

## NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting

October 21, 2016, 9:30 a.m.

This meeting will be conducted via video/teleconference  
Members of the public can participate in the meeting at the:

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

### AGENDA

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, 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 September 23, 2016 NACO Board of Directors Meeting. **For Possible Action.**
6. Approval of Endorsement for Pershing County Commissioner Patrick Irwin to Continue as a National Association of Counties Representative to the SAFECOM Executive Committee. SAFECOM was Formed in 2001 After the Terrorist Attacks of September 11, 2001 as Part of the Presidential E-Government Initiative to Improve Public Safety Interoperability, Allowing Emergency Responders to Communicate Effectively Before, During, and After Emergencies and Disasters. **For Possible Action.**
7. Update on the Consolidation of the University of Nevada, Reno College of Agriculture, Biotechnology and Natural Resources, Cooperative Extension, and the Nevada Agriculture Experiment Station.
8. Update and Possible Action on AB191 Enacted in the 2015 Legislative Session which Authorizes a County to Place on the 2016 General Election Ballot 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. **For Possible Action.**
9. Update on Interim Legislative Committees, Studies and Priorities for the 2017 Legislative Session. **For Possible Action.**
10. Discussion and Possible Approval of Proposed Bill Draft Language Regarding Indigent Defense which will be Presented to the Advisory Commission on the Administration of Justice (NRS 176.0123) on November 1, 2016. **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 Information and for Deliberation Relative to Agenda Items 11a, 11b, 11C and 11d below:**

11. Update and Possible Action Regarding Public Lands and Natural Resources Issues Including but Not Limited to:
  - a) Bureau of Land Management's Proposed 2.0 Planning Regulations. **For Possible Action.**
  - b) 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. **For Possible Action.**
  - c) The Bureau of Land Management's and U.S. Forest Service's Greater Sage-Grouse Approved Resource Management Plans (ARMP'S) including the Complaint for Declaratory and Injunctive Relief Filed by Western Exploration LLC, Elko County, Eureka County, Quantum Minerals, White Pine County, Lander County, Humboldt County Ninety-Six Ranch, LLC, Paragon Precious Metals, LLC, Churchill County, Washoe County and the State of Nevada. **For Possible Action.**
  - d) NACO's Appeal to the United States Court of Appeals for the Ninth District from the Judgment and Order of United States District Court for the District of Nevada Granting the United States Department of Interior's (Defendants') Motion to Dismiss the Complaint Filed by NACO and Other Plaintiffs on December 30, 2013 Seeking to Compel the Bureau of Land Management to Comply with the Provisions of the Wild Free-Roaming Horse and Burro Act. **For Possible Action.**
  - e) 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. **For Possible Action.**
12. National Association of Counties and Western Interstate Region Board Member Updates.
13. NACO Board Member Updates.
14. 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](http://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  
September 23, 2016, 9:30 a.m.  
NACO Office  
304 S. Minnesota Street  
Carson City, NV 89703

### UNADOPTED MINUTES

The meeting was called to order by President Carson at 9:37am.

**Attendance:** President Carson; Immediate Past President Wichman; Mineral County Commissioner Tipton; Elko County Commissioner Dahl; Humboldt County Commissioner French; Esmeralda County Commissioner Bates; Storey County Commissioner McGuffey; Lander County Commissioner Waits; Churchill County Commissioner Olsen; Lyon County Commissioner Fierro; Washoe County Commissioner Herman; Carson City Mayor Crowell and Nancy Parent, Nevada Association of County Clerks & Election Officials. NACO Staff present: Jeff Fontaine, Dagny Stapleton, Amanda Evans & Tori Sundheim.

**Remote Attendance:** Vice President Weekly and Bob Roshak, Nevada Sheriffs & Chiefs Association.

**Other Attendance:** Lyon County Commissioner Alt; Linda Bisset, NV Energy; Lee Bonner, NDOT; Cheryl Bloomstrom; Joe Brezny, Coalition to Regulate Marijuana Like Alcohol and Jim Hartman, Protecting Nevada's Children.

