

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

April 28, 2017, 9:30 a.m.

NACO Office

304 S. Minnesota Street

Carson City, NV 89703

AGENDA

Some NACO Board members may attend via video link or phone from other locations. Items on the agenda may be taken out of order. The NACO Board may combine two or more agenda items for consideration. The NACO Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Call to Order and Roll Call

1. Public Comment. Please Limit Comments to 3 Minutes.
2. Approval of Agenda. **For Possible Action.**
3. NACO President's Report.
4. NACO Executive Director's Report.
5. Approval of Minutes of the March 24, 2017 NACO Board of Directors Meeting. **For Possible Action.**
6. Approval of Nominees for Consideration by the Governor for Appointment to the Nevada Commission on Nuclear Projects (NRS 459.0091). **For Possible Action.**
7. Approval of Nominees for Consideration by the Governor for Appointment to the Board for the Fund for Hospital Care to Indigent Persons (NRS428.195). **For Possible Action.**
8. Update and Possible Action regarding the Renewal of NACO Employee Health Insurance for Fiscal Year 2018. **For Possible Action.**
9. Discussion with Nevada League of Cities Executive Committee regarding Legislative Items.
10. Presentation by the Office of Secretary of State Barbara Cegavske on Voting System Replacement.
11. Discussion and Possible Action regarding Interlocal Agreements between the Nevada Department of Health and Human Services, Aging and Disability Services Division and Counties to Provide Services to Children with Intellectual and Developmental Disabilities. **For Possible Action.**
12. Update and Possible Action regarding the Phase-out of Advanced Data Systems used by Nevada's Counties.
13. Update on the Governor's Task Force for the Regulation and Taxation of Marijuana Act.
14. Update and Possible Action regarding Proposed Legislative Measures, Budget Requests and NACO Priorities for the 2017 Legislative Session. **For Possible Action.**

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 #15(f) below:

15. Update and Possible Action Regarding Public Lands and Natural Resources Issues Including:
 - a) BLM's Proposed Sagebrush Focal Area Withdrawal Draft Environmental Impact Statement.
 - b) Update on Pending Public Lands Legislation.
 - c) Briefing on the March 7, 2017 Ninth Circuit Court of Appeals Decision on Federal Reserved Water Rights and Groundwater (*Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District*, Case No. 15-55896).
 - d) The U.S. Department of the Navy's *Fallon Range Training Complex Modernization: Expansion of Land Ranges, Airspace Modifications, and Public Land Withdrawal Renewal Environmental Impact Statement*, and 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.
 - e) Discussion and Possible Action regarding a NACO Letter in Support of Reforming the Federal *Antiquities Act*. **For Possible Action.**
 - f) Litigation
 - NACO's Efforts Seeking to Compel the U.S. Bureau of Land Management to Comply with the Provisions of the Wild Free-Roaming Horse and Burro Act. **For Possible Action.**
 - 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.
 - 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. **For Possible Action.**
16. NACO Committee of the Emeritus Update.
17. National Association of Counties and Western Interstate Region Board Member Updates.
18. NACO Board Member Updates.
19. Public Comment - Please Limit Comments to 3 Minutes

Adjournment.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify NACO in writing at 304 S. Minnesota Street, Carson City, NV 89703, or by calling (775) 883-7863 at least three working days prior to the meeting.

Members of the public can request copies of the supporting material for the meeting by contacting Amanda Evans at (775) 883-7863. Supporting material will be available at the NACO office and on the NACO website at: www.nvnaco.org

This agenda was posted at the following locations:

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

Washoe County Admin. Building 1001 E. Ninth Street, Reno, NV 89520

Clark County Admin. Building 500 S. Grand Central Parkway, Las Vegas, NV 89155

POOL/PACT 201 S. Roop Street, Carson City, NV 89701

The following links and/or pages are support for agenda
Item 5

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

March 24, 2017, 9:30 a.m.

NACO Office

304 S. Minnesota Street

Carson City, NV 89703

UNADOPTED MINUTES

Attendance: President Phillips; Vice President Waits; Past President Wichman; Douglas County Commissioner Thaler; Washoe County Commissioner Herman; Mineral County Commissioner Tipton; Lincoln County Commissioner Higbee; White Pine County Commissioner Perea; Pershing County Commissioner Shank; Lyon County Commissioner Alt; Eureka County Commissioner Goicoechea; Humboldt County Commissioner French; Carson City Mayor Crowell; Storey County Commissioner McGuffey; Esmeralda County Commissioner Bates; Dave Dawley, Nevada Assessors Association.

Remote Attendance: President Elect Weekly; Clark County Commissioner Kirkpatrick; Tami Davis, Nevada Treasurers Association.

Other Attendance: Carson City Manager, Nick Marano; Nye County Manager, Pam Webster; Lyon County Assessor, Troy Villines; Lyon County Recorder, Dawna Warr; Humboldt County Assessor, Jeff Johnson; Eureka County Assessor, Mike Mears; White Pine County Assessor, Burton Hilton; Shannon Ernst, Churchill County Social Services; Britta Appel, Office of the Governor-Science, Innovation & Technology; Bill Payne, Dean of CABNR at UNR; Lee Bonner, NDOT; Vida Keller, Scott Keller, Maryann Sichak and Andy Sichak.

