



# Commission on Off - Highway Vehicles

## Full Commission Meeting

January 14, 2016

Meeting Minutes\*\*DRAFT\*\*

Meeting Locations:

<i>Nevada Public Utilities Commission 1150 East Williams Street Hearing Room B Carson City, Nevada 89701</i>	<i>Nevada Public Utilities Commission 9075 West Diablo Drive Suite 250 Hearing Room B Las Vegas, Nevada 89148</i>	<i>Phone in Number 712-432-1212 Meeting ID-957-738-378</i>
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### I. MEETING OF THE NEVADA COMMISSION ON OFF-HIGHWAY VEHICLES

#### 1. CALL TO ORDER

Chair McKay called the meeting to order at 9:10 am.

#### 2. PLEDGE OF ALLEGIANCE

The pledge was recited.

#### 3. ROLL CALL OF THE COMMITTEE MEMBERS

Commissioner Cox - Present, Carson City  
Commissioner Elmore - Absent  
Commissioner Baker - Present, Carson City  
Commissioner Gerow - Present (arrived late), Carson City  
Commissioner Griggs - Present, teleconference  
Commissioner Jackson - Present, Carson City  
Commissioner Lambert - Present, teleconference  
Commissioner Lee - Present, Las Vegas  
Commissioner Richardson - Absent  
Chair McKay - Present, Carson City  
There is a quorum.

#### 4. PUBLIC COMMENT

Commissioner Griggs, his term expired December 13, 2015. He is happy to stay on for today's meeting to hopefully award grants. This will be his last meeting and will leave his seat vacant in hopes that it gets filled quickly. Chair McKay, he is working with a commissions and boards person and they are recruiting a person for replacing him.

#### 7. DISCUSSION AND POSSIBLE AWARDS OF GRANT FUNDS

The NCOHV has solicited grant proposals within the State with the assistance of the Nevada Office of Grant Procurement, Coordination and Management ("OGPCM"). The grant applications were reviewed by the OGPCM for completeness, forwarded to the non-voting advisors for statutory compliance review and comment, and then sent to the Commissioners on November 21, 2015, for individual scoring. The OGPCM then averaged the scores and listed them in order ranked from the highest to lowest

score.

The OGPCM will provide the ranked list to Commissioners during this agenda item, and the Commissioners will consider the grant applications in the order in which they were ranked and decide whether, and in what amount, to award a grant to an applicant, the results of which will be posted to the NCOHV's Internet website within five business days following this meeting.

Commissioner Lambert makes a disclosure. He is going to abstain from voting for a couple of reasons. One is that the grant that he feels will benefit Nevada the most, he spurred them into doing the economic study, by which he met the group. Second, he has a clear understanding of what he believes in, which also probably caused them to provide that grant. That is with the Orbit group. Chair McKay, you are stating that you have a conflict of interest and you are abstaining from voting. Commissioner Lambert, yes. Chair McKay, did you participate in the process at all? Commissioner Lambert, he read it all, is knowledgeable of it and he has participated a lot. He did not score and he will not vote on the grants. He did score but he did not turn his score sheet in. AG Palmer, she wants to be very clear, Commissioner Lambert you have not scored the grants correct? Commissioner Lambert, he did not turn in his score sheet. AG Palmer, you are abstaining from the vote? Commissioner Lambert, that is correct. AG Palmer, so other than the initial process where the Commission established the parameters for how grants would work you have not participated in this process? No answer from Commissioner Lambert. Chair McKay, I think we might have lost his for a minute. He did not score. He worked with the rest of us getting this up and going but he did not score and he is abstaining from voting. AG Palmer, that is correct, he has to make the disclosure on record and she wanted to make sure that was clear. Commissioner Lambert, he is on the line and even though he is not voting he is still an active member of the meeting. AG Palmer, she is trying to establish his participation in the process. Other than the collective discussion about how grants would work and setting up the process. He has not participated in the actual grant award process; either the scoring or any part of that for the particular requests that went out. Commissioner Lambert, he did not participate in the Commissions activities other than due diligence. Commissioner Jackson, there were two grants that were not considered; numbers 8 and 9. For the purposes of being clear and transparent, could Ms. Lambert address those and why they were not moved forward. Chair McKay, that will be part of their presentation. Commissioner Lambert, all he has seen is what was forwarded on the release of them. Chair McKay, Commissioner Jackson was referring to a different question.

Shelia Lambert, Chief of the Office of Grant Management, with her today is Connie Lucido, her deputy. The Commission received a total of 10 grant applications. Two of the applications, submitted by one vendor, were disqualified, they failed to meet the technical merit of the proposal requirements. The other eight met the requirements and those are what are scored before you today. All of the reviewer comments that were received on or before the deadline were incorporated into the scores. That leaves the Commission a total of eight applications. The disqualification of the two applications was from one vendor. They failed to meet section 4, the request for proposals. They had to complete four separate components which include the project abstract, the project narrative, the project budget and attachments. In that the narrative of the subheadings and sections could not be altered and that was very specific in the proposal. The eight other applicants which were all individual applicants succeeded in focusing on those requirements. There were specific requirement in terms of font, budget, the forms to use, the scope of service. They attempted to give those applications the benefit of the doubt. There was no project narrative but just a scope of work. There was not organization sheet which had a mandatory requirement of a DUNS number, tax id number and other clear project information which was not completed. The abstracts had very specific criteria. The organization did not allow for the reviews, they were non-responsive as far as commission priorities, 2E, 2F. The budget in terms of the justification was non responsive. Commissioner Jackson, we want to be as inclusive as possible and we want this process to bring in as many vendors as we possibly can. Is there an opportunity to for you to meet with that vendor and show them? Or is there an avenue that they can take to better prepare themselves. Shelia Lambert, absolutely. None of that can be done until this is public information. This is the opportunity today after the board makes its actions and it becomes public. They would be happy to sit down with that applicant and demonstrated what a complete and responsive application looks like. They would also assist those individuals, if they were so willing, which I believe that they are, but we have not been able to provide them the details until after this meeting is public, what some of those sections actually mean. When one goes through federal, state or local processes for responding you have to follow those directions and there is no flexibility to be creative. Even though there were many failures in the application, they attempted to see if they could put it in some sort of package so that it could be equally scored, there was no way to do that. Similar, there is another applicant who did not properly do the abstract sheet but it was abstract and the double spaced for single spaced and that was clear but they were able to get that identified early on in the process. One of the things that was noted is that had we noticed these discrepancies and they had submitted the application significantly before the due date, they would have sent it back to them and give them time to correct it. When it is received within 72 hours of the due date they are not going to have that flexibility. Connie Lucido, the packages that you have are a review of the dates when things were made available. On page 1 is the metrics scores of the four commissioners that they received responses back from by the 21st and they are ranked in order of those points that were

provided. Page 2 is a summary of each of the projects by the rank that the scores allowed them to be. Page 3 at the top are the rankings with the dollar amounts. The total column is the numbers that you get to as you go down and fund if you were to fund them at what they proposed.