1. **Public Comment.** None was given
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Tipton with second by Past President Wichman.
3. **NACO President's Report.** President Carson informed the Board that she had received a communication from Senator Heller's office regarding SB3334 the Historic Route Preservation Act which includes provisions that sets forth an administrative process for claiming rights of way on RS2477 roads. She said she is awaiting some additional information on this Act and that it may be something the Public Lands Committee might be interested in looking at, as it is intended to help disputes which arise. She requested the topic be placed on a future agenda.
4. **NACO Executive Director's Report.** Jeff reminded the Board that registration is open for the Annual Conference in November and that the agenda is being worked on and that staff is excited about the topics on the agenda. He also noted that the dates for the 2017 conference will be September 26-28 and will be held in Humboldt County. He noted that notice was sent to all County Commissioners and Supervisors for nominations for Vice President of the Association in 2017 and that if someone is interested in serving or has a colleague who is interested to let Vice President Weekly know – the Nominating Committee's recommendations will be given during the membership meeting in Pahrump on November 16<sup>th</sup>. Commissioner Dahl noted that if the conference agenda includes an appropriate topic on water that Elko County has had communications with Mike Dunbar from California regarding desalination.
5. **Approval of Minutes of the August 26, 2016 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Tipton with concurrent second by Commissioner French and Past President Wichman.
6. **Submit Two Nominees who are County Commissioners to the Governor for Appointment to the Board of Trustees of the Fund for Hospital Care to Indigent Persons as a Successor to a Current Member (NRS 428.195).** Jeff informed the Board that President Carson will no longer be eligible to serve on the Board as her term ends this year and that the Governor's process for appointment can be lengthy. He also noted that the County Social Services Director seat has yet to

be appointed and that without the two seats being filled there might not be a quorum of the Board. Past President Wichman volunteered for nomination as did Esmeralda County Commissioner, Michelle Bates. The Board unanimously nominated both to be submitted to the Governor for appointment on a motion by Commissioner Tipton with a second by Commissioner Waits.

7. **Appointment of One of Nevada's Two Representatives on the National Association of Counties Western Interstate Region Board of Directors.** Commissioner Dahl informed the Board that his current appointment to the Board expired in May and that he is still interested in serving on the Board. Commissioner Dahl was reappointed to the Board on a motion by Past President Wichman with a second by Commissioner Bates.
8. **Approval for NACO to Join the National Wild Horse and Burro Rangeland Management Coalition as a General Member.** Commissioner Tipton told the Board that Public Lands Committee requested the item be agendaized based upon discussion during the August meeting where it was not agendaized for action and recommended that the Association approve joining the group. She noted that it is a free membership where information would be shared with the Coalition's Executive Committee. Commissioner McGuffey noted that it is a very controversial topic and Dagny clarified that the Coalition is an advocacy organization for best management practices for the horses including appropriate management levels and that the Association would only be responsible for sharing information and engaging in conversations. Commissioner Dahl also noted that the law suit the Association is engaged in aligns with the Coalition's mission. It was also noted that the issues being experienced in Storey County also include discrepancy on whether the animals in question are a State or Federal responsibility. Commissioner French also noted that the vote taken by the Board would reiterate the message that NACO is engaged on the issue. General Membership in the Coalition was approved on a motion by Commissioner Tipton with a second by Commissioner Dahl and no opposition.
9. **Endorsement of an Application under Consideration by the Board of County Commissioners for Clark County to Host the National Association of Counties 2019 Annual Conference.** Vice President Weekly thanked Jeff for attending the Clark County Board of Commissioners meeting earlier in the week and although his BOCC did have concerns about the fiscal responsibility associated with hosting the event, indicated that Jeff was able to provide necessary clarification to Clark County. Vice President Weekly also noted that being able to showcase not only Clark County but Nevada as a whole on a national level is important. He informed the Board that his Commission approved a resolution to submit a proposal to NACO for hosting the event and Jeff also noted that NACO would work closely with Clark County to develop budgetary and planning needs should they be awarded the event. Commissioner Tipton said that it would be important to talk to Nevada specific industries for sponsorship and Commissioner French noted that the Association would be willing to assist in the process. The Board approved endorsement of the application on a motion by Commissioner Tipton and a second by Commissioner Fierro.
10. **Possible Action to Propose an Amendment to NACO's Bylaws for Adoption at the November 16th Membership Meeting to Add a Public Lands Assessment to NACO's County Membership Dues.** Jeff introduced the topic by outlining the current dues formula, which has been in effect for 20 or more years. He summarized the proposal as an amendment that would add a Public Lands assessment to the dues formula. He noted that the discussion began in March and the item was brought forward because of NACO's dedicated expenditures on public lands issues including the addition of Tori to staff. He summarized that the proposed additional assessment would be in proportion to the amount of public lands within a county and based upon a percentage of the most recent PILT payment received by each county. He also outlined what the process would be for changing the NACO Bylaws to add the dues assessment: the proposed amendment would need to first be approved by 2/3 of the Board and then at a following meeting would then be taken to the general membership for a vote in November. Commissioner French asked whether the calculation would be determined on an annual basis and is so whether, in years where PILT was not funded, counties' budgets could be adversely impacted. Jeff clarified that the additional dues would not be required to come from PILT payments to counties, only that the PILT calculations would be used to determine what each county's new assessment would be. Past President Wichman noted that as the additional assessment would affect the county budget, that she would need to take it back to her