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

1. **Public Comment.** Lyon County Recorder Dawna Warr gave an update on the Recorder's activities with regards to the retirement of the ADS system. She informed the Board that a workshop had been held in Winnemucca where potential vendors gave demonstrations of their products and have narrowed the field of potential vendors for additional demonstrations and are working closely with the Assessors in an effort to ensure cost efficiency. Britta Kuhn, Broadband Manager in the Governor's Office of Science, Innovation and Technology spoke the Board about SB53 which will implement a statewide 'dig once' policy as well as a fiber trading policy to encourage the expansion of broadband technology throughout the state. She also informed the Board that her office is expecting to receive roughly \$2M for the Connect Kids Initiative to assist with fiber construction projects in schools by leveraging E-rate funding.
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Tipton with second by Commissioner Bates.
3. **NACO President's Report.** President Phillips spoke briefly regarding the NACo Legislative Conference the previous month and noted that he is grateful for the National Association and the programs they provide.
4. **NACO Executive Director's Report.** Jeff also noted that the trip to Washington for the Legislative Conference was very successful and that Nevada was well represented by Commissioners and County Managers from ten counties. He also discussed the successful meetings with all of Nevada's Congressional Delegation, with the exception of Congresswoman Titus who was called to the floor for a vote and therefore the scheduled meeting with her had to be canceled. Jeff also informed the Board that Chris Markland, the NACo staff member in charge of WIR and the Public Lands Committee announced that he is leaving NACo to take a position as a senior staff member to the House Natural

Resources Committee. Jeff concluded his remarks by informing the Board that former Humboldt County Commissioner Amos had passed the previous weekend. Letters congratulating Mr. Markland and in condolence to the Amos family were unanimously approved on a motion by Commissioner Tipton.

5. **Approval of Minutes of the February 17, 2017 NACO Board of Directors Meeting.** The minutes were approved on a motion by Past President Wichman with second by Commissioner French.
6. **Presentation on the Benefits of Partnering with SilverFlume Nevada's Business Portal.** Scott Anderson, Chief Deputy of the Secretary of State Barbara Cegavske informed the Board that the program is a tool to assist with business registration and licensing. Karen Michael, the Portal Administrator informed the Board that seven of Nevada's 17 counties partner with the Portal and requested that the ten counties that are not participating in the program call her to discuss how the Portal can serve the counties and businesses by reducing paperwork and supporting economic development. She also noted the retirement of the ADS system and how the Portal could be integrated in the new systems as they are implemented. Commissioner McGuffey inquired as to the difference between SilverFlume and regional development authorities. Ms. Michael noted that the Portal collects and maintains state business registrations that can be useful to regional development authorities in planning for economic development. She noted that some of the information gathered is non-public and is therefore protected from dissemination to economic development agencies, but that they do work extensively with the RDA's.
7. **Update and Possible Action regarding the Phase-out of Advanced Data Systems used by Nevada's Counties.** Commissioner Tipton noted that Mineral County is in the process of updating their phone systems and the person conducting the integration informed her that CC Communications has committed themselves to having a person who can maintain the ADS system for a period of time. Jeff informed the Board that a meeting was hosted by the Association on Monday and that several software demonstrations had been taking place throughout the state with the Affiliate Associations. A Steering Committee was formed that will have a representative from each affected county and will provide consistent communications, planning, insurance of economies of scale and consistent contract as well as effective communications with the individual BOCC's. Commissioner McGuffey reiterated the creation of the Steering Committee and the need for each county to create a 'wish list' for use by the Committee. Jeff noted that some counties have already appointed their member to the Committee and that the first meeting would be held Monday the 3rd of April. Vice President Waits inquired as to if the court systems were affected by the ADS system and it was clarified that the courts have their own system and Mayor Crowell noted that while the courts may have an alternate system the Clerks are affected and asked representatives from Carson City to speak to the situation. Carson City Manager Marano asked Eric Von Schimmelmann, IT Director for Carson City to speak on the issue. Mr. Von Schimmelmann noted that it is crucial for IT departments and support personnel to be involved in the project and noted concerns with an perceived lack of quantifiable data or recording of gradings of individual vendors etc. He noted that he would like to see a requirements definition and noted that during discussions with other county IT departments it was noted that some of the departments were unaware the process was so far along. He noted that it may be necessary to take a few steps back to ensure the correct process is being followed, but that he didn't see it delaying the project more than a month or so. Mr. Von Schimmelmann also noted that he has also spoken with Marc Carter from ADS and he was ensured that a representative from ADS will be available to keep the system working through the transition. He also noted his preference that an overall project manager be brought in for the transition. Commissioner French noted that the Assessors have been working very hard on the situation and if Mr. Von Schimmelman's proposal was to undo all the work they had completed. Mr. Von Schimmelmann noted that what he is proposing is on top of the work that has been completed by giving the proposed vendors a list of requirements of the counties for scoring and grading purposes for the ultimate decision of vendor. Humboldt County Assessor, Jeff Johnson informed the Board that the Assessors do have documents that Mr. Von Schimmelmann has indicated the need for. Mr. Johnson also noted that the offices would be telling the vendors what is needed not the vendors telling the counties what is needed. Commissioner Tipton noted that Mineral County can't afford multiple vendors and that while a vendor may be great for the Assessors but what can they provide to the other affected offices and that it may be necessary to take a step back and ask more questions. Commissioner Goicoechea noted that the Assessors have done a great job and that each elected office is on a path to finding their solution, however he feels it is important to gather, collate and distribute the information

