

# NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors'  
Teleconference Meeting  
May 20, 2016, 9:00 a.m.

## ADOPTED MINUTES

**Attendance: NACO Conference Room** – (NACO Staff Jeffrey Fontaine, Dagny Stapleton, Tori Sundheim, Amanda Evans) Douglas County Commissioner Johnson and Storey County Commissioner McGuffey  
**Teleconference** – President Carson; Vice President Weekly; Pershing County Commissioner Irwin; Lyon County Commissioner Fierro; Churchill County Commissioner Olsen; Humboldt County Commissioner French; Mineral County Commissioner Tipton; Lander County Commissioner Waits; Esmeralda County Commissioner Boland and Nancy Parent, Nevada Association of Clerks and Election Officials.

**Other Attendees:** Bonnie Weber, NACO Committee of the Emeritus;

1. **Public Comment. Please Limit Comments to 3 Minutes.** None was given.
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Tipton with concurrent second by Commissioner Johnson and Commissioner French.
3. **NACO President's Report.** In the interest of time President Carson noted that her remarks would be made under the appropriate agenda items.
4. **NACO Executive Director's Report.** Jeff reminded the Board of the upcoming NACO workshop organized by the Committee of the Emeritus on the use of Social Media and that the workshop is eligible for credit in UNR's Certified Public Official program. Jeff informed the Board that he received notification from the Governor's office on Thursday that the Government Services Tax which is part of the C-tax was overpaid by \$19.1 million over the past 3 years due to a calculation error by the Department of Motor Vehicles. He told the Board that the State is not requesting reimbursement of the overpayment amounts but that the payments yet to be made will be distributed at the correct rate and therefore all agencies that receive the funds will be receiving less monies than they may have projected. Jeff also let the Board know that Commissioner Waits informed him of a filing by AT&T with the Public Utilities Commission requesting to be relieved from their obligation as a provider of last resort, which would affect almost all counties. He noted that the request is based on legislation enacted in 2015 and that additional information would be forthcoming. He also informed the Board the Attorney General's Consumer Advocate has filed as an intervenor and that workshops will be held in all the counties and the final hearing is expected to be held in early August. Jeff also reminded the Board of the National Association of Counties Annual Conference in Long Beach, CA in July. Commissioner Irwin informed the Board that he spoke with AT&T's Nevada Governmental Liaison Randy Brown and Mr. Brown informed him that the docket is a national docket and that they do not have plans to pull out of any county and would be happy to do a presentation at the next NACO Board meeting, President Carson said that she would like to see that presentation on the agenda. Commissioner Irwin will work with NACO staff on setting up that presentation.
5. **Approval of Minutes of the April 22, 2016 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Johnson with second by Commissioner Tipton. Future minutes will record how the Board of Directors attended the meeting at the request of Commissioner Waits.
6. **Acceptance of NACO's March 2016 Financial Statements and April 2016 Investment Reports.** Jeff reminded the Board that he includes these statements and reports on a quarterly basis to keep the Board informed about the financial health of the Association. He noted that the budget is on track

and the investments are doing well. The item was approved on a motion by Commissioner Irwin with second by Commissioner French.