county commission. Jeff again reiterated that the item would not be approved with the 2/3rds vote of the Board but at the general membership meeting in November. At that meeting each county would have votes equal to the number of commissioners on their boards. Commissioner Tipton asked if the percentage would be the same for each county and Jeff noted that it would be, but those counties with larger amounts of lands subject to PILT payments would pay more than others. President Carson requested verbiage and a fact sheet to go to the counties to explain the proposal. Commissioner Waits reiterated the need for county buy-in. Commissioners French and Tipton noted that a cap would need to be an option as well, but that there is a need to provide a funding resource for continued and increasing Public Lands work. Commissioner Dahl stated that it is a fair way to fund the needs of the Association and that it is imperative for the group to stay engaged. Commissioner Fierro noted a small clean up item within the existing By-Laws related to the section on membership and that the By-Laws give the Board the option for assessing dues for memberships where they are not currently assessed, such as Government Partners. The Board unanimously voted to bring the item as discussed to the general membership for consideration on a motion by Commissioner Tipton and a second by Past President Wichman.

11. **Update and Possible Action regarding the Nevada System of Higher Education Board of Regent's Approval to Consolidate the University of Nevada, Reno College of Agriculture, Biotechnology and Natural Resources, Cooperative Extension, and the Nevada Agriculture Experiment Station.** Dagny updated the Board that the Board of Regents voted to approve the consolidation. She explained that the decision was vetted in a subcommittee and that there were two Regents on the subcommittee were strongly opposed to the consolidation. She noted that Commissioners French and Herman as well as herself and Jeff attended the two day meeting and referenced the letter sent to all of the Regents prior to the meeting. She also explained that prior to the approval of the proposal the Chair of the subcommittee supported the issue with the following list of caveats that were also approved by the Regents: 1) that there will be future budget enhancements to UNCE; 2) if the University obtains any new funds in the next biennium that UNCE should be guaranteed positions with that funding; 3) that changes to the scoring method for rewarding positions to the various colleges and how UNCE fares with that formula be looked at; 4) that the consolidation should increase ties to colleges outside of agriculture; and 5) that the Regents receive a report from UNCE every six months which will include how the administration is working with the counties. She noted that she and Jeff had spoken with the Chair of the Board of Regents and that he was open to having a future agenda item re UNCE and also that they had met with Dean Payne following the approval. The Dean mentioned his intent to quickly form a search committee for a new Director of Extension which he wants counties to have extensive representation on. The Dean also discussed the proposed liaison position and county participation in the strategic planning process for UNCE. Commissioner French said that compelling arguments were made by NACO representatives at the Regents' meeting and that it is his feeling that though it was a strictly political decision and the battle was lost on consolidation, there was progress made on funding and on a vehicle to get in front of the Board of Regents with issues as they arise. Commissioner Fierro inquired as to Commissioner French's thoughts on partnerships with other schools turning the program into something it isn't designed for and Commissioner French concurred with that possibility but reiterated the new mechanisms for input. Commissioner Herman noted that Washoe County puts \$1.4M into the program and their DA is looking into an order to protect those funds. Dagny also noted that MOU's required by the list of assurances are a mechanism to protect county funds. President Carson thanked the working group and staff for the hard work completed on the issue to gain the assurances that were received when initially there was little confidence in the relationship. Commissioner French also noted that there appears to be concern within the University that there will be significant action taken at the legislative level. No action was taken on the item.
12. **Update and Possible Action on AB191 Enacted in the 2015 Legislative Session which Authorizes a County to Place on the 2016 General Election Ballot a Question which Asks the Voters in the County whether to Authorize the Board of County Commissioners to Impose, for the Period beginning on January1, 2017, Annual Increases to Taxes on Certain Motor Vehicle Fuels.** Jeff introduced a fact sheet created by the Guinn Center that includes a great deal of information pertaining to indexing and that he thought might be useful for members. He also informed the Board that he participated on a panel with Alan Kalt of Churchill County and Anna Thornley President of the Nevada Taxpayers Association at the Economic Development Conference to discuss