on each of the offices processes; and after review of all the information it may become evident that the process as a whole is in a much better place than is currently evident. Lyon County Recorder Warr noted that the Steering Committee will be imperative moving forward and referenced the White Paper created by Lyon County Comptroller Foli specifically noting the portion regarding negotiation of pricing. Carson City Assessor Dawley echoed the concerns expressed and specifically noted the possible passage of SJR13 as well as the lack of IT departments in some counties and their needs for support from potential vendors. Commissioner McGuffey noted that a service contract will be imperative for Storey County. Mr. Dawley noted that software does not require an RFP and that the Assessors are understanding of the need for deliverables and benchmarks but that there can't be a blanket contract for all fifteen counties because each county has specific needs and may not be able to use the same vendor. Jeff noted that there is no appetite to start over but the goal is to create confidence in the process so that when contracts come to the BOCC's they can be comfortable in the transparency and diligence of the end selections. He also noted that the current system will be maintained past the 2019 end date for a period and that a major source of the stress surrounding the situation is due to the timeline. Dagny noted that the Steering Committee will be comprised of a member from each county and requested that the designated person and their contact information be sent as soon as possible. Commissioner French noted that it is important for the Committee to be comprised of a broad scope of the departments that are affected not just one or two of the offices. Jeff noted that the discussion during the meeting of the user groups included that the Committee needed to be balanced and Commissioner Higbee suggested that each county obtain a list of necessities and wants from each department to bring to the Committee. Mr. Dawley noted that the personal property component of the Assessors system contains over 20K lines of code and suggested that Mr. Carter may be the person to request to act as a project manager as he is the most familiar with the system. Commissioner French inquired as to how the ADS system was developed and Mr. Dawley informed the Board that the system is a product of 34 years of evolution.

8. Presentation on Nevada Division of Environmental Protection - County Coordination in 2017.

Jennifer Carr, Deputy Administrator of the Nevada Division of Environmental Protection updated the Board on a couple of key issues the Division is addressing. The first issue she discussed involved the construction industry and the renewal of subdivision building, specifically regarding turnover of staff and the loss of institutional information as well as documents such as checklists that ensure processes are followed by developers. She noted that NDEP is working with county staff to communicate the requirements of the Division to the developers and close the gaps causing issues that result in fines and delays in the process of project approvals. Second, she addressed that not all areas of Nevada have recovered from the recession, specifically drinking water. She noted that small GID's and small publicly owned systems are not in compliance with standards, and due to public health concerns the Divisions will push for compliance. She noted that some groups have simply given up administration of the systems but that the Division can't administer water systems. The Division is working with counties to determine how best to solve the issues with struggling systems and noted how some volunteer boards are dissolving because of liability issues and they are working on those issues as well. The third topic she addressed was a grant obtained to provide a voluntary project to screen for lead in elementary school water systems. She noted that the testing would involve at least one drinking fountain and faucet and resources will be available to replace problem fixtures. She noted that if issues are identified the Division will partner with the counties and school districts to communicate with parents. Past President Wichman inquired as to how the Division stands on proposed legislation to increase fines to water systems that are not in compliance and that if that passes there will be more water systems giving up control. Ms. Car noted that AB50 is the Division's bill and therefore they are in support, she also noted that in 2013 they legislatively clarified their enforcement regulations and that they have been holding the federal EPA at bay for a time but that they have been pressured by the federal government to increase compliance rates. She noted that an independent panel that helps to determine potential settlements to enforcement actions, have looked at the current penalties and processes and have received questions as to why fines for drinking water violations are far less than waste water violations, and that the bill is to close the gap between the fine types. She also noted that there are several factors that are taken into consideration when fines are determined and that just because they are requesting raised caps does not mean that fines will automatically increase. Commissioner French noted issues in McDermit and that those issues were created by communications from the Division, which resulted in the loss of the water board, as a result the system is now in the hands of the county.

9. **Update on the Governor's Task Force for the Regulation and Taxation of Marijuana Act.** Dagny informed the Board that she was appointed as NACO's designee on the Governor's task force and that the task force has been convened to have policy discussions on both the regulations and the 34 bills moving through the Legislature. She noted that she is the co-chair on the subcommittee working on the taxation of recreational marijuana sales. She noted that there are two key issues, the first regarding revenue and that she is making the argument that there be local government benefit. She noted that discussion is being held around the possible mechanism for county benefit, one of which is a business license fee the other is a portion of excise tax. It was noted that people within the industry are concerned about excise taxes and have noted that at a certain point taxation will incentivize a black market. Dagny noted that the counties do have the ability to zone out dispensaries and that she is watching bills to ensure that authority remain in place. She also noted one of the bills would give cities the authority enable dispensaries within their boundaries even if counties zone them out. She also informed the Board that there is a bill that would authorize dispensaries on tribal lands. Commissioner Alt inquired as to people's ability to grow marijuana plants and Dagny clarified that even if a county zones out dispensaries the law allows people to have a certain number of plants if they are not within 25 miles of a dispensary. Commissioner French inquired as to transport regulations and she noted that there are restrictions on transportation quantities. Commissioner Tipton inquired as to impaired driving and Jeff noted that there is a bill addressing that issue and that the Attorney General received a grant to train officers on how to recognize impaired driving.
10. **Update and Possible Action regarding Proposed Legislative Measures, Budget Requests and NACO Priorities for the 2017 Legislative Session.** Washoe County Treasurer Tammi Davis summarized SB245. The bill was brought by the Treasurers Association to establish a technology fund for the Treasurers to be funded by a 2% dedication from personal property tax assessments. The money would come from the general fund and would mirror the Assessors' funding mechanism. She noted that the funding mechanism was identified to avoid citizen charges and that the Treasurers feel the fund is needed to provide for future technology needs of the departments for multiple systems and security of electronic transactions. Ms. Davis noted that the Treasurers are aware of concerns that have been voiced regarding the bill and would like the opportunity to work through those concerns. Commissioner Tipton noted that losing general funds is problematic but understands the needs of the offices. Commissioner Thaler noted that there is no fiscal note attached to the bill and is interested in what the impacts would be. Tammi noted that when there is currently a need the funds would have to come from the general fund, and therefore if there is a large need the bill allows for accumulation of funds. Nye County Manger Webster noted that the impact would be the same as what is currently placed in the Assessors technology fund. Commissioner McGuffey noted the correlation with the need to replace the ADS system and Ms. Davis noted that their concerns are to be proactive for issues such as the ADS replacement in the future. Vice President Waits voiced concern with a lack of a sunset and Tammi noted that the Treasurers will be discussing major accumulation in the fund but that they want to have funds available quickly for major needs. Mayor Crowell inquired as to if there has been difficulty getting general funds for technology needs and Tammi said that she is not aware of any issues. Tammi said the Treasurers recognize the difficult decisions the individual BOCC's must make regarding general funds and look at it as more of a partnership with the Boards to ensure funds are available when needs arise. Jeff noted that the bill is up for a committee hearing the following Monday. Commissioner French noted that Humboldt County's Assessors technology fund has an ending fund balance of over a million dollars without need, and that those funds could be better served by a potential reauthorization of the uses of Assessor's fund. Carson City Assessor Dawley noted that the Assessors can donate back to the general fund and that their fund can be used for other departments.

