the company who is currently in charge of the system through the RFP process has been able to double the use of the system and have vastly increased the number of service providers in their database in rural areas. He also noted that through rural tours and outreach and a targeted marketing plan that they are increasing the public's knowledge of the program.

16. **Update on Bureau of Land Management Fires.** Paul Peterson, Acting Associate State Director of the BLM Nevada and referenced the items being distributed that include updates on acreage etc. He informed the Board that there is an above average fire potential that will continue until significant rains occur. He informed the Board that July was the most extreme fire season seen in his 25+ years. He noted that in July Nevada had most of the air tankers in the country in residence. He stated that in July the Stead Air Base pumped a record breaking over 1.5million gallons of retardant. He noted that the agency had started an aggressive prevention campaign prior to the fire season and that campaign was redoubled as the number of human caused fires increased in the western side of the state. Mr. Peterson informed the Board the opening of the Winnemucca Mobile Center vastly decreased response time to fires as well. He noted that there are 45 emergency stabilization plans currently in process, but Congresses passing of an FY18 budget will determine the actual implementation of those plans. He encouraged the Board to utilize the links that Tori would be distributing that show the incident maps and current acreage burning and those that have been suppressed. Those links also will show footage of cameras placed throughout the state by the University of Nevada's seismic laboratory, with which the BLM has entered into an agreement with to assist in monitoring for fire activity. He noted that Nevada stands at over a million acres burned through July, well ahead of any previous July fire season. Commissioner McGuffey inquired as to the number of fires caused by target shooting, noting that Storey County is in the process of making a recommendation to limit target shooting on public lands. Mr. Peterson said that they will not be able to publish actual cause numbers until each investigation is complete. Commissioner Dahl asked about the number of human caused fires in Elko County and Mr. George said that roughly 75% of fires in the western side of the state are human caused and about 25% of those in the eastern side of the state are human caused. Commissioner Alt inquired as to if they are considering increasing the use of grazing allotments in high grass areas and Mr. Peterson noted that it is a primary discussion within the Bureau and they will be having those conversations of targeted year ground grazing with the Cattlemen's Association. Commissioner Dahl inquired as to having discussions on replanting of fire resistant plants and Mr. Peterson noted that they are also having those discussions. Commissioner French echoed Commissioner Alt's comments and noted the need for an overarching strategy to reduce risk and added that TNR (Temporary Non-Renewal) needs to be a part of the ongoing conversations. He also noted that previously installed fire breaks had been walked away from and are now a hazard to Sage Grouse habitat in Humboldt County. He also noted that over 1million acres had been converted to prime habitat in Humboldt County and that following fires small efforts have been made to reclaim prime habitat and that now is the perfect opportunity to have reclamation conversations before they re-burn. Commissioner Olsen inquired as to the policy for DOD property protection and how they respond to those fires, specifically as to how it relates to recent fires in Churchill County that occurred within the Fallon Naval Air Station. Mr. Peterson informed the Commissioner that those fires had occurred in high target areas and that they worked in concert with the Navy and were very mindful of the safety of fire fighters. He noted that they used air resources but that without being able to use ground crews they have to be strategic about air drops and that fire fighter safety is again their first priority.

Note: The NACO Board of Directors May Interrupt the Open Meeting and Exclude the Public from the Meeting for the Limited Purpose of Receiving the Information and for Deliberation Relative to Agenda Item #17(d) i, (d) ii and (e) below:

17. Update and Possible Action Regarding Public Lands and Natural Resources Issues Including:

- a) **March 27, 2017 Memorandum from the Secretary of Interior to the Bureau of Land Management, “Improving the Bureau of Land Management’s Planning and National Environmental Policy Act Processes.”** Tori noted the Secretary’s memorandum instructing the Bureau to review their planning process. She noted that there was an official comment period but the Bureau had engaged separately with state and local governments. She stated that a local consortium was established to discuss the issue and provide comment. She informed the Board that those consolidated comments were submitted that Tuesday and copies of the comments are available. No action was taken.
- b) **Update on Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District.** Tori informed the Board of a 9th Circuit decision that determined that the Tribe has federal reserve groundwater rights and it is necessary to determine how the decision will affect the state when it comes to future water issues as they will affect land use plans and how these federally reserved rights come into play with federal agency, state and private water rights as well. She informed the Board that the AG’s office in concert with several other western states filed an Amicus brief requesting the Supreme Court to hear the case and that is important that it be monitored. Past President Wichman inquired as to if the State Water Master had been consulted and Tori stated that she had reached out to that office.
- c) **Military Withdrawals**
 - i. **The U.S. Department of the Navy’s Notice of Intent to Prepare a Legislative Environmental Impact Statement for the Fallon Range Training Complex Modernization: Expansion of Land Ranges, Airspace Modifications, and Public Land Withdrawal Renewal.**
 - ii. **The U.S. Air Force’s Notice of Intent to Prepare a Legislative Environmental Impact Statement for the Nevada Test and Training Range Military Land Withdrawal at Nellis Air Force Base.** These items were discussed concurrently and Tori informed the Board that due to Cooperating Agency NDA’s there is little that can be discussed about the process but that it is ongoing and that she is hopeful for a DEIS within eight months or so. Commissioner French informed the Board that Humboldt County will also be entering into Cooperating Agency status. Tori also noted the Nevada Division of Minerals has detailed maps that they have published on their website that will give the members a good idea of what is occurring.
- d) **Greater Sage-Grouse.** For Possible Action.
 - i. **BLM’s Proposed Sagebrush Focal Area Withdrawal Draft Environmental Impact Statement.** This item was heard in closed session, no action was taken.
 - ii. **The BLM’s and U.S. Forest Service’s Greater Sage-Grouse Resource Management Plans including the Complaint for Declaratory and Injunctive Relief Filed by the State of Nevada and Nine Nevada Counties, and Recent Implementation Training.** This item was heard in closed session, no action was taken.
 - iii. **August 4, 2017 Report Pursuant to U.S. Department of Interior Secretarial Order 3353.** This item was not discussed.
 - iv. **The Nevada Collaboration Conservation Network.** Tori informed the Board that the Network was created shortly after the Sage Grouse LUPA was finalized to provide collaborative efforts to assist in obtaining ground up information to the agencies as they are determining further land use plans. She noted that the planning committee had asked Tori to represent NACO’s interests within the Network. She noted that it is a large undertaking and requested the Board approval to participate. Commissioner Tipton noted that the PL&NR Committee voted the previous day to recommend Tori’s participation with group and so moved. Past President Wichman seconded the motion, with the caveat that participation