AB 191 and fuel tax indexing. He directed the Board to a Power Point presentation which includes an overview of the bill that is on the NACO website. He concluded his remarks by saying that based on the projections provided by DMV diesel taxes would be a major source of new revenues in most counties and that NDOT has a traffic classification tool on their website that will show the types of traffic and therefore what types of fuel the revenues would come from. He asked that the Board contact him with any questions they may have. No action was taken

13. **Presentation and Possible Action regarding The Federal Communications Commission's Proposed Price Regulations for Business Data Services.** Marcus Conklin of Strategies 360 informed the Board that the Strategic Committee for Broadband America is encouraging the FCC to look at how they regulate providers, specifically regional and local providers as broadband is not only hard to get but slower in rural communities. He noted that the FCC is proposing cost regulations that will have far reaching effects and, it is their belief, will reduce infrastructure investments in rural communities. Mr. Conklin inquired as to if the Board had an appetite for becoming engaged and would perhaps send a letter encouraging the FCC to take their time with the review of the proposed regulations and re-examine the data associated with the proposal. Commissioner Tipton asked if they had made contact with the Commission in Washington DC and if they had spoken with NACO. Jeff said that National was not aware of the issue and that they would be looking into it. Marcus said he would be happy to speak to the counties individually but would also like the support of the Board. President Carson inquired as to the time frame and Mr. Conklin stated that he would like to have a letter of support from the Board for submittal within two weeks and that the FCC is looking to make the regulation changes before the end of the year. Commissioner French and President Carson noted concern with taking action as a Board without additional information and a better understanding of what the proposed regulation changes entail. President Carson asked for a draft letter which can be brought back to the individual counties for consideration after additional information is gathered. Jeff stated that he had a conversation with Britta Kuhn, Broadband Manager with the Governor's Office of Science, Innovation and Technology and they are also looking into the issue and that it is complicated. The Board took no action on the item.
14. **Presentation and Discussion on Question 2, "The Regulation and Taxation of Marijuana Act," which will Appear on the 2016 General Election Ballot.** Dagny introduced the item and gave a brief overview of the Question including that it would make recreational use and cultivation legal for those over 21 and includes provisions regarding driving under the influence, and allows the counties to pass land use regulations in relation to marijuana. She noted that the two speakers in attendance would speak in a debate type forum with five minutes each and the opportunity for a three minute rebuttal with time for questions from the Board. Joe Brezny of the Coalition to Regulate Marijuana Like Alcohol began the discussion and advocated in favor of the Question, citing comparisons to alcohol, current costs for policing marijuana as an illegal substance, and he concluded his remarks with the fact that the Question prohibits public use, doesn't change existing DUI laws and includes provisions to protect employers. Jim Hartman with the Coalition to Protect Nevada's Children began his statement in opposition to the Question with the fact that the Question contains thirteen pages of law and can't be changed for three years, and that it was drafted by the marijuana industry and includes nothing on prevention, advertising or marijuana edibles. He also shared that in Colorado and that 70% of the State's counties, cities and towns have opted out of their legalization. Commissioner Tipton stated that 25% of Mineral County's population of only 5,000 is habitually abusing banned substances and asked what the impacts would be to county services. During his three minute rebuttal period Mr. Brezny addressed Mr. Hartman's remarks noting that the industry did not write the question, that the document was written three years prior and prior to legalization of the drug for medical use, he also spoke to the lack of limits on zoning restrictions and that the State will not issue a license if the county indicates that it violates their zoning and land use rules. Mr. Hartman's rebuttal comments included that the Colorado Attorney General believes that the black market is as large or larger than before legalization. Commissioner French noted that while the question does contain the zoning component he has been told by those in the industry that they are not interested in the zoning component because they are in talks with the tribes and that as sovereign nations they will not be subject to any zoning restrictions regardless of proximity to schools etc. Commissioner French also brought up issues with the notion of testing for DUI as the substance is residual in the bloodstream for an extended period of time as well as Department of Justice issues. Commissioner Wichman noted that Nye County included more restrictive verbiage in their medical marijuana ordinances and requested