Chair McKay, the Commission has been giving some thought to the other commitments they have made to the law enforcement community and the Clark County Conservation District which will also be expended this year. The Commission committed \$50,000.00 to the Clark County Conservation District partnership this year and also between the \$95,000.00 left over from 2015 that was not allocated, there is a total of \$446,000.00 that has to be set aside for law enforcement. There is already \$500,000.00 set aside for law enforcement and the Clark County Conservation District. In looking at the finances and trying to keep sufficient balance to handle the administrative expenses, it may be prudent to look in the area of 2/3 of that \$616,000.00 to be a comfortable amount for this round. When we get closer to the end of the year and see how the finances are, then maybe they can discuss another round of grants. They are trying to be conservative financially so they do not run into any problems. They will review the proposals in order of ranking. Commissioner Lambert and Griggs would like to have a copy of what they are reviewing if possible. Commissioner Jackson, the easiest thing to do would be to take a picture of it with your cell phone and sent it to them. Commissioner Lee, could you sent that to him also. A question for Connie, did you not get my scores in time? Connie Lucido, she did not receive them in time, she received them the day after the scores were computed. She did not received them by email, she received them by US mail. Commissioner Cox, he received his back marked vacant office to your new address. Shelia Lambert, she cannot speak for the post office. They have received mail at both offices. Chair McKay, the Commission can move forward today and still vote to fund, not fund and how much and we will learn from this as we have already learned from many other issues. Shelia Lambert, can she have a copy of the returned letter so they have their administrative services division have a conversation with the post office. They would be concerned that if that is one piece of mail missed, what else was also missed. Shelia Lambert, she would be happy to read in the first proposal so that everyone know what they are considering. Chair McKay, please go ahead. Shelia Lambert, proposal number 10 was ranked first. Restroom facilities at Logendale Trail System for \$253,000.00. The project proposes to update the bathroom facilities at Logendale Trails and was submitted by the Partners in Conservation. At this time they would be looking for recommendations from the Commission as to whether or not they are going to fund this. Since this ranked number one, if the Commission decides not fund the number one ranking then they would have to have the justification for the record. Commissioner Jackson, he looked at this proposal and he personally likes it because it is a bricks and mortar project. People can see it, use it and it is a physically there which he thinks is good for the Commission in that people will see where their money went. It does seem a little expensive but he is not a construction expert so he does not know how realistic the finances are. Commissioner Baker, she also likes the project and she likes that it had all the commitments with the agency that is partnering with the BLM. Her only negative comment on the entire application was on the cover sheet they did ask for a physical address of the applicant and that was missing, but because the restrooms will not be at that location it was not that big of a concern for her. If this is funded there should be some kind of wording on the structure to let the community know that it was funded through the OHV Commission. Commissioner Jackson, one of the scary parts about doing this is the Commission is actually giving out someone else's money which makes it more important that they make sure everything that they give out is going to the right people at the right time. The one thing we never want is for money to be wasted, misappropriated and creates a scandal. He likes this project because these people have done these types of projects before, they have a track record and that can be reviewed and to be sure that the money is going to go where it is supposed to go and that it will be done correctly. Commissioner Griggs, he agrees with what has been said and he would like to add that he was involved with the public restrooms at their local fairgrounds and they are very expensive projects. He feels the amount requested is not out of line. Commissioner Gerow, what will be the upkeep and maintenance of the brick and mortar projects like this? Is the upkeep part of the money or will there be additional money needed? Commissioner Lee, is it appropriate that this time for us to ask the applicant questions? The applicant is in Las Vegas and she is willing to answer any questions. Commissioner Baker, in the backup documentation from the BLM, it specifically states maintenance of the restrooms is specifically covered under the assistance cooperative agreement L14AC00249 with Partners in Conservation. Upon completion of the proposed project it will continue to be maintained as part of the agreement. Additionally as Logendale Trails is part BLM managed land long term maintenance is part of the BLM's overall commitment and mandate thus ensuring maintenance of these restrooms throughout their life expectancy of at least 25 years. Commissioner Lee, a representative from Partners in Conservation is would like to answer a few of Commissioner Gerow's questions. Name not stated for the record, she wanted to thank the Commission for the consideration of their application. They had and all day tour with BLM on Tuesday and their systems agreement is for three years but they have an actual memo of agreement with the BLM that does not have deadline on it. Her group is 100% committed to continuing using their volunteers and other funding mechanisms to take care of Logendale Trails for as long as they are there. They have spoken with BLM about the issues of pumping out the tanks which ends up being one of the big problems with old tanks. They pump the tanks out quarterly and that has been the advice of several different people. With the desert heat down, the tanks cannot sit, even if they are not full they need to be pumped out on a regular basis. They have been doing that and they will continue to do that and the BLM will continue to do that if something happened to Partners in Conservation. She sits on the

Rec Trails committee and she understands about funding and wanting to fund as many project as possible. Both the BLM and Partners in Conservation would be very happy with just doing one of the restrooms and applying for another grant for the second restroom. As they appreciate the fact that the Commissions wants to be able to fund as many projects as possible. Commissioner Lee, what is the cost? Name not stated, the cost for the first one is around \$133,000.00. They are only asking for a reimbursement of the actual construction costs, her and Bonnie's time is covered under the assistance agreement with the BLM. They are just asking for hard costs which would be reimbursable, if it actually only cost \$110,000.49 those will be the bills the Commission would receive. Commissioner Lee, that would be \$133,000.00 a piece? Do the first one is \$133,000.00 and the second is \$133,000.00 but to do both it would be \$253,000.00 but just one would be \$133,000.00. Name not stated, that is correct. In discussions with BLM they agree that the restroom at the main trail head needs to be replaced first. Shelia Lambert, on a bricks and mortar project such as this and the Commission did agreed to award the full amount, it is a not to exceed amount and they would not receive authorization to proceed until they provided actual cost estimates from the contractor to be able to demonstrate that they have the bids in place to meet the specified amount. There are those stipulations on those agreements. Chair McKay, perhaps since there is a contract with them they could try and get some conditions in there, like the BLM has their own engineering staff that could perform their own inspections and maybe the county building inspector could also and the Commission could also inspect periodically. He also wonders what the possibility would be that they could also apply for the RTP program through state parks and see if they can take a piece of this project financially. AG Palmer, the Commission needs to decide first how much money it intends to award. According to the statute, if money is used for projects which is the 60% that you are allowed to spend in the account. No more than 30% of the money may be allocated to one particular category of project. The Commission needs to decided how much money will be given out and then no more than 30% of that amount can be awarded to any one category. Chair McKay, say the Commission agrees on \$450,000.00 would be the level of funding for this round of grants, 60% of that would be \$270,000.00, 30% of that would be \$90,000.00 and would be the lid for one project. AG Palmer, not one project, one project area. The area's are laid out one through six. Commissioner Cox, he thought the 60/30 thing was from the money that is in the fund, not of what they are giving out. They could use 60% of what was in the fund as of January 1 is over a million dollars and 30% of that to one project would be \$315,000.00. AG Palmer, that is correct if the commission is going to award the full amount. The language says, if money is used for the projects described in that 60% category, not more than 30% of such money may be allocated to any one category. The amount of the money that is used is what sets the percentages for determining the 30%. Commissioner Cox, the 20% for law enforcement is mandated and that comes off the total amount in the fund, so then why wouldn't the 60% and the 15% come out of the total amount of money that is in the fund? Not what they are giving out or agreeing to give out but what is in the fund as of January 1st. AG Palmer, the language says if money is used for the projects, not more than 30% of such money. Commissioner Cox, it does not state how much money is being started with. AG Palmer, that is why she is saying you have to establish what that figure is first. Shelia Lambert, they look at what is in the account as of the first day of the year. Recognizing that if there was a million dollars in that account, the OHV is responsible to disperse the entire amount of funds. They would look at that balance on the first day of the year; assign the categories at that time as to how much must to be allocated for the year. Then during that year, make sure that those are met. If there was a million dollars in there, they have the 60%, they would be looking at \$600,000.00. It does not have to be allocated with this particular award process; it has to be allocated with the award processes through the calendar year. AG Palmer, there is no requirement that they expend the money. The only requirement that they have to expend is the law enforcement amount and the rest is discretionary. They cannot just fund one project 100%. Shelia Lambert, I agree with you, the mission of the OHV Commission is to disperse those funds. So to say that they don't have to disperse those funds is to go contrary to what the mission is. Recognizing that the January 1st date, the Commission has a million dollars (she is using that number so she can add and subtract quickly). Commissioner Cox, there was 1.7 million dollars in the account less what the Commission is obligated to for law enforcement which is about \$500,000.00. So we are talking about \$1,200,000.00 that should be available in the fund. Less the 5% (\$87,000.00) for administration. Shelia Lambert, your staff person would take your funding and would allocate it in a general sense and provide that update to the Commission either on a monthly or quarterly basis, however the commission so decides. Whatever additional procurements must follow what the deputy attorney general has said, but it is based on the total amount of monies not necessarily any one procurement process. With the procurement process everything is an expectation or a wish, there is not any formal contract or quotes so those fluctuate throughout the year. So there is no way for them to actually define the amounts of money until such time that they get the reimbursement request, until they receive the contractor quotes and what have you. That is why you have to operate on the amount that you have available to expend. These numbers are going to fluctuate, so you do the maximum amounts, so at the 60% you would have (using her number of 1 million) not more than \$600,000.00 and those then would be encumbered on your sub-recipient agreement total sheets. Commissioner Cox, 30% of that would be for the entire calendar year, so if we do a second round of grants and something come within the same category? Shelia Lambert, the Commission would be restricted. AG Palmer, she would like to clarify one thing in regards to the mission, the Commission has the ability to direct spend. So the fact that they do not give out all of the money in grants is not necessarily as you phrased it being against the mission because they can directly spend. Which they have already agreed to do in partnership with the county. The money

