

## **NEVADA ASSOCIATION OF COUNTIES (NACO)**

Board of Directors' Meeting

June 30, 2023, 9:30am

**NACO Conference Room**

**304 South Minnesota Street**

**Carson City, NV 89702**

### **ADOPTED MINUTES**

**Attendance:** President Higbee, Vice President Hall, Past President Kirkpatrick, Churchill County Commissioner Scharmann, Clark County Commissioner Gibson, Douglas County Commissioner Gardner, Esmeralda County Commissioner Keyes, Humboldt County Commissioner Tipton, Lander County Commissioner Waits, Lincoln County Commissioner Reese, Lyon County Commissioner Henderson, Nye County Commissioner Boskovich, Storey County Commissioner Carmona, Washoe County Commissioner Herman, Washoe County Commissioner Hill, White Pine County Commissioner Carson, NACO Fiscal Officer Kalt, County Fiscal Officers Association President Rackley and NACO Staff (Vinson Guthreau, Jennifer Berthiaume, Jacob Brinkerhoff, Amy Hyne-Sutherland, and Amanda Berg)

The meeting was called to order at 9:32 a.m.

1. **Public Comment.** Former Elko County Commissioner, Demar Dahl discussed the Land Management Task Force that NACO facilitated following instruction from the Legislature in 2013 and a proposal that may be brought to Congress regarding the direct transfer of federally held lands to counties. Judy Gates from the Nevada State Purchasing Division discussed the Division's surplus program that allows the State to acquire federal surplus items for distribution to approved organizations, including counties.
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Henderson with second by Commissioner Waits.
3. **NACO President's Report.** President Higbee informed the Board that the National Association of Counties (NACo) Agriculture and Rural Affairs Steering Committee has been working on the Farm Bill and is considering the possible inclusion of agriculture education in SNAP funding as an emergency resolution. He also discussed the upcoming NACo Annual Conference and encouraged attendance by Commissioners across the State. Commissioner Carson thanked President Higbee for his recent trip to White Pine County and addressing their Commission.
4. **NACO Executive Director's Report.** Vinson thanked Commissioner Carson for facilitating his trip to White Pine County that Wednesday. He informed the Board that the last day for registration for the NACo Annual Conference was the following Monday and directed their attention to the conference agenda included in the agenda packet, also noting that the election for the NACo 2<sup>nd</sup> Vice President would be conducted at the event. Vinson discussed the State Dinner that NACO hosts during the event and encouraged the Board to register for the Conference as it would be one that didn't require extensive travel as it was being held in Austin, Texas. Past President Kirkpatrick also reminded the Board to submit their county's voting proxy paperwork if they wouldn't have a representative at the Conference.

5. **Approval of Minutes of the April 28, 2023, NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Tipton with a second by Commissioner Gardner.
6. **Discussion and Recap of the 2023 NACo County Leadership Institute in Washington, D.C., Commissioner Alexis Hill, Washoe County.** Vinson reminded the Board of the Institute and the Board's sponsorship of Commissioner Hill as an attendee. He also reminded the Board that only 30 people are accepted to the Institute each year. Commissioner Hill thanked the Board for their sponsorship of her attendance and remarked on the incredible experience she had. Commissioner Hill discussed the content of the event, noting how the attendees learned how to provide better service to their communities but also to themselves. She concluded her remarks by again thanking the Board for the honor of representing Nevada at the Institute.
7. **Possible Approval of the Reappointment of Commissioners William McCurdy, Delmo Andreozzi, Laurie Carson, and Supervisor Stacey Giomi to the Board of Trustees of the Fund for Hospital Care to Indigent Persons (IAF).** Vinson gave the Board an overview of the reappointments and reminded Board Members that the IAF is funded by \$.05 of property taxes for use in several programs to support indigent services. He also reminded the Board of the most recent change to the IAF to assist counties with their assessments for the State Medicaid Match program for Long Term Care, noting that the last distribution (to counties) was included in the agenda packet. Vinson discussed NACO's administration of the IAF and it was clarified for Commissioner Henderson that the terms of the appointments are governed by Statute. The reappointment of the Commissioners was approved as presented on a motion by Commissioner Waits with second by Commissioner Henderson.
8. **Update on the 2023 NACO Annual Conference, Hosted by Elko County.** Amanda informed the Board that staff are working through the planning process and that registration for the event was opened earlier in the month. She thanked Elko County and the staff assigned to the conference for their partnership and assistance in planning. Past President Kirkpatrick stated that having the Rural Partners Network conduct a session might be a good idea, Vinson then gave the Board a brief overview of the topics being discussed for the educational sessions and reminded them that there will be a session devoted to the recently concluded Legislative Session. Commissioner Carson inquired about new Commissioner training and Vinson reminded the Board that UNR disbanded their Certified Public Officials program, but that NACO had partnered with the University and the League of Cities to conduct a two-day training in February. He also noted that discussions were being held to continue the training following each election cycle. Commissioner Boskovich informed the Board that he had attended the training and that he found it extremely helpful. Past President Kirkpatrick also suggested having a first-time attendee's session to highlight the benefits of attending the Conference. Fiscal Officer Kalt concluded the item by stating that POOL/PACT is available to provide resources and training assistance for counties.
9. **Summary of Outcomes from the 2023 Legislative Session.** Vinson began the discussion by giving the Board an overview of the efforts undertaken by staff, noting that navigating the Session takes an 'all hands-on deck' approach and thanking staff for their support and efforts. He informed the Board that of the approximately 1,000 Bill Draft Requests submitted of which 800 became Bills introduced during the Session and about half of those were tracked by NACO because of potential for local government impact. Directing the Board's attention to the legislative tracker included in the agenda packet, he noted that