Commissioner Tipton brought up AB207 regarding changes in jury lists and the costs associated. Jeff noted that he is aware of the bill but it is difficult to testify on a bill without fiscal notes being submitted.

Jeff informed the Board that SB8 regarding Pre-sentence Investigation Reports, was amended and passed of the Senate Judiciary Committee and was referred to the Finance Committee. He noted that the amendment was to align SB8 with Clark County's SB9 regarding the same reports. He noted that push back is being received from the State on the provision that would allow counties to write the

reports and that the Governor's budget contains a 75% increase in charges to the counties for preparation of the reports.

Jeff discussed AB43, the Association's property tax bill, and informed the Board that the Bill was heard. Jeff thanked Past President Wichman and Commissioner Lucey for their participation in the hearing. He also informed the Board that the Las Vegas Review Journal published an article to correct a previous article they had published that incorrectly explained the bill as well as the fact that a letter to the editor from NACO will be published.

SB218, brought by the Nevada Broadcasters, will enable the option of publishing of public notices on the web and will contain an amendment to eliminate the need for an RFP. Mary Beth Sewald of the Broadcasters Association noted that people are moving towards obtaining information from digital formats and that the bill is not to impose new requirements but simply to offer a choice. Commissioner McGuffey inquired as to if the notices would be aired across all channels and it was clarified that they will only be placed on a dedicated website, but that a robust advertising campaign will be broadcast across all television and radio stations. Commissioner Goicoechea inquired as to how the site will be broken down and Ms. Sewald said that the site will be searchable by industry, county, municipality and region. She also noted that the Association is working with SWITCH to archive notices. Commissioner Shank inquired as to cost and Ms. Sewald noted that there will be no charge to the end user but that there will be charge to post and that they are still being worked out but will be available for the hearing of the bill. Commissioner McGuffey noted concerns with potential comments and it was clarified that there will be no ability to comment on the notices. Commissioner Tipton noted issues with technology availability and it was noted that posting could still be done in print and that the proposed legislation will not require use of both. Past President Wichman noted that she had no issue with offering choice and the Board supported the bill by consensus.

AB366 would establish regional mental health policy boards and Jeff noted that he has been working with Assemblyman Araujo and that there was an interim study. The bill would create four regions each with its own policy board. The policy boards would identify needs and priorities for funding and would make recommendations to the Department of Health and Human Services. Jeff noted that during a conference call regarding the bill a suggestion was made to realign the southern region to remove Lincoln and Mineral Counties to the Rural Region. Jeff noted that there are several details to be worked out but that he feels it is good policy. Shannon Ernst of the Human Services Administrators Association noted that states Human Services Administrators will be supporting the bill and reiterated that each region will have a health center and that the bill supports rural outreach efforts. She also noted that they would like to see EMS included in the policy boards. Commissioner Tipton noted that it may not be in Mineral County's best interests to be included in a region with larger counties and the potential distance required to travel to not only meetings but for services. The Board supported the bill consensus with questions regarding the alignment of the regions and the inclusion of EMS representatives on the policy boards.

SB345, regarding tax abatements was summarized by Dagny. The bill would require applicants for tax abatements over \$250K to consult with the affected counties for direct and indirect fiscal impacts. The bill would also require the applicant to appear before the BOCC and will give the county thirty days to make a recommendation of approval or denial to GOED, but GOED would assume denial if a recommendation is not received. The BOCC decision would remain only a recommendation. Vice President Waits inquired as to how it relates to previous abatements and Dagny clarified that the previous abatement rules still apply to renewable energy. Jeff noted that even though the bill allows for an assumed denial it is important that recommendation still be submitted because GOED has gone on the record stating that they have never approved an abatement denied by a county. Commissioner Tipton inquired as to if the formula used for renewable energy abatements could be used for this process. Jeff noted that the bill would also allow for the inclusion of service impacts. Dagny noted that bill requires the applicant to perform the analysis not the county. Commissioner McGuffey inquired as to if the bill would open the doors to negotiation and it was noted that it could. Jeff noted that Senator Farley brought the bill on her own and that there have been concerns within the Legislature as to if tax abatements are actually bringing the value they promised. He also noted that it is important to note that the bill will open additional communications with and considerations to the impacts to counties. Dagny noted that an amendment is expected to be offered by the cities to require if the business or

project is within city limits that the applicant performs the same analysis but report to the city instead of the county. The bill was supported by the Board by consensus.