is still being allocated and going to projects. It is not necessarily going through the grant process. Shelia Lambert, any allocating of funds whether it be direct or a cooperative agreement and it would be considered part of a granting process through a contract. The state cannot just give somebody a check; it would be considered part of a process. It can be called a contract, a corroborative agreement, but it is the granting of funds and that is how we get the authority to do that. Commissioner Baker, whether it is awarded through the grant or it is awarded direct, the Commission still has to accommodate the percentages for the categories. Shelia Lambert, correct. Then that applies for everything that you are distributing through whatever mechanism until the next calculation. Commissioner Cox, as Treasurer he did the calculations and after the law enforcement, after administration, the Commission would have available to distribute \$1,052,822.49; 30% of that figure is going to be \$315,846.00 if counsel agrees with that's how it goes then for this calendar year they would have \$315,000.00 in each category. In his mind they would have enough money to fund one restroom at this time for \$133,000.00. He is comfortable with that. AG Palmer, the language in the statute says if money is used, that is what she is focusing on. If money is used, no more than 30%. If you know for certain that you're going to use more money this year, then she thinks you're okay doing it the way you want to do it. But if that certainty is not certain, the problem that you will run into is if you utilize money, and more than 30% is allocated to any one category, you may be in violation of the statute. Commissioner Cox, correct. But if they award \$133,000.00 in a category which has \$315,000.00 that leaves the Commission a considerable amount for this construction category. Shelia Lambert, her interpretation was that the 30% on project not category. Category expenses where the (she was cut off by Commissioner Cox). Commissioner Cox, but the law says category. So each category, construction, signing and mapping, however they are listed out; it is per category to his understanding. Commissioner Baker, six categories. Commissioner Cox, in this round of grants he thinks this is the only construction grant. In the future if there was more construction grants they would still have around \$200,000.00 in that category. Shelia Lambert, so if you are going to install drainage features, is that not construction? Commissioner Cox, it could be rehabilitation or it could be trails. Commissioner Cox, this is a question that he thinks they need to address more in the future because in this round of grants it was very unclear which category some of these were requesting funding in or from. That needs to be incorporated into the next set of scoring sheets. Shelia Lambert, The Commission can certainly decide that they are allocating from a specific category if they can provide the justification as to why they believe it should be out of that certain category. Chair McKay, so for this example it would be facilities, since facilities is what is being done. And others could be rehabilitation or a study and still qualify in those categories.

MOTION: Commissioner Cox makes a motion that we fund, not to exceed \$133,000.00, for the construction of the restroom facilities at the Logendale Trail System trail head for the first restroom facility; seconded by Commissioner Jackson. AG Palmer, for clarification what category. Commissioner Cox, construction. AG Palmer, for purposes of clarity in the record under NRS 490.069 paragraph B, subsection 15, is that where you believe this particular (did not finish sentence). Commissioner Cox, yes he believes that is exactly where it should be. AG Palmer, how did you arrive at your figure? Commissioner Cox, she just told us and it was clearly stated in the grant proposal the amount for the first trail head was \$133,000.00 and the second one would be whatever the difference would be to make \$250,000.00. Commissioner Jackson offers a friendly amendment, after the building is constructed that there be signage showing the users that the funding came from the OHV Commission. Commissioner Cox agrees. Shelia Lambert, can you verify with the applicant on the record that they would be able to proceed and that they would accept the \$133,000.00 for the first prior to making the motion. Chair McKay, are those term acceptable to the applicant. Name not stated, yes they are and they will have signage, articles in the paper and on social media. Chair McKay calls for the vote.

The motion passes, Commissioner Lambert abstained.

Shelia Lambert, the second proposal, Front Country, Back Country, the Road Show and ATV safety for \$10,685.53. The project proposes to continue to promote the outdoor ethics and ATV safety program and was submitted by the Nevada Outdoor School. Chair McKay, they are requesting \$10,868.00, they have shown \$45,036.00 in matches between State Parks, BLM, Nevada Division of Public Safety, the Humboldt Sheriff's office. They have good support letters; they have an agreement with the BLM. Commissioner Baker, she likes the project but she did have a couple of concerns. Her first concern was in their budget. The guidelines say that general overhead costs are not allowed and when they submitted their budget they requested \$1,440.00 towards their facility rent. She believes that is an ineligible expense. The second concern she has in their budget, was their salaries. They proposed \$4,503.40 for salaries. Yet their payroll FICA is \$1,263.13. She does not know what the FICA rate is. She looked it up and thinks that it is 6.2 percent. She does not know how they get 25% of what they are paying in salaries is FICA expenses that they would support, and that seems conflicting to her. Their scope also included developing new material, and she had a concern with that, given the scope they just approved through Clark County Desert Conservation. She thought the Commission would not want them to develop new material. The last thing is that they did not identify the specific road events that they would be attending. A suggestion she has was in the monies that they cannot fund, like the \$1440.00 and some reduced amount of FICA, would go towards adding a couple of additional road events, maybe in the southern part of Nevada. Commissioner Jackson, in general he likes this kind of proposal. He thinks the people asking for the proposal have experience in this and are very well versed with it. They had a lot of back up and they have done this type of thing before. In

general he does not feel they will end up with a scandal by giving these people money. The other thing that he likes is that it is a fairly small amount and he thinks they need to take baby steps. He would rather do \$10,000.00 funding and \$100,000.00 funding on a lot of things. They are very well established. His only concern is that they only going to qualify 10 adults and 20 kids. They are going to think that is a minimum standard, he is hoping they are going to under promise and over deliver on that. If there is anyone from the organization who would like to speak to that it would be great. Commissioner Griggs, he would assume that this project would be about 15% of money that may be used for safety training and education. Chair McKay, yes, it would be under the public education outreach category. Commissioner Griggs, am I also correct in assuming that we have \$1.43 million available, as the treasurer said, that would be about \$156,000.00 total available in that 15%. Commissioner Cox, the 15% available is \$263,205.63 and keeping in mind that we have made a verbal commitment for \$50,000.00 to Clark County. There is roughly \$213,000.00 left in that category. Shelia Lambert, if the Commission so decided to choose to award number 2 proposal, they would recommend a do not exceed amount of \$10,000.00 giving the Grant office the authority to go back through the budget and correct the budget. The FICA was an excellent catch. If the Commission so chooses to approve it they would go back and have the budget resubmitted and make those minor corrections. Then present to the board in the future what that final number would be, with it being no more than \$10,000.00. Commissioner Lee, in regards to what Commissioner Baker said, he was wondering if leaving the number at \$10,000.00, but informing them that rent is not an allowable cost, and to use those funds in a better spot. Commissioner Baker, agrees. Commissioner Jackson, is there any one from Front Country Back Country here?