while many bills of concern did not pass the process, there are many that will impact counties both procedurally and fiscally, especially for the urban counties. Vinson also discussed the partnership with county Government Affairs staff and outside lobbyists, noting that the group representing counties worked well together and were united on issues with proposed legislation, working on amendments and testimony, and that through those efforts many bills that passed contained language that was better than what was initially proposed. Vinson then discussed several bills of importance to counties. SB51, which originally proposed to increase the salaries for county commissioners, and NACO brought an amendment that would have provided a salary increase for all local elected officials, allowed counties to opt out of salary increases and would have effectively removed the issue from legislative authority, with no procedural or fiscal impact to the State. While the bill did pass the Assembly it failed to pass the Senate and the Board was informed that work will be done on the issue during the interim. AB2 regarding the usage of blue lights on county vehicles, AB52 regarding the Open Meeting Law and quorum provisions, AB68 regarding the funding formula for the China Spring Youth Camp, SB18 governing the occurrence of meetings for rural planning commissions and SB118 allowing the creation of local health districts with non-adjacent counties and providing funding for public health infrastructure development, were all measures supported by NACO that passed. SB226 regarding prevailing wage, was worked on extensively by staff and while the final language was not ideal what ended up passing was better than initially proposed. Vinson informed the Board that SB205, which was initially of concern was drafted incorrectly and when amended to conform to the intent of the sponsor was no longer of concern. He informed the Board that several water bills were monitored by staff and that AB58 makes changes to regional commercial air service and added a NACO representative to the Nevada Air Service Development Commission. Vinson then turned to Jennifer to provide the Board with an update on the Association's bills. Jennifer thanked the Legislative Subcommittee for their hard work during the weekly meetings during Session and informed the Board that the Subcommittee will resume meeting in January to begin working towards the 2025 Legislative Session. Of the five bills introduced by NACO three passed and were signed by the Governor; AB47 allows counties to construct, operate and maintain OHV trails adjacent to highways, SB21 which raises population thresholds in certain circumstances to bring them in line with the intent of existing legislation, and SB22 which allows counties to post legal and public notices electronically. SB41, which addressed child welfare failed to pass and while SB20, which would have made changes to the filling of vacancies on Boards of County Commissions did pass both the Assembly and the Senate, the Governor ultimately vetoed it. The Board's attention was then drawn to the Bill Tracker and the Legislative Summary included in the backup materials. Jennifer informed the Board that the Summary includes information on budget impacts, enabling language and actions counties are now required to take. The Board was informed of several bills that failed to pass that would have had impacts to counties, including AB14 regarding business licensure, AB95 regarding elections, SB233 regarding taxing of heavy equipment, SB68 regarding real property transfer taxes and SB268 regarding the release of private information. Other legislation discussed was the passage of licensure for street food vendors and the definition of OHV's. Past President Kirkpatrick commented on the work done by rural legislators and noted that while many bills that were passed are not that great, a lot of the bills that were passed were good. Vinson commented that even with strategic challenges, the representation by local governments in the building was good and effective. Past President Kirkpatrick also noted the effectiveness of the NACO representation in the building. Commissioner Gardner expressed disappointment on the passage of SB341 and the veto of SB20. Jennifer noted that staff worked hard on the passage of SB20, and Vinson concluded the discussion by again thanking staff for their hard work. The Summary of Outcomes was approved as presented on a motion by Commissioner Scharmann with second by Vice President Hall.