NACO's bill regarding Cooperative Extension funding AB16 was heard in committee with the clarification amendment authorized by the Board. Dagny noted that concern over the current state of the program and lack of funding was voiced by Legislators on both sides of the aisle and that the next step is for the bill to go to work session. Past President Wichman inquired about additional amendments offered and Dagny noted that Sarah Adler offered an amendment that would require reporting to the Legislature and another was regarding the naming of the program. Commissioner Tipton inquired as if the state match would take into account expenses by the counties for support of the program. Dagny clarified that the way the bill is written the state would be required to match the aggregate of the participating counties 1 cent tax levy. Dagny informed the Board that there is a second bill regarding Cooperative Extension, AB407 which will be heard the following week and that it could pull the extension programs for Nye, Lincoln and Clark Counties from UNR to UNLV. Commissioner Goicoechea inquired as to what the bill would do to funding statewide, Dagny noted that the bill was just released and that a discussion needed to be had with the bill's sponsor. She noted that there are a lot of southern Nevada Legislators that are upset about the situation with Cooperative Extension and are interested in having UNLV declared the land grant college. Commissioner French noted that 2/3rd of the program funding comes from Clark County. Commissioner Kirkpatrick noted that original discussions included including the language in AB16 and she said that would not be appropriate and that the southern Nevada Legislators want control of the program. The Board opposed AB407 by consensus.

SB5 sponsored by the League of Cities on behalf of the Rural Housing Authority to give them a guaranteed allocation of bond cap was pulled back and bill was changed from giving the Authority a direct allocation to changing the advisory board that reports to the Department of Business and Industry to a governing board. Jeff noted that it is the general understanding that Nevada is the only state where the allocation of bond cap is determined by an individual not a governing board. The amendment would maintain the current makeup of the committee and Jeff thinks that it is good policy. Past President Wichman asked if it changes the Authorities need to request allocation from the counties and it does not. Jeff clarified that the bill gives authority to a governing board instead of an individual for the distribution of the remaining allocations of the state's bond caps.

Jeff informed the Board that a bill will be coming out that will give BOCC's the authority to impose a tax on diesel not to exceed 5 cents per gallon. The bill will also require those counties that sell more than 10M gallons of diesel to use 10% of the funds received for improvements to parking for semi-trucks. The parking improvements language was brought by the Truckers Association as an accommodation and Jeff noted that the language is only enabling.

Jeff noted that SB425 is out regarding property taxes and it would remove the secondary cap completely. Jeff noted that there does not seem to be much support. He also noted that there has been discussion to do a constitutional amendment to reset the taxable value of property on sale and abatements. Commissioner Kirkpatrick inquired as to the likelihood of voter passage or competing ballot measures. Jeff noted that he believes the builders might oppose the measure and there would need to be inclusion of something of benefit to the voters and that is believed to be the 3% cap to be included in the constitution. Commissioner McGuffey inquired as to if it would affect refinances and it was clarified that it would only affect sales.

SB377 addressing Indigent Defense will be heard April 5th and Jeff reminded the Board that draft language and potential arguments were distributed. Jeff noted that the arguments in favor of passage were provided by the 6th Amendment Center and the DA's Association provided the arguments opposed. Jeff noted that he has made it clear that NACO is not passing judgement as to any county's indigent defense level, that the only objective is to try to save county funds and implement a system where over time the state picks up more of the costs. Questions have been brought as to if child custody cases are included and he will determine if that is in the final bill. Another issue is in regards to being able to opt out of the program which the bill includes. Vice President Waits noted that the Justice asked for NACO's support but also noted that her DA is against the bill and that her BOCC will not support the measure without an opt-out clause for any reason. Commissioner Thaler also noted that

his DA has been lobbying the BOCC and that Douglas County will probably not support the bill. Jeff noted that he has had conversations with Mr. Jackson and that the Association's interest is to save counties money and return the costs to the state and that the only alternative is relief through probable litigation brought by the ACLU. Commissioner French noted that Humboldt County is opposed based upon poor performance from the state system previously. Jeff noted that it is clear that the state can't hire attorneys to provide services, and it is likely that the state would adopt current contracts and/or hire public defenders. Commissioner Shank noted that Pershing County is also opposed due to lack of representation on a commission providing oversight and creating standards, as well as previous lack of quality performance by the state. Jeff clarified that the commission could propose standards, excluding case load standards, but the Supreme Court would actually issue standards and that of the 13 members five or six would be rural. Mayor Crowell noted that the 6th amendment is part of the constitution and that as elected officials they took an oath to support the constitution and he would rather have the state and the courts decide standards than district attorneys. Vice President Waits moved that the Association remain neutral with second by Commissioner Thaler. The Association will remain neutral with nay votes from Mayor Crowell, Commissioner Goicoechea, Commissioner McGuffey and Past President Wichman.

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 #11(d) below:

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

- a) **BLM's Proposed Sagebrush Focal Area Withdrawal Draft Environmental Impact Statement.** Tori informed the Board that comments were due on March 30th and that she was working with Tom Harris from UNR on economic impacts to include in the letter. She noted that Secretary Zinke seems willing to choose the no action alternative but that he will need support on the record to make that decision. She noted that while previous comments had included support for the Nevada Alternative she would be supporting the no action alternative in the comments she was drafting. President Phillips stated that he liked the approach and the Board concurred.
- b) **Update on Pending Public Lands Legislation.** Jeff informed the Board that Congressman Amodei had hosted a breakfast during the NACo Legislative Conference and during the event he made comments re revamping HR1484. He also echoed those comments in his address to the Legislature. Jeff noted that the measure will focus on lands that are checkerboard, already identified for disposal or related to community development and that he referenced SNPLMA as a map for identifying lands necessary to be under local control. Jeff also said the Congressman commented on the need for more local authority over land management and resource management plans. Jeff said he is expecting draft language for review and noted that there doesn't seem to be an appetite for a second phase of transfers at this time. Commissioner French informed the Board that he had met with Congressman Amodei following the conference and was informed there was a great deal of push back from the Wildlife Coalition specifically relating to lack of trust in the State to manage the lands and ensure access. Commissioner French did note that there was a lot of support for transfers for community development. Commissioner McGuffey also noted that he had a good meeting with the Congressman and that Storey County is expecting language inclusion to address townships as they relate to very small parcels.
- c) **The U.S. Department of the Navy's Fallon Range Training Complex Modernization: Expansion of Land Ranges, Airspace Modifications, and Public Land Withdrawal Renewal Environmental Impact Statement, and 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.** Tori informed the Board that the Navy is allowing NACO represent Lander, Pershing and Nye Counties and Commissioner Tipton noted that Mineral County has sent a letter requesting NACO be allowed to represent them as well. It was clarified that originally the Navy was not going to allow NACO to represent the counties but has since changed their position. She noted that is very early in the scoping process and the goal is to make them recognize the impacts the withdrawal will have. Commissioner Alt brought up private takings and Past President Wichman noted emergency services and reiterated her position to work toward a partnership to strengthen affected communities. Commissioner Tipton noted that the current plan will eliminate eleven grazing allotments and several mining interests but the