MOTION: Commissioner Griggs makes a motion to award the grant for proposal number one in the amount of \$10,000.00 under the Public Education Outreach category; seconded by Commissioner Baker. AG Palmer, at the last meeting the Commission allocated \$50,000.00 in direct spending. That commitment has been agreed to with the inter-local agreement with the county. He does not know whether or not the Commission is going to need to expend any more money in order to push the message out after the consultant's proposal is received. The Commission needs to make sure that whatever the total amount of spending, 15% is probably smallest category, need to make sure that category will not be exceeded. Commissioner Cox, the category cap is \$263,205.63, with the \$50,000.00 already committed and this \$10,000.00 there will still be a lot of money left in that category. Shelia Lambert, for administrative clarification that is a do not exceed amount of \$10,000.00 with the grant office able to do a budget readjustment for non-eligible expenses and an adjustment of the FICA. Commissioner Griggs, would that be adjusted up to the full amount? Shelia Lambert, they would attempt to work with the applicant to adjust it to the do not exceed amount of \$10,000.00 recognizing that she can see \$600.00 immediately coming off the FICA amount. The other dollar they would be looking to adjust for eligible categories with the do not exceed amount. Commissioner Griggs, the \$10,000.00 in his motion, you would not find a need for that, you would be asking for the \$650.00 back. Chair McKay, they are not to exceed \$10,000.00 but they will check on all ineligible expenses and make sure that they are not paid out of the grant. Commissioner Griggs, he amends his motion to reflect what was stated. Chair McKay, is that acceptable to the seconder? Commissioner Baker, agrees.

Chair McKay calls for the vote.

The motion passes, Commissioner Lambert abstained.

Shelia Lambert, the third proposal by rank is proposal number two Genoa Peak Road and Logan House Road best management house project for \$60,000.00. This project proposes to install drainage features, out sloping, burn removal and restoration of damaged areas, and provide education. It was submitted by the Off Road Business Association. Commissioner Baker, she likes this project and she thinks they all agree that doing trail, new or refurbishment is one of the key priorities that the commission wants to go forward with. Her concern is that it is a three year project and they committed to agree to only two year projects. One of the technical advisors comments was that 40% of the project is in Humboldt Toiyabe National Forest, and they are not involved, she is concerned with that. It could be her misunderstanding, but she would like the applicant to clarify that. They did ask if there was going to be project managers from the forest service and she would like to know if that was going to happen. We also said in the Grant Guidelines that you could not ask for trail refurbishment and education in one grant and they did have a small component of education as part of their scope of work. Chair McKay, on the one point about the portion of that trail system on the Humboldt-Toiyabe, that is scheduled to be done in the last phase. The first two phases are entirely within the basin and they intend to work with Humboldt-Toiyabe to make sure that they coordinate with each other and have the necessary permission. Jamie Fields, Humboldt-Toiyabe National Forest, they do support the project. We just ask that they coordinate with them before it comes time to ensure all the environmental clearances are done. Commissioner Baker, for clarification, the part that they are asking for right now, is that included in that? Fred (could not understand last name) ? Business association, this is a long term project as is stated in there, taking over three years. The first component is what was applied for here. The Humboldt-Toiyabe will be a part of the process throughout the process because they do connect. They will be conducting all of the review within their area and making sure that anything that might overlap from the basin would be in conjunction with their work. The LTVMU will be doing all of the inspecting and has already done all of the environmental work on this project. It has been approved and is in place. With respect to safety and education by Tread Lightly, that is not being funded by this grant, it is being funded out of a separate component. They will utilize their material

because it is national recognized for projects like this. Commissioner Jackson, you are a California based business organization, have you done projects like this in the past? Fred, yes, we have completed projects like this all over the country. They are currently working on one in Vermont, it is an economic impact study and they have a project for private interface land between private and public land. There is not a great deal of public land in Vermont. They work together with the state and the private land owners to facilitate these types of projects. They have a rehab project going on in with an organization in Colorado called COCO (unsure of name) on a bridge rebuild and rehabbing an area that has a drainage situation very similar to this. That is being complete through a partnership with Colorado Off-Road Vehicle Association, grant funding through the Colorado Commission. He is only the administrator on that. The association is physically doing the work. They have completed over one million dollars' worth of different projects within California, utilizing not only RTP funds, but OHV Commission funds within the state of California. They have a long history of working with different agencies to accomplish these goals. Commissioner Griggs, he likes this projects and appreciates the clarification; would this fall under number 4, the enhancement and maintenance of those trails and facilities. Chair McKay, he thinks rehabilitation would be the better category for that. Commissioner Griggs, he is quoting NRS 490.069, paragraph 3, subsection 1, number 4. He assumes that number is still its own category and gets its 30%. As you read those 1-5, 2-5 refer back to number 1 where they say "those". But they are still their own category right? Chair McKay, your assessment of this being the project category would be enhancement and maintenance.

MOTION: Commissioner Jackson makes a motion to fund this project in its entirety and that the money comes from the enhancement and maintenance part of the funds; seconded by Commissioner Griggs. Commissioner Jackson, he would like to amend his motion slightly; is there any chance of putting signage or notice to the public that this project is being funded by the OHV Commission. Fred Wylie, Yes they will do that on both forests. Commissioner Jackson makes an amendment to his motion that signage and advertising reflect that this project is funded by the OHV Commission. Acceptable to Commissioner Griggs. Fred Wylie, it would be helpful if the Commission could provide what they feel is proper signage. Chair McKay, that will be done.

Chair McKay calls for vote.

The motion passes. Commissioner Lambert abstained.

Shelia Lambert, rake number four, proposal 3 Nevada OHV Economic Impact Statement for \$53,489.29. This project proposes to conduct and economic impact study and was submitted by the Off-Road Business Association. Chair McKay, Mr. Wylie can explain the importance of this to the state and the community. They are providing a 50% match with their labor personnel for the project. Can you please give a quick overview of this project to the state and OHV users? Fred Wylie, they have been involved in several economic impact studies throughout the country that involve the off road recreation industry, specifically motorized. What is important to note about this is when you look at what the economic impact is within the state, there are two components. There is the resident component, which would typically be spending the money within the state, and there is the visitor or tourist component. You have to combine the two to get a true picture of exactly how recreation is being done in the state. They know that if you look at a NASCAR races in the southern part of the state, there has been studies completed by NASCAR and provided to the state as to what that affect is to the economy. There are some vague situations where there has been recreation surveys done on a nationwide basis. But those do not break it down into the necessary categories that are needed for motorized off road recreation within the state. They feel it is important is it give the state and the Commission exactly how, where, and when visitors are coming to the state and how, where, when the users from within the state are utilizing the areas. It helps in the decision making process, it helps facilitate future discussions around all different kinds of things. It help you design through the process of how you come to a conclusion of what is important and when it is important. It also allows the industry to take a look at what is going on in Nevada. This being a key component of anything that would go with the state towards developing business plans and marketing to companies or new business who may want to come here. We do this because it is important for industry, but it is also important to the citizens of Nevada. We are doing one in Colorado and Vermont right now. They will be looking at doing one in California so that they can drill down what is being utilized by the off road community. One of the things that is a little bit difficult when you apply for a grant like this and you reach out to the different agencies and ask for their support, under Federal law they are not allowed to give their support unless they are a part of the process. It is in the Federal Code of regulations subsection c,CFR2012 Title 5 volume 13, we can only endorse or support if we have a statutory duty to promote or document compliance. Both Federal agencies within the state of Nevada make that same statement, so they are unable to supply that the component of the grant which meant we needed a Federal partner approval. Unlike the one that we just did, we have a Federal partner there and therefore working through the process. It made