that the speakers address Commissioner Tipton's question regarding the effect on county services. Mr. Brezny stated that a councilman in Mesquite has noted that they have not had any issues and that the businesses will know that if they have a battle they will go somewhere else and that he sees no scenario where it would be forced on a community. Mr. Hartman responded stating that DUI's in Colorado increased over 40% and that that state's rankings for marijuana use across all age brackets beginning at 12 has increased to number 1 in the nation, he also noted that Colorado is now the leading state in the use of Opioids and other banned substances and that emergency room visits and hospitalization associated with Marijuana doubled in the two years following legalization. Mr. Brezny disagreed with the statistics Mr. Hartman outlined and referenced a study that Colorado conducted showing youth usage has in fact declined in Colorado - the two referenced competing studies. Commissioner French noted that during a conversation at NACo's Annual Conference Commissioners from Colorado and Louisiana told him not to support passage and that if given the chance they would undo the initiative in their states. Commissioner Fierro asked Mr. Brezny specifically what the benefits to society would be with passage. He stated that it would reduce financial obligations related to criminal issues, create jobs and increase tax revenue and provide funding to schools.

15. **Presentation on Medicaid Delivery Model Options for Nevada.** This item was postponed in the interest of time.
16. **Presentation on the United States Department of the Navy's Proposed Fallon Range Training Complex Modernization: Expansion of Land Ranges, Airspace Modifications, and Public Land Withdrawal Renewal.** Commissioner Tipton informed the Board that she requested the item be placed on the agenda for informational purposes. She told the Board that she received a call from the Commander of the Fallon Naval Air Station requesting a meeting. During the meeting she was informed that the Navy's land withdrawal for FNAS is coming up for renewal in 2020 or 2021 and they are looking to increase their land withdrawal and to change and increase restrictions for land use. She stated that they want to make these changes due to changes in technology and modern warfare. She noted that all naval airmen train in Fallon twice per year and that there is a percentage of malfunction associated with all training armaments. She noted the new proposal is an additional 600,000+ acres and would remove grazing, development, natural resources harvesting and will affect general aviation corridors. She noted that there are a few valid gold discoveries and renewable energy resources in the proposed areas. While they did indicate that there would be some compensation it would not be equivalent to the loss of PILT funds nor would it be enough to compensate those with leases for the loss of use of the lands. She stated that the 90 day comment period will expire on November 25<sup>th</sup>. Commissioner Olsen noted that he believes it is a pro-active act on the Navy's part and will greatly impact Churchill County as the majority of the proposed withdrawal will occur within its boundaries. Past President Wichman noted that not only is FNAS proposing the expansion that Nellis Air Force Base has also put in for expansion as has the Tonopah test site, she added that, while she is proud to host the military their proposal is detrimental to the County because they will remove private property from tax rolls, cause PILT payments to be reduced, and provide little to no support to the County for emergency services, road maintenance etc. Commissioner Olsen also noted that he is proud to host the Navy but the proposal will have great impacts on access and recreation and remove private property, he also believes that the military has long range plans that have not been outlined. Commissioner French said there must be some provision for replacing PILT and that existing and proposed projects need to be taken into account. Past President Wichman noted that the replacement of PILT does not necessarily equal the amount of services the County provides on behalf of the base. Commissioner Tipton noted that there will be a couple of town hall meetings and President Carson noted that there are also scoping meetings. Commissioner McGuffey also expressed concerns with boundaries and recreation areas. Commissioner Tipton noted that the plan will occur but it is important for people to know the impacts and it was also noted that the plan put forth by Nellis will affect I-11 and other proposed and existing roads.
17. **Discussion and Possible Action regarding Senate Bill 451, "The Nevada Indigent Defense Commission Act of 2015," Introduced in the 2015 Legislative Session.** Jeff opened the discussion that the bill is from the last Legislative Session and that Justice Cherry spoke at a 2015 meeting of the Board and that the Board was supportive of the measure but that it died in Committee. Jeff said it is a discussion that has occurred in the last four sessions, including bills in each session three of which came from NACO. He noted that this is a top issue for the Indigent Defense