7. **Renewal of Prominence Health Plan Insurance for NACO Employees for the Period July 1, 2016 to June 30, 2017.** Jeff reviewed the discussion at the April meeting of the Board where he informed them that the current health insurance plan was scheduled to increase 33% at the renewal date in July. He noted that as a small employer there are few options available due to the requirements of the ACA but that he was able to find a new plan through Prominence Health and LP Insurance that is equal to or better than the existing plan. He informed the Board that the alternative plan would increase the premiums by approximately \$56 per month but that what the premiums would be in future years could not be predicted. Commissioner French and Commissioner Irwin echoed the increase in premiums that their county's received. Commissioner Fierro inquired as to the ability to pool with the counties and he informed the Commissioner that NACO cannot do so with less than 5 employees. Commissioner Irwin moved to accept the POS Core 1 plan as recommended by staff with concurrent seconds by Commissioners Johnson and Tipton.
8. **Termination of the Payment of Premiums for Health Insurance Coverage for NACO Employee Dependents.** Jeff reviewed the current policy of the Board that the Association pays for the insurance premium of employees but not dependents, however his employment contract included provisions for payment of a percentage of his dependents' premiums and reiterated that that is not done for any other NACO employees. His recommendation is to eliminate that payment to provide for consistency in the execution of policy and that it would only change his contract. Commissioner Waits inquired asked if it was possible to make it a set amount for the payment of dependent premiums and Jeff stated that it could be completed but it would require a change in policy that could not be effected under this item. Commissioner French inquired if Lander County has a cap for benefits and that Humboldt County provides a cap and allows for employees to choose their plan and then spend those benefits as they desire. President Carson noted that the discussion could be looked at in the future but isn't consistent with the agenda item. President Carson noted that the Executive Committee had discussed the item with Jeff and that the complexities of the ACA and the rules regarding subsidies are vast and that the Board's action on the previous agenda item committed to the plan and that he could do further research and possibly bring the item back in the future. Commissioner Olsen moved to approve the item with second by Commissioner Johnson and the item passed unanimously.
9. **Discussion on the Request by the Nevada Rural Housing Authority for Counties to Transfer Private Activity Bond Cap.** Jeff introduced the item with a letter sent to the counties from NRHA requesting the transfer of their portion of the Private Activity Bond. He noted that NACO works closely with NRHA and appoints two members to their Board, currently Roger Mancebo of Pershing County and Nye County Assistant Manager, Joni Eastley. Jeff also told the Board that he is a member of the Private Activity Bond Cap Advisory Committee. He noted that the bonds are exempt from federal taxes and can be used on several projects; that the state receives 50% of the bond cap and the remainder is divided between the counties and cities based on population. He explained that each municipality can decide to use it or transfer it to another entity, or if it is not used it is rolled back to the State who can then transfer it to an entity to be used in housing projects. NRHA doesn't have a direct allocation and though they did request an allocation from the state at the last PABC Advisory Committee meeting, that request was denied. The Committee directed NRHA to request the allocations directly from the counties and cities and to report back to them at their next meeting with the results of the requests. At that next meeting there could be possible reconsideration of a transfer by the state. Vice President Weekly asked why the state denied the request and if NRHA had spoken to anyone in Clark County about participation and what their participation would mean to the Authority. Jeff noted that his interpretation of the state's decision is that they would like to use the funds for economic development projects, which didn't preclude a December transfer and that the Authority had reached out to Clark County. Commissioner Weekly noted that the while the state has rights to determine what is right for them that the NACO Board and the Counties are in a much better position to be aware of the actual needs of the citizens and that the Board might consider a letter to the state requesting more participation and deference given to a board like NACO that is better positioned to know the needs in the individual communities. Bill Brewer, Deputy Director of NRHA noted that Jeff did a good job of addressing the issue and protecting the interests of counties at the Committee meeting and informed Vice President Weekly that they have made a request to Clark County and that the request is pending

action and they expect it to be addressed within the next month or so. Vice President Weekly informed Mr. Brewer that he would like to assist with the expedition of the process and to contact him through Jeff. Heather Simola of NRHA gave a brief overview of the Authority and the down payment assistance program they are requesting the funding for. Commissioner French asked if they had statistics on where the funds are going by county and Mr. Brewer note that they make loans throughout the state and that communities with larger populations will receive more assistance. He also noted that the letters sent to the counties individually have that information and he would be more than happy to provide it to the individual commissioners as well. Commissioner McGuffey noted that Storey County approved the transfer at their last Commission meeting. Mr. Brewer thanked the Board for their time and consideration and it was noted that the item required no action by the Board, but was informational so that they would have the information for when their individual Commissions consider the requests.