it a little bit difficult and he is assuming the possibly the score could have been a little bit lower because of that component. But he does not think the Commission can overlook the importance of an economic impact on OHV use. Commissioner Cox, I heard Mr. Wylie state that he is working with Colorado on one now and he moved here from Colorado and he knows that there was one done several years ago. He knows the importance of the economic impact study to the state and what it provides. He is highly in favor of this. Fred Wylie, he is engaged very clearly right now with the second one. Typically this information needs to be updated somewhere between every three to five years depending the economic stability. Commissioner Jackson, we have two proposals and there is only two scoring points between them. Proposal number 7 as well as number 3 here. The second proposal is from an in state company which we should be favoring. AG Palmer, no. Chair McKay, legally you cannot. Commissioner Jackson, okay, he apologizes. There are two proposals with only two points between them based on the scoring that was already done. There is no denying that an impact study is very important and is something that is necessary for us to do our job. AG Palmer, they are not in the same category. Chair McKay, one is public outreach and the other would be a study. Shelia Lambert, for clarification, we have to take these in order of the highest scoring proposal make a decision on them on their own merit and if there is justification to award or not award that has to be with the stand alone application and then they move on to the next one. Commissioner Jackson, evaluator number one he was skeptical of this proposal and it went into some issues about the vendor. Evaluator number two also had a concern for that reason he thinks that even though we need a study, we need to take another look at this, and maybe consider funding something like this at the next funding proposal. Commissioner Baker, there is huge value in getting an economic impact statement as we go forward with the next legislative session. From that prospective she liked the grant proposal in reading the concerns of several of the non-voting member's comments. She agree with Commissioner Jackson about being concerned with the methodology and she is wondering if they have more details about how you go about getting the data so they would be a little more comfortable about that. She is against holding off; she would like to be a little more comfortable about the approach. Fred Wylie, the approach in Nevada is has several levels. Obviously we will use industry, use the SEMA organization who does a big component of what goes on here in Nevada. They also have to make sure that reach out to what they call the grass roots, the users. That becomes the more difficult thing. So what they rely on there are the clubs and associations, often times the events like where they can connect face to face at the events to gather the data base to make sure that they are reaching the right people. One of studies that has been recognized by the US Congress was done in Johnson Valley that was a face to face meeting at the event where they compiled a data base from people who attended the event from all over the country. They could then reach back to determine their spending habits and perspective about why they were there, when they were there and will they come back, and what did they spend; those kinds of components. It is almost as though it takes several components within the study to compile the total picture. It is often times, until they understand what the Commission feels is important, why they do need the interaction; that they get it right. Obviously comments from any of the Commissioners are very important to this process. This is an essence of partnership. Commissioner Baker, would you be open to then sharing all that information for us. One of our other goals was to create a website where they identify a lot of the different event that are going on, the user groups and those types of things all on one webpage. Can we use your work in other means as well or will that information just be kept with you. Fred Wylie, the information belongs to the state of Nevada because they are one of the funding sources. From there they will determine how broadly they send that information out. Obviously, as a trade association, it is important to their members to have available that information from different areas. Shelia Lambert, for the record this would be a grant that would be drafted as a collaborative agreement. The Grant office has a recommendation that if the Commission so chooses to move forward with this, that the applicant be required to work with Bob Potts at the Governor's office of Economic Development to ensure that all areas deemed appropriate in any economic impact study to the state are included in that. Commissioner Baker, she would like to add that if they do it, they would put it so that it is nonproprietary so that it is available to everyone so there is no restriction on that. Shelia Lambert, anything that the state pays for, the state owns including all the backup, data and on a disk. Commissioner Lambert, he has knowledge that you guys have helped with legislative outreach in California (interrupted by AG Palmer). AG Palmer, you should not be participating in this process since you have recused yourself from the process because of your conflict. Commissioner Lambert, he rescued himself from voting and grading, does that mean I cannot ask a question. AG Palmer, that is correct because your comments or questions could influence the process. It would be her suggestion that you might otherwise engage in an ethical concern. Commissioner Lee, would you be open to a question from the public on this proposal? Chair McKay, that would be fine. Robert, Racing Association of Nevada, I really like the Arizona study as a template



and he does not know if yours will be following that. They are looking at it county by county. Also in your mentioning the grass roots, and then mentioning Best of the Desert, they have a great economic impact and they put on great events. There is a lot of smaller organizations and there is a lot of recreational users. I hope this study is just not looking at big events; we should be looking at development of trail networks, what the silver state trail network does for Lincoln County and White Pine County. Nye County is in the works of a similar network and comparing networks in other areas such as Utah that are rural counties. You're looking at a quarter of your budget coming out of tax money from visitors on OHV's. That is the sort of thing, going to a county commission, really needs to know, and getting their backing on these projects. Fred Wylie, he may have underscored the fact about the grassroots users, they are really the biggest component. He used SEMA and Best of the Desert and some of the other events because it is easy to draw a lot of interest in. They are one time. They are simple. They are in a confined area for the most part, and we are able to create the documents from there. He also mentioned outreach. That is where they need clubs and associations, so that they can continue to look at the dynamics of how public lands are used in the state of Nevada. They will do that through probably the industry, folks that have connections through the grassroots, they are also affiliated with the AMA Nationally and several other organizations. So they will tie it all together. Connecting what they call connection is business to grassroots. Commissioner Jackson, he really thinks we need an impact study. He thinks it needs to be done promptly, and he thinks this proposal, if it was refined more and maybe brought back at a later date, is something that he would be very willing to vote for. At this point in this situation he probably would not vote for this proposal. Commissioner Griggs, he questions what category this would be funded out of. Chair McKay, this would be under Studies. Commissioner Griggs, to him that is a little bit sticky, it ready studies or planning for trails and facilities for use by owners etc. Would AG Palmer agree that it would go under Roman numeral I category. AG Palmer, that is what she was thinking. Commissioner Griggs, that one reads studies or planning for trails and facilities for environmental assessments and environmental impact. We are okay with that? AG Palmer, the study is going to include an environmental impact, is it not? Commissioner Baker, when she hears environmental impact she thinks about (statement not completed). Shelia Lambert, for clarification, different folks depending on, whether you are looking at an environmental impact statement in itself, has the same connotation than an environmental assessment has. By dictating it as a cooperative agreement and with the questions asked today, the applicant would be required to come back and present to the Commission an overview of those subject areas that they would be targeting for the commission to have that interaction with. A collaborative agreement, which is a type of grant has that back and forth, so if there was a component of environmental identification or challenges based on something that you wanted included, in that as far as an economic impact study would go, then that can be included. But definitely you want to be careful when discussing EA's and EIS's and how you differentiate those because some doing an EA and EAIS itself is two years and \$250,000.00, she just wants to make that clarification. AG Palmer, what the Commission needs to do is look at the different categories and determines where the Commission feels that it fits in and whether it can fit into the category. Then ensure that it does. Commissioner Griggs, he would like for it to fit in Roman Numeral I. To him this is hugely important for what we are doing with the sage grouse. When you talk about environmental assessment and impacts that is going to be potentially one of the biggest impacts on the OHV community is what happens with the birds. This study could offset some of those impacts, so it fits in that Roman Numeral I because of that.

MOTION: Commissioner Griggs makes a motion to approve this grant under the condition that the study is written so that mentions how important off road vehicles are to the environment and including environment in the study. AG Palmer, for clarification to any Commissioners who may not have the statute in front of them or members of the audience who may not know what the Commission's discussing. The statute says that money they use for projects relating to in category that we are discussing are studies or planning for trails and facilities for use by owners and operators of off highway vehicles. Money received pursuant to this sub paragraph maybe be used to prepare environmental assessments and environmental impact studies that are required pursuant to federal statute 42USC section 4321 and other sections under that category, which is essentially the federal government. She was just looking at this, that 42USC 4321 and that is the National policy which encourages productive and enjoyable harmony between man and the environment and efforts which will prevent or eliminate damage to the environment and stimulate the health and welfare to enrich the understanding of the ecological systems and natural resources. That is essentially what that paragraph is getting at. In the discussion that we have had today, does the Commission and does the applicant believe that this particular project fits within those parameters. Fred Wylie, it is their belief within the NEPA process that an economic report and study is part of the process that moves forward. This is a

document that could be utilized in that process. It would not be directly done under the NEPA process but it could be utilized as a document. Commissioner Baker, she feels that when they get the feedback from the public through that outreach it will help the Commission identify where they want to be and where they want to go which is clearly part of it with the planning of future trails. Commissioner Jackson, it is kind of a shoe horning this project into that category. The one he would suggest to the rest of the commission, we may be better off doing this as direct spending because it is the kind of thing that is absolutely needed. Again it can be done as direct spending, and he thinks the vendor who is coming forward is very well qualified to do this. But again he does not want to shoe horn something in, and then regret it later. Chair McKay, as a point of order, we have a motion. We are still searching for the appropriate category to put it into. There is no second on the motion yet. Commissioner Griggs, my motion put it into Roman Numeral I studies or planning for trails, etc.; seconded by Commissioner Baker. Chair McKay calls for the vote.

The motion passes. Commissioner Jackson opposes. Commissioner Lambert abstained.