Department of Defense is still saying there are no takings. She noted that Congressman Amodei told her that issues like that will need to be addressed at the congressional level.

d) **Litigation**

- **NACO's Efforts Seeking to Compel the U.S. Bureau of Land Management to Comply with the Provisions of the Wild Free-Roaming Horse and Burro Act.**
- **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.**
- **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 Seven Nevada Counties, and Recent Implementation Training.** These items were heard in closed session. No actions were taken.

12. **NACO Committee of the Emeritus Update.** Past President Wichman informed the Board that the Committee had held its first meeting and that it was encouraging with lots of new ideas and lots of participation.

13. **National Association of Counties and Western Interstate Region Board Member Updates.** Commissioner Tipton informed the Board that she was unable to attend the Board meeting at the Legislative Conference but that she is planning on attending the meeting at WIR and the annual conference. Commissioner French informed the Board that WIR would be taking place in late May.

14. **NACO Board Member Updates.** Updates were given on activities within the Counties by the Board.

15. **Public Comment.** None was given.

The meeting was adjourned at 2:35P

The following links and/or pages are support for agenda
Item 6

<http://www.state.nv.us/nucwaste/comm.htm>

The following links and/or pages are support for agenda Item 7

Pursuant to NRS 428.195 the Board is comprised of four county commissioners and one county social services director appointed by the Governor from a list of nominees submitted by the Nevada Association of Counties (NACO) Board of Directors.

The Board administers the Fund for Hospital Care to Indigent Persons (Fund) including allocating the Fund for uses authorized by NRS 428.206; as non-federal match for additional Medicaid dollars for supplemental payment to hospitals and to off-set any portion of a county's obligation to pay the non-federal share for the State's Medicaid Match Program for Long Term Care. The Board also reviews and approves claims against the Fund.

The Fund and Board were created by the Legislature in 1983 at the request of NACO to address the statutory obligation of counties to provide medical assistance to indigents. The Board works closely with counties, hospitals and the Department of Health and Human Services to oversee and maximize the Fund to address these medical needs. The Board continues to review/approve claims from hospitals that treat indigent patients involved in motor vehicle crashes as well as requests from counties for assistance in providing the non-federal match for long term (nursing home care) care. The Board considers and approves fund transfers to leverage additional federal Medicaid dollars for Nevada's hospitals.

<http://www.leg.state.nv.us/NRS/NRS-428.html#NRS428Sec115>

The following links and/or pages are support for agenda
Item 10

Replacing Nevada's Voting Machines: Why It Is Critical & How We Accomplish the Task

Prepared by *Nevada Association of County Clerks and Election Officials*

November 2016

ABSTRACT

There is no question the most important issue in elections today relates to the voting systems in use across the country and their urgent need of replacement. Perhaps the most dire warning the Presidential Commission on Election Administration heard in its investigation of the topics in their Executive Order concerned the impending crisis in voting technology.¹ They were not alone, the Brennan Center for Justice, the Election Assistance Commission, and the National Council of State Legislators have all written reports expressing the need to replace voting equipment in the majority of jurisdictions nationwide. The issue is funding and where it will come from. Our best option is to identify funding at the state level which will uniformly address the issue for all counties and provide economies of scale and better pricing. This paper will identify the potential crisis we may face if we choose to ignore the replacement of our aging voting equipment, exactly what needs to be replaced to serve all counties and all voters, and finally an option for purchase which will spread the payment out for multiple years.

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INTRODUCTION

We can no longer deny the need to plan for and designate funding to replace our electronic voting systems in Nevada. Voting equipment in the State of Nevada is approaching the end of its life span; this fact is clearly and effectively reported by many reputable agencies, such as, the Presidential Commission on Election Administration (PCEA), the Election Assistance Commission (EAC), the Brennan Center for Justice (BCJ), and the National Council of State Legislators (NCSL).

In the BCJ's report, "America's Voting Machines at Risk," over 100 specialists familiar with voting technology were interviewed, including voting machine vendors, independent technology experts, and election officials in all 50 states.² These interviews revealed the following key findings:

- Unlike voting machines in the past, today's systems are not meant to last for decades.
- Machines around the country are perilously close to the end of their expected lifespan.
- Almost every state is using some machines that are no longer manufactured and election officials struggle to find replacement parts.
- Election officials nationwide need new machines, but most do not have the resources to purchase them.

Local election officials in Nevada did their very best to deal with all of these issues leading into the 2016 presidential election and worked hard to ensure that the systems effectively served voters this year and that every vote was correctly counted. There were, however, glitches that did happen across the State during the 2016 election that presage larger malfunctions which will occur in the future. Now that the 2016 election has concluded, the State of Nevada has a very short time to proactively prepare for the replacement of our aging voting system. There is no way to predict exactly when our voting system will see a sharp increase in the number of machine malfunctions. Failure to take action on the replacement of the voting system in the 2017 Nevada Legislative Session could put several, if not all, counties in jeopardy of falling into the same situation witnessed by the entire country in the State of Florida during the 2000 election year.