would not overextend Tori. Tori said that she doesn't think it would be a large time commitment and that participation is central to all Sage Grouse issues that are currently being worked on. Jeff noted that in as much that the Board has interest in the issues with the Sage Grouse he doesn't see how participation can't occur and that it is important to have a seat at the table. He also noted that if it does become an issue participation and/or the level of participation can be brought back to the Board. Commissioner French also noted that the PL&NR Committee will also provide support to Tori regarding the Network. The motion passed unanimously.

e) **The Center for Biological Diversity's Lawsuit against the U.S. Fish and Wildlife Service Seeking to Vacate their Decision not to List the Bi-State Sage Grouse as an Endangered Species and NACO's Motion to Intervene on behalf of the F&WS.** This item was heard in closed session, no action was taken.

18. **NACO Committee of the Emeritus Update.** Dagny informed the Board that the Committee has been working on outreach materials for those thinking about running for county elected office and that this effort would be brought to the Board at a subsequent meeting. She referenced the Board's previous direction to develop a general outreach plan and reported that that plan is being worked on as well. Dagny also told the Board that the Committee's workshops for the coming year had been decided and will include sessions on county revenue streams, county public lands and natural resources plans and how laws are made in Nevada. She also noted that the dates for those workshops were expected to be announced at the Annual Conference.

19. **National Association of Counties and Western Interstate Region Board Member Updates.** Commissioner Tipton informed the Board that both she and Commissioner Kirkpatrick attended the NACo Annual Conference in Ohio and that several resolutions were passed. She spoke about the Public Lands Steering Committee and its ongoing efforts to develop a standardized template for county land use plans that will address issues noted by the federal agencies. She noted that they are in the preliminary planning process at the national level and that conversations have been had with the agencies about the importance of counties being involved in the preliminary planning efforts of the agencies. Commissioner French noted that it was an interesting conversation and that land use planners noted that there are often items missing from land use plans and that it would be beneficial to have a standardized check list for plan development. Past President Wichman noted that it is important to have agency input on what they would like to see in the land use plans and clarified that the commonality would be only in format not in language. Commissioner French noted that from a WIR perspective that there are some members of WIR that have issue with the amount of discussion surrounding public lands and that he had a conversation with a Commissioner from Colorado and noted that, while there are differing issues in urban areas, most of the counties in the west are rural and that from the rural perspective public lands discussions are central to all conversations. Commissioner Tipton also noted that large portions of both Clark and Washoe are classified as rural. Commissioner Lucey confirmed that 98% of Washoe is that classification and that those conversations are imperative. He also noted that Washoe County is in the process of developing their version of SNPLMA and that infrastructure development necessarily runs through public lands and so those conversations are very important.

20. **NACO Board Member Updates.** Past President Wichman informed the Board that Nye County has a potential deal with a medical provider to provide service in Tonopah. Commissioner Tipton informed the Board that Mineral County potentially has a deal for a boarding school for children with substance abuse and mental health issues utilizing an existing facility. Vice President Waits informed the Board that she had attended the meet & greets for the potential Cooperative Extension Director and that the candidates she had met were extremely impressive. Commissioner Higbee informed the Board that he had also attended the wild horse and burro summit in Utah and that there were positive conversations with some members of conservation groups that are recognizing the issue and that now is the time to make a push to educate the eastern congressional delegates. Commissioner Alt noted that he had also attended the meet & greets for the Cooperative Extension Director candidates and that he was impressed as well.

21. **Public Comment** – None was given.

The meeting was adjourned at 1:05 p.m.