Shelia Lambert, the 5th proposal by rank is proposal 7, public outreach and education Nevada OHV user survey strategic plan and video and educational materials production for \$75,000.00. This project proposes to conduct an OHV survey, develop a strategic plan and create a video and educational materials, this was submitted by Radio Active Production. Chair McKay, he thought this had some nice ideas in it. His concern now in today's time frame is that it could be a duplicate for the partnership with Clark County and if we committed to spending money on that they would essentially do many of the same things the study would just be not spending the money wisely, it will already get done with the partnership with Clark County. Commissioner Baker, she likes some of their ideas and thinks that some of them might be outside of the scope of the county but until we actually have the dialogue with the successful bidder of the RFP with the county this is premature. She would feel like they would potentially be duplicating efforts and would not want to waste the public's money that way at this time. Commissioner Jackson, he has similar objections, it is a great idea and something that we can use and he agrees with Commissioner Baker and there might be some overlap. This may be something that we want to look at with direct spending, reducing the budget on this and bringing it down as soon as there is more information from Clark County. Commissioner Griggs, for clarification when Commissioner Jackson when he says direct spending are you referring to the money we can spend for safety training and education? Commissioner Jackson, he is saying that they can direct spend from any of the categories if they feel appropriate.

MOTION: Commissioner Baker makes a motion to deny this grant request; seconded by Commissioner Jackson.

Commissioner Griggs, he would like to add in general this grant was hard for him to score and it was kind of tough to see what the actual work was and what the actual product would be. He feels that it is very important and he would encourage the applicant to apply again and to maybe refine it a little better so it can be more easily understood.

Chair McKay calls for the vote.

The motion passes. Commissioner Lambert abstains.

Shelia Lambert, for verification for the denial on proposal 7 was the concern of duplicating funds with the existing activities that the Commission has with Clark County.

Shelia Lambert, the sixth proposal summary by rank, proposal 5, mobile education and outreach unit for \$75,546.00. This project proposes to fund a mobile education outreach unit and was submitted by the Nevada Trail Stewards. Commissioner Baker, she has some questions and concerns with this proposal. The requirement of the cover sheet requires a physical address and because this proposal was asking for equipment it was a concern of hers that there was no physical address so she did not know where the equipment would be housed. The second concern is one of the support letters was from one of the members of this organization and that is potentially a conflict. The third is that there is no details on how to reserve it and you cannot register remotely. It indicated they would be developing educational material but there was no budget item for that; so it was a bigger picture but then narrowed down so it was confusing. She did not understand how you went about doing it. She went on the website to see what organizations were there and she could not find any organizations connected to the website. It was not clear who knew what or how they were going to get the information out. She would like to see specific events identified that they were going to attend. All the support letters for the three proposals from this organization were the exact same and each person writing the support letter did not give specific reference to what they were doing. It was a concern of hers that it was more generic. She would of like to have seen the support letters say specifically, "I love that you want to buy this equipment, we are going go to out and use it." It was all just more this is an important thing for OHV users so it was very

generic. Commissioner Griggs, he felt the Commissioner Baker's comments were very well said and some of his overlap with hers so he will not repeat those. Also the in kind evaluation was not clear to him, for instance Las Vegas Mayor Goodman was providing \$10,000.00 worth of marketing, economic development and project leverage. It is not clear to him how that is accomplished. He would like to see that better defined. Commissioner Cox, his concern is that since this application is for a trailer for outreach, why in the list of equipment there would be a UTV add on. To him the trailer would stay in a specific location at an event to do the outreach, he did not understand that part of their budget. When he was in Colorado they did have a trailer like this, an outreach type of trailer. They made the mistake of purchasing too big of a trailer, basically a diesel truck was needed or a large 3/4 ton heavy duty truck to pull it around the state. It made it difficult to get it around. He did not see anything in this about the kind of trailer. In the law enforcement grants they had kind of established a price of \$10,000.00 for a trailer for those who requested them at that time. He did not understand the price of this trailer. Chair McKay, he likes the idea. Part of it is the Commission's lack of progress. The Commission is in the process of developing some educational material and that will take some time. He thinks that it is important to have those messages out there. They will get input from everybody on what those messages should be. It is probably essential if this was going to be parked at events on BLM or forest service land that they have some sort of letter saying that they are okay with this or endorse the concept and are willing to work with them. He would love to see a schedule of events and how that potentially could be manned. It is a great idea and he respects some of the people that are trying to put it forward, personally not quite yet as far as implementation. Scott Gerz, Nevada Trail Stewards, he can address the comments by memory if you would like and go through that. As far as the UTV is concerned, this trailer is going to be out certain events, it will be used for trail mapping, trail routing and things of that nature as well. It is hopefully going to be able to supply a mode of transportation to executives such as Commissioners on the OHV Commission when they are out investigating or looking at projects that are in rural areas. They would like to be able to make that type of thing available. This trailer is going to be something that is going from event to event moved into the hands of multiple different users. They want to be able to have a driver bring it and be used and manned at a MORAN event, at the Best in the West event, at the Silver State Jamboree, at the King of the Hammers at these kinds of upcoming events that are ready to go across the state. The trailer be will there through those events being able to disperse educational material supporting the events. The concept is to cross promote and be able to bring any of this technology and educational materials along the line. Whatever the commission decides to come up with regarding literature and information to be handed out, they would be able to work with the Commission on that and that is why they left it broad. They wanted to make sure they were incorporating the message that the commission is looking to get out there. That is why they have not put anything solid in writing and coming up with something that the Commission is looking to be flexible, on or looking to develop another avenue with. That funding would come out of administrative fees and is included the operating expenses. The goal of this trailer is to have it constantly moving and going from event to event, from county to county, from location to location. They have identified over 75 events on an average basis that these types of trailers can be used at and appropriated with. As far as funding, he is not sure if it was clear but these trailers are toy haulers, they will carry a UTV and they will be able to house a certain amount of people that will be working at the event. It is not a shop trailer, it is not a park trailer, it is an actual toy hauler. As far as towing it, it will need to be pulled by a full size truck and we have several of them. They have several volunteers already that are looking to be able to use this vehicle and be able to tow this trailer. They have identified about 10 people across the state from Northern Nevada to Southern Nevada who is able to pull this type of trailer dealing with multiple organizations. In regards to the time line, and the Commission is not quite ready for this yet, understandable and it will take a little bit of time to put this together. They want to be able to get events mapped out, they want to get scheduling on line, and he does not want to promise anything out to the public and then fail to be able to support the product without having the actual equipment. They have been holding off on that. The website is set up with a calendar so that the calendar requests can come in from any organization, they will be vetted through the Commission and committees at the Nevada Trail Stewards or their likelihood to be approved. Then mostly likely, if an OHV or trail support type of event, they will be able to get the equipment. Commissioner Lee, is the Nevada Trail Stewards prepared to cover the fuel costs in transporting the trailer around the state? Will the Nevada Trail Stewards be carrying full insurance on the vehicle in case something happened to it? Scott Gerz, yes absolutely. The current concept is that this is phase one of the equipment. They are looking at one mobile set up to be able to use to cross the state. They will schedule the time and coordinate the events so they are not bringing it north to south per event one week after the next. They want to be able to combine some events in the south and then combine some events when it is used in the north. That funding and that fuel