Commission and Justice Cherry and that the ACLU is getting more active and have stated on the record that they are monitoring Nevada for a potential lawsuit. He noted that the ACLU has sued several states over their indigent defense services and that in the last two states they have filed in they have not named counties as defendants, only the state. Jeff informed the Board that a draft bill similar to SB451 (2015) is on the Advisory Commission on the Administration of Justice's agenda the following Tuesday and they are expected to make recommendations to the legislature on the issue. He also said there is an appetite to create a coalition prior to the start of the session to address the issue for finality. He noted the coalition would include several county representatives, would establish standards, remove the State Public Defender's office from DHHS and place the office under the Commission, and address the delivery of services in the rural counties. Jeff noted that if a county opted into the state program the county's costs would be capped at the expenditures of the previous year and the rest of expenditures would fall to the state. He also noted that the bill needs work and that Clark and Washoe Counties as well as the DA's have concerns and requested as to the Board's current appetite for working on the issue. Commissioner Tipton said that it is an important issue and that NACO needs to be engaged. Jeff noted that a uniform system and accountability are imperative and that the cost shifting from the State left the counties unable to perform. Commissioner French noted that the cap is a key component as is the liability for a potential ACLU suit shifting to the state and off of the counties. Jeff did say that he received some push back from the DA's during the 2015 session regarding loss of local control. The consensus of the Board is to move forward to work on the issue. No official action was taken by the Board.

18. **Update on Interim Legislative Committees, Studies and Priorities for the 2017 Legislative Session.** Dagny informed the Board that the three BDR's the Board approved were submitted to LCB and that the next step is waiting for language to come back. She noted that about 500 BDR's have been submitted and about 100 are being tracked by Staff. Dagny said she and Jeff are starting to meet with Legislators in advance of session regarding county priorities and NACO's BDR's. She said that there are two initiative petitions that will go before the Legislature and if not passed during the session they will go to the voters in 2018, one regarding voter ID and another regarding automatic voter registration through the DMV, which would require the State to work with the Clerks. She updated the Board on the status of SJR13 and noted that a subcommittee has been studying the very complex bill and issues with implementation and we are awaiting LCB's analysis. Jeff noted that the Assessors are working on a paper outlining their concerns. Dagny noted that there will most likely be a special session October 7-13 for the proposed Raider's stadium and the Las Vegas Convention & Visitors Center expansion. She also discussed the issue with voting machines and said that the Clerks and Registrars have had discussions about this issue and are concerned about the existing machines lasting through 2018. The curx of the voting machine issue is the funding, which will need to be looked at during the session but as of yet the Secretary of State has not engaged in discussion of funding mechanisms for replacement. She noted that the appropriate Affiliate organizations are potentially sending a letter asking for the Secretary's office to engage in the discussion. Commissioner French asked why the Secretary is not actively engaged and it was noted that she doesn't believe it to be an urgent issue. Commissioner French also noted that the fact that Nevada is a swing state in the current election and the Humboldt County Clerk has expressed serious concerns. Commissioner Tipton noted that the Mineral County Clerk/Treasurer has had conversations with one firm that provides the machines and has indicated they would be interested in leasing the machines. Dagny also noted that some of the issues surrounding the situation include the downside of counties going ahead with purchasing different types of equipment. Nancy Parent noted that CFOA has set up a legislative committee that will be addressing the issue as well. No action was taken on this item.
19. **Update and Possible Action Regarding Public Lands and Natural Resources Issues Including:** Commissioner Tipton noted that the Committee did not meet as a whole in September but a meeting was held with representatives from the Governor's office, BLM and Forest Service on the implementation of the Sagebrush Focal Area Plan Amendments and Policies. Tori noted that the State was approached by the agencies for a collaborative approach to implementation and that it is known that the Fish & Wildlife Service will review for progress within the next 4-5 years and that if the lawsuit is won we will need to have suggestions and input and that right now collaboration on the implementation is important. She noted that Local Area Working Groups (LAWG's) are needed and Commissioner French said that the one of the most significant parts of the issue is that the agencies are looking to the State to take the lead and start working with the LAWG's and stakeholders. He

noted that it is a positive step forward and that the BLM has concerns about being involved and that it is important for all 17 counties to be involved from a policy standpoint. He inquired regarding whether the Board wants the Public Lands & Natural Resources Committee to take a lead on and report back to the Board as a whole. Commissioner Waits said yes she would like the Committee to take the lead and Commissioner Tipton noted that although the current process is species driven the Committee can look out for the inclusive interest of the counties as a whole regardless of whether a county has Sage Grouse from a policy perspective. Tori also noted that the issue ties into the actions surrounding the Bi-State Sage Grouse regarding existing conservation plans and LAWG's. Commissioner French also noted that other states have plans that have been listed as options on agency plans.