**10. Update and Presentation from the Department of Indigent Defense Services (DIDS) Regarding County Maximum Contribution, State Reimbursements, and State Fiscal Relief for Implementing Pre-Trial Release Hearings. Marci Ryba, Executive Director of DIDS and Mary Walker, Walker and Associates.** Ms. Walker informed the Board that she represented Douglas, Eureka, Lyon, and Storey Counties at the Legislature and thanked the County Government Affairs and NACO staff for their excellent teamwork. She reminded the Board of the passage of AB424 in the 2021 session that requires a pre-trial release hearing within 48 hours. She discussed the significant fiscal impacts to counties and the unsustainable toll the requirement is taking on judicial staff. Noting that with 75% of the state's Justice of the Peace terms up during the 2024 election cycle and recognizing the challenges counties were facing with the requirement the Legislature wanted to help. While the bill's original sponsors were unwilling to change the 48-hour requirement, they were open to discussions on providing a solution to the funding challenges. Conceptual discussions were held with NACO, the District Attorney's Association and other stakeholders, which also identified a lack of legal professionals in rural counties. Ms. Walker informed the Board that SB235 now allows the continuance of pre-trial release hearings in some instances, allows the use of remote technology for pre-trial release hearings, and allows for DA, State, legal, and judicial staff to cross jurisdictional boundaries for the purposes of pre-trial release hearings to ease some of the human toll the requirement takes. She then informed the Board that with the months of work and Speaker Yeager's assistance, a provision in AB518 allows the State to provide stipends to rural counties for weekend and holiday work by defense staff under a two-year pilot program. She explained that the funding is held by DIDS and will submit payment directly to the counties under the program. Ms. Walker directed the Board's attention to the chart included in the agenda packet and stated that the recommendation from DIDS is that the larger counties with defense staff request funding upfront, and that smaller counties, those with contract defense providers or those that don't have court every weekend, request reimbursement as needed. She concluded her presentation by noting that any dollars not spent under the program must be returned to the State, that all funding is auditable, and the program requires reporting to the State through DIDS. Commissioner Waits stated that Lander County had given raises to some of their staff due to the requirement and inquired as to if counties were required to accept all the funding or only a portion of it. Ms. Walker suggested attempting to renegotiate contracts based on the program. Past President Kirkpatrick inquired as to what problem the program is trying to solve if only some staff are receiving raises, regardless of the population caps contained in the legislation. It was stated that the stipends are subject to the State Retirement System (PERS)-able (meaning: the stipends are subject to the calculation of wages under the Nevada Public Employee Retirement System, or PERS) and therefore desirable to those that may be subject to contract renegotiation under the program. Vice President Hall stated that Mineral County allowed for Holiday Pay due to the requirement and Ms. Walker reiterated that contract negotiation would probably be needed for several counties under the program. She informed the Board that counties needed to decide now if they want the dollars to support their budgets for public defense under the requirement. Commissioner Carson inquired as to if counties who had switched to the State system for public defense could switch back in the second year of the program. Ms. Walker stated that is possible and noted that the information on the program had been distributed to fiscal staff in all the counties covered by the program. Peter Handy from DIDS also noted that the Division no longer must go to IFC for reimbursement dollars over maximum costs under the provisions of the legislation. Commissioners Gardner and Carmona expressed frustration over the failure of the elected officials pay bill and Past President Kirkpatrick stated that going forward the issue should be split into two bills, one for Commissioners and one for the other elected officials.

11. **Possible Approval to Authorize NACO's Executive Director to Provide Performance Bonus for Government Affairs Staff as a Result of Efforts During the 82<sup>nd</sup> Session of the Nevada Legislature.** President Higbee reminded the Board that Vinson has the authority to make the decision on bonuses and that he brought forth the agenda item as a courtesy to the Board. He acknowledged the tremendous amount and success of the work staff did during the legislative session and the successful collaboration of all the county government affairs representatives. Past President Kirkpatrick noted the challenging nature of much of Jennifer's first Session and stated that the team 'didn't miss a beat'. The item was approved on a motion by Commissioner Gardner with second by Commissioner Scharmann
  