consumption will be on the hands of the Nevada Trail Stewards. At least originally until they have a concept and hopefully as secondary unit by next year. As far as insurance, understandably yes it does have to be insured and they are expecting to fully insure the trailer. The UTV will be registered for highway use with a standard license plate and the trailer will be registered and insured out of Nevada Trail Steward funds. Commissioner Cox, how can you get a license plate for an UTV since Nevada does not provide the opportunity? Scott Gerz, he is sorry and he misspoke, not a license plate, an OHV registration. Robert Adams, member of the public, he is a Nevada Trail Steward and he is here today representing MORAN and the support of the Trail Stewards grant application was taken before a full MORAN meeting and voted yes. Many of us are members of many organizations. Many of these organizations did support the Nevada Trail Stewards project. There is equipment that is involved in the grant in addition to the trailers that is going to be essential in upcoming travel management plans when the BLM RMP revisions are complete. The BLM is requiring professional level GPS unit, which is known as a Tremmel, and they cost about \$4,000.00. For the purpose, he does not see them being a great deal better than the Garmin's that are available for a tenth of the cost, but part of the grant is to purchase these Tremmel. There is going to be an RMP revision which would be followed by a travel management plan in the southern Nevada district, the Battle Mountain district, Nye County, and the Carson City district. They have a lot of areas which they are going to need the ability as OHV riders to give the BLM professional information in a format at which they will accept. Otherwise we are leaving it up to them as far as being able to find the trails that we ride. As far as looking at the preliminary inventory, there are a lot of trails missing. They have submitted those using the Garmin format, but the BLM wants the information for the Tremmel, and at \$4,000.00 a piece, it is really not something that you will want to buy for consumer use, please consider that. Commissioner Cox, he is looking at a grant for public education and outreach, he does not see anything in there about trails or Tremmels. This grant is specifically dealing with public education and outreach. Granted what they are talking about is needed and might be able to be incorporated into it but this grant on its own the way he is looking at it he does not think falls into the mapping category. AG Palmer, if it goes into the public education category you said that you believed that 1.2 million was the figure that you have available. Commissioner Cox, that is correct. There was \$213,000.00 available in the public education category of which we have given away. Sorry correction, there is \$263,000.00 subtracting the \$50,000.00 that was given to Clark County; there is \$213,000.00 left. Minus \$10,000.00 for school. Chair McKay, a total of \$203,000.00. Scott Gerz, he can address Commissioner Cox's question. On the second line under materials and methods it says GPS and radios, and that is where that falls and there is a line item for that in the budget sheet. Commissioner Cox, he as assuming the GPS's and radios were for the, you mentioned the UTV for transporting dignitaries and people around he thought you would need radio contact for that. Scott Gerz, it is a combination for both. Commissioner Cox, he does not see anything here were he can fit it into mapping. Scott Gerz, he thought there was going to be more of presentation ability, he would have itemized it better. Commissioner Baker, she wants to clarify in the grant guideline you cannot submit a grant for two different categories and so this is a blending. Per your cover sheet, proposal 5, mobile educational outreach unit. So we cannot do educational outreach and trail mapping under one proposal. Commissioner Griggs, we heard that a Tremmel unit is \$4,000.00; GPS applied for in the grant is \$1,796.00. Is there matching funds that would purchase the Tremmel unit? Scott Gerz, yes there would be matching funds coming from the Trail Stewards that would purchase the Tremmel unit and also they are expecting to have some funds granted in the mobile trailer unit support vehicle as well for the Tremmel. To answer Commissioner Baker's question, if it makes the Commission feel more comfortable the mapping concept can be removed, which really is not in this statement for the Trail Stewards and apply those funds directly to the mobile trailer unit.

MOTION: Commissioner Jackson makes a motion to deny this grant; seconded by Commissioner Baker.

Commissioner Griggs, he thinks this is a good project and there is a lot of merit to it. He thinks it needs to be refined to just the education component. He likes both components that he has heard with education and mapping it just needs to be refined to get both done. A better explanation of how the funds are allocated and where the matching funds are coming from. Chair McKay, he agrees.

Chair McKay call for the vote.

The motion passes. Commissioner Lambert abstains

Shelia Lambert, proposal summary by rank number 7, proposal 4, aerial video production \$4,650.00. This project proposes to purchase production equipment to be made available to OHV users, public entities, and industry stake holders to promote their events and industry in general; this was submitted by the Nevada Trail Stewards.

Chair McKay, basically it is a purchase of a drone and have video tape editing capabilities. Then different user groups can go out and film events and make that material available to different OHV organizations and state agencies. Scott Gerz, they are trying to not associate a negative connotation with a drone. He spoke with the department of tourism and some of the economic development people. They have spoken with many of the local OHV organizations at several of the events and this seems to be something that could be used on a constant basis. They feel that video footage is something that is very helpful and can be shown to the outreach of OHV and trail use here in Nevada and could be brought to the out of state customers very easily. Commissioner Baker, the cover sheet requires a physical address and this is a physical piece of equipment and she wanted to know where it would be housed while it was not in use. One of the non-technical, non-voting member's comments was that you need a permit to fly over federal lands and that is a concern that there was not a partnership support letter. The organization has no specific prior success stories, and does not list any specific organizations that would use it. All support letters were the same and generic with no specific scope of support in those letters. Commissioner Griggs, those are good concerns from Commissioner Baker. He likes the aerial video platform and it is a good idea, he would like to see it spelled, "aerial" as opposed to the "onaerial". Have you talked to the FAA about any licensing requirements? A commercial vehicle of this nature, he appreciates not calling it a drone. A commercial vehicle of this nature requires a pilot's license and to him it is kind of a gray area whether this is commercial or amateur. Have you covered that base? Scott Gerz, they do not have complete reading on that as the laws are in flux as to where they stand right now. He was told that this is used as an amateur type of vehicle on any type of approved event and that the event stated that with the knowledge of the vehicle being in the air at the event, then there is no problem with it there. It cannot occupy the same air space as FAA requires and there are some federal requirements on Federal lands. Those will be addressed as events approach. There has been quite a bit of conversation about someone in the organization that is very interesting in getting their pilots license and going with a much larger vehicle. He is not sure if that is something that they are interested in right now, the quality and technology for fall b aerals where they need to see them right now. As far as the letters of support, they went with a general letter of support because there was no specific request from the Commission to have any specific information in there. He would be more than happy to address their supporters and ask for significantly detailed letter of support if that would ease your mind. He can understand where she is coming from on that. He has many other letters of support that he can provide. Commissioner Baker, she would really would have loved such letters. For example, for the bathrooms the letters were, "We loved the replacing of the bathrooms, they are very poor, they will help a lot of people". Yours were, "Your ideas are great, and they benefit the OHV". It was not clear that the supporters even knew exactly what they were applying for. She would love for all the grants, that the support letters are very specific, instead of being generic. That way we really get that they understood exactly what grants are being applied for. Scott Gerz, just to clarify all the letters of support were provided to the supporters with an executive summary of each of the grants. They saw detailed information on each of the grants, they are not just simple. Commissioner Baker, unfortunately they did not refer back to them on any of them so it is hard for the Commission to know that. Commissioner Griggs, that also applies to the evaluation of in kind matches. In your future endeavors if you could detail that a little better. He is really concerned with public money and we want as much transparency as possible. Is there an opportunity to insure this vehicle against accidental damage and have you planned for that? Scott Gerz, the accidental damage, not so much, as far as theft there is and, as far as insurance for damage would fall under general comprehensive. Shelia Lambert, there has been quite a bit of discussion in the state of Nevada regarding the unmanned aircraft, should the counsel decide to move forward with any applications similar to this we would ask the Commission to consider allowing working with risk management in the state of Nevada to determine what insurance would be appropriate to eliminate any liability to the state. Commissioner Jackson, he does think liability insurance should be done. He has a little bit of experience with unmanned vehicles through the film industry and he is worried that there is nobody mentioned in here that really has the experience or the background. For example if you were bringing someone in who had worked in the film industry and done filming like this over the last couple of years; those people are available, he would say great. In the evaluation, evaluator one mentioned \$16.00 an hour which will not get a professional film editor. That will not even get you in the door. Evaluator two mentions the commercial use and by not being appropriate with the forest service. Applications need to be applied for with the FAA. Evaluator 5 is similar concerns with the BLM land. Evaluation 6 who will have the experience and ability to do this. This is not something that you pick up, this is not a toy. And having this flying over events, if this thing crashed and hurts someone then the liability that is involved. As a Commission we could be put in a really bad spot. He is very hesitant about this grant.

MOTION: Commissioner Baker makes a motion to deny this application; seconded by Commissioner Jackson.

Chair McKay calls for the vote.

The motion passes. Commissioner Lambert abstains.