This report will provide information to explain why it is critical to plan for the replacement of our voting machines and the software required to manage them, identify some of the key considerations in this process, and discuss funding options including scaling in the replacement and cost so as not to necessitate funding the replacement all in one payment.

BACKGROUND/PROBLEM STATEMENT

VOTING MACHINES & SOFTWARE

Currently all 17 counties in the State of Nevada are utilizing the same voting system which was purchased and first put into use in 2004. The machines are Edge II voting machines and were fully implemented across the State by 2006, along with the mail ballot systems for absentee. This puts the age of our system in 2017 at more than ten years.

The question often asked is just how many years can you expect current voting machines to last? Experts Merle King, executive director for the Center for Election Systems, and professor Doug Jones of the University of Iowa, former chair of the Iowa Board for Voting Machines and Electronic Voting Systems, agree that it is probably somewhere between 10 to 20 years, but probably much closer to 10.³

This, of course, depends on how well the systems have been stored and maintained by the counties, nevertheless, how many people keep their computers or cell phones for ten years or more? These machines were designed and began production in the late 1990's when the culture of computer manufacturers adjusted to the rapid progress of new technology. Unlike previous voting machine products, this equipment was not designed to last more than 10 to 15 years. The equipment would never keep pace with newer technology on the market for a long period of time.

There are several problems which are associated with the continued use of this aging voting system. The voting machines will experience an increasing rate of failure which will result in long lines at the polls while technicians work to make repairs or replace machines. Replacement parts are no longer being manufactured by the vendor, not because they decided to stop making the parts, but because the technology used by the machines is so old the electronic components needed to make new parts are no longer made. The software used to program the ballot definition for the machines runs on outdated platforms which are no longer supported, such as Windows XP, which Microsoft has not supported since April 8, 2014.⁴ Getting hardware which works in conjunction with these platforms is difficult or impossible. All of these issues will result in a loss of credibility from our voting public and the confidence in our voting process will disappear when large scale failures occur. Of greater concern, it will become impossible for us to properly serve our voters and produce reliable results on election night.

In addition to the issues related to the machines, it is also important to take into account the situation we will fall into if we allow the systems to fail on a grand scale. Such a situation would force the State, local jurisdictions, or possibly both, to rush into machine replacement which would not give election officials the ability to properly train staff to maintain and program the new system. A new system also requires us to introduce the system to voters and develop new training for our poll workers. These steps are critical to the success of a new implementation and take time for proper development and implementation.

Being forced to rush into voting machine replacement would also cause the system to become more expensive to purchase and compromise our negotiating position with our

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NV Voting Machine Replacement

prospective vendors. When the vendor is forced to produce at a rapid pace it affects their ability to meet the requirements of those clients who have made proactive agreements for delivery of equipment. This results in a drastic increase in the cost of replacement for a customer who must order equipment on short notice.

FUNDING

Voting machines are one budget item on a large list of needs for the state and local jurisdictions. The State of Nevada and local jurisdictions have only recently begun to pull out of the economic downturn the entire nation experienced over the past 8 years. In addition, because the majority of equipment currently utilized in Nevada was paid for through the Help America Vote Act (HAVA), the State and most counties have never been forced to provide significant funding for voting equipment. The HAVA funding has been exhausted in Nevada, and additional help from the federal government through HAVA or any other agency is unlikely in the near future.

All counties within the State of Nevada, with the exception of Clark County, have never been required to allocate funding for the licenses, maintenance, and in some cases, the programming of their equipment. The State has funded these items (using HAVA funds) since 2006 and would have had difficulty mandating that all 17 counties utilize the same voting system without providing the funding to purchase and maintain them.

As a result, election officials concerned about the replacement of voting machines are struggling to find the funding to avoid the pending crisis of outdated voting equipment. It falls to the State to work with local election officials to identify a plan for funding the replacement of voting machines.

So the question is not whether we should replace our equipment, as several reputable agencies/groups have clearly proven the need for replacement of voting systems nationwide. The question lies in whether we will act on the information in a timely manner and avoid the impending crisis.

SOLUTION

To plan for the replacement of voting equipment we need to know what the needs are for each county in Nevada. Once we have this information we can begin to identify what the cost for replacement will be on a larger scale, and by increasing our economies of scale we can negotiate for better pricing from our prospective vendors. Also important to the success of finding the funds necessary to accomplish our task is spreading the cost of replacement over several years in combination with phasing in the replacement of equipment, in those counties who are willing to do so, over the course of three or more years. An attempt to have the state make a one-time payment for the entire purchase of the equipment will surely be a recipe for failure in this endeavor. *(Note: Nevada's very small rural counties require such a small quantity of equipment that it may not be advantageous to replace machines over a period of several years.)*

With today's technology we have many new options when looking at new voting systems. The PCEA recommends taking advantage of commercial off the shelf (COTS) equipment such as tablets. This technology will allow us to better serve disabled voters because of features that are built into the operating systems.⁵ They are also cheaper than proprietary equipment and better capable of adapting to new requirements mandated by changing laws. Nevada's current vendor is developing a new product which would allow us to discontinue the use of proprietary equipment and ensure that we will never be forced to deal with equipment for which no support exists. New tablet technology developed in the future will be available to us for use and would allow us to save millions of dollars by negotiating directly with large scale producers such as Sony, Samsung, Apple, or any vendor producing a tablet large enough to use for voting. If we were to choose this system going forward, the vendor is committing to allow us this flexibility by modifying our software to integrate the use of new products in the future.