10. **Update and Possible Action regarding the Proposal to Consolidate the University of Nevada, Reno College of Agriculture, Biotechnology and Natural Resources (CABNR), Cooperative Extension, and the Nevada Agriculture Experiment Station (NAES).** Dagny gave a short review of the item and updated the Board on the vote that the Faculty Senate had taken in opposition to the proposed consolidation. She informed the Board that there had been another meeting of the Faculty Senate and that while the item wasn't agenda'd as an action item, at that meeting the Dean and Provost asked the Senate to reconsider their position on consolidation. Following a lengthy discussion the Senate held the same position that they would not support consolidation without additional input by stakeholders and additional work being done on the consolidation plan. She informed the Board that the item would again be on the Faculty Senate agenda on June 2<sup>nd</sup>. Dagny also informed the Board that there has been no response to the last letter sent by NACO to the University but that the Provost did reach out and a meeting has been scheduled with the NACO working group for June 9<sup>th</sup>. Commissioner French informed the Board that he has seen little to nothing addressing either the written or verbal concerns that the counties have expressed. No action was taken by the Board.
11. **Update and Possible Action on AB191 Enacted in the 2015 Legislative Session which Authorizes a County to Place on the Ballot at the General Election on November 8, 2016 a Question which Asks the Voters in the County whether to Authorize the Board of County Commissioners to Impose, for the Period beginning on January 1, 2017, Annual Increases to Taxes on Certain Motor Vehicle Fuels.** Jeff informed the Board that information was distributed on Wednesday that included, a matrix showing fuel tax revenue sources, distribution and the decision making. The information also included sample arguments for use as a template but it was again clarified that the Board has not taken a specific stance on the passage of the questions. The packet also included the DMV projections for the ten year period, which have not changed since they were first distributed. He noted that the individual Commissions can change the rate on a yearly basis but that could create issues with bonds. Other questions that were answered included that the US Department of Labor determines the Producer Price Index for streets and highways. NDOT's list of projects by county was also included in the information in draft form, and Jeff noted that it was important to have a list of county road projects that would use the funds. Commissioner McGuffey inquired as to why the Association hadn't taken a position and Jeff noted that it was discussed and the Board chose to remain neutral. Commissioner McGuffey stated that he has been questioned as to why the Board is neutral and Commissioner Waits noted that because the issue is so individualized by county that the Board can't really take a position. Commissioner Waits asked if the county gas tax would go up to the cap with passage and Jeff noted that the index amount would be based on the 9 cent cap regardless of the adopted tax within a county. No action was taken by the Board.
12. **Update on Interim Legislative Committees and Studies and Possible Issues for the 2017 Legislature.** Dagny informed the Board that the Legislative Committee had its first meeting and set dates for future meetings and she would update the Board on the activities of the Committee in June, which would include ideas for BDR's. She also spoke to the issues surrounding voting machines nearing 'end of life' including that the issues facing Nevada are similar to those facing many other states. She noted that discussion was also held on the Population Cap issue, the LCB opined last session that legislation using "population caps" was not constitutional, and that this position will be continued by the LCB. As a result future policy issues would need to be addressed without that

mechanism. She also addressed SJR13 and property taxes, informing the Board that NACO has been working with LCB, treasurers, assessors etc. on what the impacts would be should the Resolution pass and what companion legislation would be needed with passage. She noted that the Local Government Fiscal Working Group is also conducting analysis on the property tax issue. Commissioner Tipton asked that Dagny send a notice on the meetings of the Legislative Committee and Dagny asked that anyone interested in participating in the Committee to contact her.

13. **Report from the NACO Public Lands Committee.** Commissioner Tipton informed the Board that the Committee met on Thursday and recommends that the Board adopt the comments on Planning 2.0. She also shared that the Committee had an update from Commissioner Irwin on the Pershing County Lands Bill and that they will be working on the effects requested by Laura Granier on the LUPA's. Commissioner Irwin informed the Board that the Pershing County Commission would be voting on the Bill on June 1 and if passed at the County level the Bill would go before Congress sometime on or about June 6. Tori clarified that the opposition brief was received from the federal government and the reply is due June 6, and that affected counties would be receiving requests for information for inclusion in the briefs.
14. **Approval of NACO Comments on the Bureau of Land Management's Proposed 2.0 Planning Regulations.** Tori said she is continuing to work toward providing language to improve the proposed regulations to ensure constancy with FLPMA and NEPA and has been working in concert with NACO as well as surrounding states. She noted that she distributed an email from Chris Markland at NACO that contained documents that can be attached to individual comments. She also reminded the Board that she had sent a document which could be used as a structure for individual comments. She summarized the main points regarding the proposed planning regulations and that the end ask is for the BLM to adopt the changes made in the proposal (contained in the document's attachment) to be submitted by counties.. Commissioner French spoke to his testimony in Washington DC before the House Natural Resources Subcommittee on Oversight and Investigation on the matter and he noted that his comments were well received and echoed by Committee members. He also informed the Board that he had a private meeting with BLM Director Kornze that went well and that he was able to make points to the Director including a productive conversation on LUPA's, travel management plans, fire assessments and other issues. Commissioner French moved to accept the comments and attachment and the item passed on a second by Commissioner Irwin.
15. **NACO Board Member Updates.** Commissioner McGuffey informed the Board that the dedication of USA Parkway would be on June 6<sup>th</sup> and Commissioner Weekly discussed the proposed school of medicine in Clark County.
16. **Public Comment** NACO Committee of the Emeritus member Bonnie Weber expressed appreciation for all the hard work of the Board.

The meeting was adjourned on a motion by Commissioner Johnson with second by Commissioner Tipton at 10:34A.