12. **Update from NACO Public Health Coordinator.** Amy informed the Board that NACO and Cooperative Extension is launching the NEAP assessment project, previously approved by the Board and that Douglas County would be acting as the pilot county for the project. She reminded the Board that the assessments would provide baseline public health data for each county including benchmarks, identification of service gaps and assets, include information on what the State is providing in each county and the potential economic impact of public health infrastructure investment. She requested that each county share a specific person that will function as the point person for the project with her. Amy then discussed SB118 which created a public health infrastructure fund with \$15 million available to fund improvements. She informed the Board that per capita funding will go directly to health districts and for those counties not in health districts the funds will go to the State who will then work with the County Health Officer to direct distribution of funds. She also informed the Board that the NEAP assessments should help with the direction of the fund allocation, especially as the State has set a goal of decentralization. Past President Kirkpatrick noted that the funding doesn't come until the 2<sup>nd</sup> year of the biennium and Amy noted that year one is focused on planning, as well as the fact that work is already being done to include funding the program in future budget processes. She also informed the Board that the Governor's Public Health Officer will also be participating. Amy informed the Board that the information provided to Lander County on foster care, based on previous Board discussion, is available. She then reminded the Board that the State budget includes dollars for technical assistance in developing the county plans for the opioid settlement funds, and any counties interested in the dollars need to let her know as soon as possible because the funding expires in December. Amy concluded her report by giving examples of what counties have used the funding for.
  
13. **Update and Possible Action. Regarding Public Lands and Natural Resources Issues Affecting Counties Including:**
  - a. **Updates from the NACO Public Lands and Natural Resources Subcommittee.** Jacob gave the Board an overview of the Subcommittee meeting the previous afternoon. Including a presentation from the BLM on inventorying lands with wilderness characteristics, proposed rules from the USFWS reversing actions taken during the previous administration and from the BLM to reduce fees and promote renewable energy development on public land. He encouraged participation on the Subcommittee. Jacob also informed the Board of comments that will be written on behalf of the Association including the USFWS regulations and the BLM proposal to reduce fees for renewable energy projects. He then discussed comments provided on the Bi-State Sage grouse listing, comments submitted on the BLM proposed rule to include conservation leases as a use under the multiple-use framework and other standing agenda items including Wild Horse and Burro's. Commissioner Scharmann noted the issue with the BLM cancelling gathers when they find out the scheduled

gather would be picketed. Jacob acknowledged the Commissioners frustration and noted the issue with most of the program dollars going towards holding. President Higbee discussed an announcement from the USDA that will provide \$500 million to purchase conservation easements, noting that it appears to be a go around of the proposed BLM rule. He also noted that issues were brought up by a West Virginia Commissioner with conservation easements that are creating issues with last mile connectivity on adjacent lands.

- b. **Discussion Regarding PILT Funding, and Presentation by AEON on Valuation of Public Lands.** Mark Cressler gave the Board a presentation on the technology tool that AEON developed to gather and process data specific to the economic impacts of public land. He informed the Board that the tool was developed in Utah because of their Legislatures desire to understand the disparity between PILT payments and the property tax on non-public lands. He informed the Board that the valuation utilized by the government to determine PILT payments is based on outdated appraisals or simply no known valuation, noting that if there is no known valuation, how is it possible to create a discussion surrounding the PILT formula. Mr. Cressler then gave the Board an overview of the tool and how it works to determine the taxable value of public lands. Following the presentation, he informed the Board that AEON is looking for support to further quantify the value of federally held land. Commissioner Tipton inquired as to what Utah and Idaho had paid for their projects. Mr. Cressler stated that Utah paid \$1 million, and Idaho had paid \$2.5 million, noting that the costs depend on options and that if there is data support available it will obviously cost less. President Higbee noted that having the valuation done in Nevada would support other efforts and provide further justifications for long term arguments on other issues. Commissioner Henderson suggested making the presentation to WIR and SLUPAC. It was noted that the item was requested by Commissioner Steninger and Jacob stated that based on the Board discussion the consensus is to keep working with AEON on the issue and build towards establishing a coalition with WIR and other interested organizations.
14. **Updates from Members of the National Association of Counties Board of Directors and Western Interstate Region (W.I.R.) Board of Directors.** President Higbee informed the Board that recent discussions on National committees included working as Cooperating Agencies across state boundaries when issues are regional in nature. He also reminded the Board that Nevada's federal delegation has pledged support for the introduction of the RS2477 bill when all counties have passed a resolution of support.
  15. **NACO Board Member Updates.** Updates were given by members of the Board on activities within their counties.
  16. **Public Comment.** None was given.

The meeting was adjourned at 1:02 p.m.