Other options include mail in ballots, now being used in Colorado, Oregon, and soon, California, as optical scanning and verification systems have advanced significantly. A brief overview of voting machine technologies has been produced by the National Council of State Legislatures.⁶

CONCLUSION

Why does this matter? “Voting is the cornerstone of our democracy – citizens must have confidence that their vote is being counted. Voting machines breaking down can shake public confidence to its core – something that no state wants”.⁷ There will be no assistance coming from the federal level any time in the near future. It is our responsibility to ensure we develop long term plans to maintain the integrity of our voting process in Nevada. The justification for the need to replace our outdated equipment has been effectively communicated by many reputable organizations and experts in the field of elections. Having identified what will be necessary to replace our systems in Nevada we must move forward to arrange for the necessary funding to purchase new equipment. Making the purchase at the state level will allow us to get the best price for our equipment and extending the payments for the equipment over several years will reduce the burden on the state to identify funding. Failure to do so would be a great disservice to voters in Nevada.

REFERENCES

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- ¹ The Presidential Commission on Election Administration. (2014). ***The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration*** (January 2014 ed., p. 62). Retrieved May 1, 2016, from <https://www.supportthevoter.gov>
- ² Famighetti, C., & Norden, L. (2015). ***America's Voting Machines at Risk***. New York, NY: The Brennan Center for Justice at NYU School of Law. Retrieved from https://www.brennancenter.org/sites/default/files/publications/Americas_Voting_Machines_At_Risk.pdf
- ³ See Famighetti, C., & Norden, L., (p. 8)
- ⁴ Support for Windows XP Ended. (2014, April 8). In **Microsoft**. Retrieved November 22, 2016, from <https://www.microsoft.com/en-us/WindowsForBusiness/end-of-xp-support>
- ⁵ See Famighetti, C., & Norden, L., (p. 38)
- ⁶ National Conference of State Legislatures. (2016, June). **Election Technology Overview. In National Conference of State Legislatures**. Retrieved November 22, 2016, from <http://www.ncsl.org/research/elections-and-campaigns/election-technology-overview.aspx>
- ⁷ Owens Hubler, K. (2016, September 16). **Report: U.S. Voting Machines Old, Outdated. In National Conference of State Legislatures**. Retrieved November 22, 2016, from <http://www.ncsl.org/blog/2015/09/16/report-us-voting-machines-old-outdated.aspx>

ADDITIONAL INFORMATION

1. **Dominion Voting Services (current NV vendor)**, contact information:
Representative: Waldeep Singh, Executive Vice President, Sales
Phone: (916) 803-6769
E-mail: waldeep.singh@dominionvoting.com

The following links and/or pages are support for agenda
Item 12

ADS Retirement Steering Committee Meeting Summary – April 3, 2017

A meeting of the ADS Retirement Steering Committee, established during the March 20th meeting of those counties affected by the systems retirement, was held at the NACO office and via teleconference on Monday April 3rd at 3:00p. Assigned representatives from all fifteen affected counties were in attendance.

Jeff reiterated the goal(s) of the Committee – To facilitate communication and coordination of the different user groups and to leverage resources for procurement, implementation and integration of the existing system with the new systems chosen by the associated user groups.

Concerns with a potential disjointed implementation associated with several different systems were noted and it was reiterated that it is a goal of the Committee to minimize these effects, but that there will be a need for more than one system as not one company can currently or realistically meet the needs of all the user groups. Specifically that at least the financial applications will require a standalone system that can be identified and implemented in a shorter term because it will require less customization.

The system for Assessors, Clerk/Treasurer's and Treasurer's was identified as the most complex and requiring the most customization. It was also discussed that those user groups are the furthest along in identifying a potential conversion solution for implementation by the December 31, 2019 date identified by ADS as the date in which they will cease doing business. Mr. Carter of ADS also noted that the two companies who appear to be most able to provide the necessary system are willing to take on the ADS employee most familiar with the current system in the short term to best facilitate the conversion.

Further discussion regarding the above noted user groups included the need to be able to implement any legislative changes and it was noted that it would be imperative for Legislators to understand the conversion and to ensure any implementation dates associated with legislative changes be addressed in the associated bills.

The Assessors informed the group that meetings had been held with counties using the system that they have identified as the potential best solution and that sample contracts, including the process for identifying specific customization and user functions have been received by the Assessors Association. The Treasurer's and the Recorders also indicated they are close to identifying the system they are most comfortable with and are close to being ready to move forward.

Concerns with the process utilized to identify the 'front runners' were voiced, as they relate to the need for transparency and how they conform with the standards for procurement using public funds. It was decided that the Assessors will collate the information and processes they have used into a report to be reviewed by the Committee and any additional concerns will be identified and addressed upon the review.

Going forward, the participation of IT professionals was noted as being a key component of contract and scope of work development, including deliverables and deadline dates for these deliverables to be completed.

Jeff noted that from a NACO standpoint it is preferable to have a common system for financials and the preparation and distribution of information necessary for fiscal notes and other information required by the Asscoation to complete its mission on behalf of the counties on a state and federal level.

It was noted that the Assessors would like to be able to go to their respective Boards of County Commissioners/Supervisors by July 1 and the next meeting of the Committee will be determined by consensus in the coming weeks.

The following links and/or pages are support for agenda
Item 15c

<http://cdn.ca9.uscourts.gov/datastore/opinions/2017/03/07/15-55896.pdf>

<https://turtletalk.wordpress.com/2017/03/07/ninth-circuit-rules-in-favor-of-agua-caliente-reserved-groundwater-claims/>

The following links and/or pages are support for agenda
Item 15e

<http://www.nvnaco.org/wp-content/uploads/4-13-16-FINAL-White-Paper-Antiquities-Act-Basin-and-Range1.pdf>

The following links and/or pages are support for agenda
Item 15f

<http://www.nvnaco.org/wp-content/uploads/15f-GSGCourtOpinionMarch2017.pdf>

<http://www.nvnaco.org/wp-content/uploads/15fb-WHBCourtOpinionMarch2017.pdf>