- a) **BLM's Proposed 2.0 Planning Regulations.** Tori informed the Board that the regulations will come out in December and that we are in a holding pattern until the regulations are released by the Bureau.
- b) **Wild Horse and Burro Advisory Board Meeting in Elko, NV September 8-9, 2016.** Commissioner Dahl said that the tour and Commissioner Goicoechea as the State DVM did a good job of showcasing the crisis. He also noted that the Board voted to sell the excess horses and return to approved AML levels with only one nay vote. No action was taken on this item.
- c) **BLM's Proposed Sagebrush Focal Area Withdrawal Environmental Impact Statement.** Tori stated that the reports are being reviewed.
- d) **U.S. Fish and Wildlife Service's Draft Endangered Species Act Compensatory Mitigation Policy.** Tori said there was a comment letter submitted in May that she had worked with Clark County on and that the issue is due to a Presidential Memorandum on implementation plans but that there were questions on the details. She noted that the agency is shifting from project to landscape based planning and that will impact land use & development and that they are adopting net conservation gain standards. She noted that the issue needs further review. Past President Wichman noted that Nye County had experienced issues with acreage disturbance due to landscape planning. Tori stated that she will continue working on the issue and that comments are due October 17<sup>th</sup>.
- e) **Socioeconomic Impacts Analysis for BLM and U.S. Forest Service Land Management Plans.** Tori stated that she is finalizing a concept draft and that comments have been received from White Pine and Churchill Counties and that if any other's had comments to get them to her so they could be included in the draft prior to meetings being scheduled with the University and there would be outreach to others that may be interested or should be included in the process.
- f) **The Center for Biological Diversity's Lawsuit against the USF&WS Seeking to Vacate their Decision not to List the Bi-State Sage Grouse as an Endangered Species.** Jeff reminded the Board that they had previously supported moving forward as an intervenor and that the five affected counties had said they would be OK with that. He said that conversations are being held on what the next steps might be and that there would be additional information to discuss at the next Board meeting. No action was taken on the item.

**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 #20 below:**

20. **Discussion and Possible Action regarding the Bureau of Land Management's and U.S. Forest Service's Greater Sage-Grouse Approved Resource Management Plans (ARMP'S) including the The Complaint for Declaratory and Injunctive Relief Filed by Western Exploration LLC, Elko County, Eureka County, Quantum Minerals, White Pine County, Lander County, Humboldt County Ninety-Six Ranch, LLC, Paragon Precious Metals, LLC, Churchill County, Washoe County and the State of Nevada. For Possible Action.** President Carson informed the Board that there was no update on the item and no action was taken.
21. **NACO Committee of the Emeritus Update.** Dagny informed the Board that the Committee had been directed to look at a By-Law change regarding possible membership from Constitutional officers and that they have decided that the issue requires additional work and will have the discussion in person at the Annual Conference in November. Past President Wichman noted that one of the issues the Committee had with the request is the bi-partisanship of the Association vs. the officers being party specific. President Carson said she had received good reports on the Committee's most recent

workshop on Public Lands Laws and Dagny stated that both the recording of the training and the presentations are on the NACO website. She concluded her remarks noting that the Committee is actively working on the update to the New Commissioner Handbook for the workshop at the Conference in November.

22. **National Association of Counties and Western Interstate Region Board Member Updates.**

Commissioner French informed the Board that the next meeting of WIR is in October in Oregon and Commissioner Tipton stated that the next meeting of the Board is in December in Florida. Several Board members also noted that they had received their letters of appointment to various national committees.

23. **NACO Board Member Updates.** Commissioner Herman noted that Washoe County is scheduled to make appointments for vacant Legislative seats in advance of the expected special session and also discussed the Washoe County lands bill. Commissioner Waits noted that the application deadline has been extended to October 3<sup>rd</sup> for the Senior Star Program to assist with property taxes. Commissioner Tipton inquired as to potential benefit to the Association if a whitepaper was developed by Mineral County that outlines concerns on Public Lands issues and the Board consensus was that each County should have one and to exchange them.

24. **Public Comment** – Tori said that there is an opportunity for the Board to compile a list of entities who would benefit from pro-bono legal work through McGeorge School of Law

The meeting was adjourned at 2:14pm.

DRAFT