Shelia Lambert, the eighth proposal is proposal 6 mobile trail support unit for \$84,567.00. This project proposes to purchase equipment necessary to perform trail maintenance to be stored in a mobile trailer and to be used by OHV user groups and was submitted by the Nevada Trail Stewards. Commissioner Baker, her concern with this proposal again the cover sheet requires a physical address since it will be purchasing equipment; there was no identification of where the physical equipment would be housed when not in use. There was no land manager support, yet the trails were going to be maintained on public lands. There was no assurance of how they would maintain the vehicles. No detailed plans with regard to the general concept of making the material available. She would have liked to have seen a couple of specific areas that you already had volunteers and you were going to go right out and do it and she would have been more supportive of it. She did not understand how purchasing the equipment would remove the need for conventional lodging, which is one of the things in the scope; are you going to sleep in it? That seemed confusing to her. Again the website does not show any connection to any organizations or events promoted. She would like to see the list of volunteers. There were no real options for rehabilitation of trails with this equipment, specific areas that you are either ready to start with the minute you purchased it. They talked about specialized equipment, and she did not see in the purchasing list what would be considered specialized. She did not understand the connection between the City of Las Vegas as was mentioned before. And again the support letters were all the same with no reference to the specific scope. She loved the idea of it but she would like to see it be advanced where you had a couple of areas where you are ready to go, and then more detail on how you are going to share it with everybody. Scott Gerz, he has addressed the letter, he understands that it brings you quite a drawback. He wishes there had been more of a specific request from the Commission to supply that information in the letters because that information was easily obtainable at the time. He feels at this time being docked for that kind of information is being a little difficult since it was not requested. The specialized equipment requested is for trail support; hand tools that will be needed to make sure that these types of trails can be maintained, shovels, picks, axes and the traditional BLM / Division of Forestry trail kits. As far as lodging goes, again these are toy haulers and they will be able to sleep a small crew of probably 6 to 8. There will be no need to leave the site, which will remove the need of transportation and travel lodging. Commissioner Jackson, he been on some of these projects and actually done some of the work. They had their lodging with them, they used a tent. In bad weather you are not going to be out there digging on the trails anyways. He does not know if there is a great need for this. The evaluators did not really care for this proposal. There does seem to be some problems for example with one of your stake holders, you use the Boys and Girls Club of Truckee Meadows and he is very familiar with that organization. If they were one of your stake holders, he would have thought somewhere along the way he would have known about it. He knows who the stake holders are there, he is very familiar with that organization and the point he is looking at is, you say that there is going to be an in kind of \$19,000.00 and he finds that tough to believe because they don't go out do trail work. They have a few kids at certain times, in their progression, that they have do community hours, but the total of those community hours for all the kids is maybe 200 to 300 and that is a maximum. He is interested to find out where the \$19,000.00 will come from. Scott Gerz, he is not sure who you know at the Boys and Girls Club but they truly support this project. They have supported it with volunteers and explained that they can provide volunteer labor or the projects and education. He is not sure where your question is on that. Commissioner Jackson, let me be a little more specific. Can you tell me the name of three of the projects that you have done with Truckee Meadows Boys and Girls Club. Scott Gerz, he cannot, as they have not done three projects with Truckee Meadows Boys and Girls Club. Commissioner Jackson, have you done one project? Scott Gerz, they have done a little bit of education with Truckee Meadows. Commissioner Cox, he is concerns with this project are that it is a trailer full of tools to be used on projects done on public land with no support from public agencies. No matter, when we have to do a project on public land there has to be support. At this time he sees this as a trailer full of tools parked someplace. Scott Gerz, that is understandable. The equipment and the trailer would be used for approved projects, simply putting the tools in the hands of the volunteers to complete those projects that are already in the running. They are not asking for approval to do a project, they are not putting in applications to do a project, they are working with organizations that already have these projects in line and they are ready to move on the projects that simply need the hardware. Commissioner Cox, there were no letters of support saying, "My organization has this project and I need help". Normally the projects where the helps on, the BLM and Forrest Service, provide the tools and lunches. He would have loved to

have seen a letter of support from somebody that says, "We have an organization, we have a project". Even if the project is not approved yet, here is the project that they are working towards and this is what is needed. He does not see any backup documentation. Scott Gerz, if he would have known at the time that there was a specific requirement in the letters of support you can be sure that we would not be having this conversation. Commissioner Cox, as a word of encouragement to the Trail Stewards, it was hard for him to vote against an earlier application, he does like a lot of your ideas and plans. He would like for us to work more closely together so that we are both on the same track. In the future we can accomplish some of these goals. Scott Gerz, he appreciates that. The feeling that he came into these projects was that there was not going to be any additional animosity added towards the trail stewards due to (did not finish sentence) Commissioner Cox, he is not saying there is animosity (did not finish sentence) Scott Gerz, he understands that we had been received very graciously for these projects in the first grant go around. All of the Commissioners came up with positive things to say about them. They all thought they were benefits to the OHV Commission and to the state, so that is why we went with the same kind of project. If he would have expected this seeing the resistance like this then he would have defiantly would have made more of an address to each one of the Commissioners. Commissioner Cox, what he has heard and what he wants to help work toward in the future is incomplete grant applications. So maybe with the help of the office of grants and the Commission, we can get more of what we are looking for in the application so when we are reading them we have a clearer understanding of we are funding. Chair McKay, he scored their grants higher than anyone else and a big reason for that is that he values the potential value of the partnerships that you have. It has become apparent as we go through this first process that we are learning, we have to refine and we have to be a little more specific ourselves. We have to educate a little better for the people that are going to submit an application so we can avoid those little pit falls that may be the difference between a nod and a nay. What he has come away with is that he would have, with the benefit of hindsight, he personally would have probably gone to the BLM or Forrest service to see if they had an idea of a couple of projects that are needed, we have volunteers, let's do a couple of projects together. Then you can come back and say we worked with BLM on these projects, it worked well, and it exceeded expectations. Therefore, now we think there is a need to buy this equipment and expand that program to do bigger and better things. Scott Gerz, thank you for the information. We have worked with BLM and spoke with them extensively. They spoke with the division of Forestry. BLM no longer offers letters of support as we have received in the past. We spoke with several of the people at BLM about this project and they felt this was a very good project to support the state and the OHV community. These projects have all been received by these organizations as beneficial to the OHV community and the state on a regular basis. He is really kind of shocked and dismayed that we are having this conversation at this point, but it is understandable. Chair McKay, together we can refine and improve. Commissioner Lee, a couple of comments. They have had a lot of discussion about trailers over different grants and he thinks that the comments about the toy hauler on the mobile outreach unit is a really good idea, although he does not really think it is necessary for the tools. He knows, not that is has anything to do with this grant, on a law enforcement grant an entity asked for a trailer that the commission thought was too much and denied him. He thinks that the mobile trailer unit could be more of an enclosed trailer; he understands staying in it, which is a great idea. He does think it would work well for the mobile outreach but he does not think it is that appropriate for the tools. The same thing could be accomplished without the living quarters with a simple \$10,000.00 tandem axel enclosed trailer that all the tools could be placed in. In Lincoln County they do something similar to that with a fire reduction grant, they have several of those enclosed units that have all the tools. They don't have a unit to go and spend the night in. He would be more in favor if it was more of an enclosed tandem axel big trailer to put all the tools in. Scott Gerz, he appreciates that and part of the reason they were looking at a toy hauler was not only for lodging but to also move motorized vehicles for the trail support. That is understandable and it can be done on a smaller base budget, both of these are so that is an option if the commission decides to move that direction. Commissioner Jackson, he is sorry that you felt that there was animosity; you have to understand that we are spending the public's money. One of the things he would suggest is that if you take note, and he thinks he made this very clear at the beginning, he is comfortable with organizations that have already done these things, which already have a reputation and have already made these things happen. The first four grants where organizations who could show a track record. You at the moment have no track record, which means that somebody has to give you a leap of faith to give you that first grant. He knows that you have applied to other agencies and been denied their grants too. He would strongly recommend if you are coming back to us for a grant that you reduce the risk by asking for a lot less money and a lot more manageable or easier to produce project that we can then look back on and say okay they did A,B,C, the grant went through and everybody is comfortable. That would raise the comfort level

dramatically. Coming in and asking for tens of thousands of dollars and basically asking us to be the first to issue you a grant it is a little tough to do. That would be his advice. Scott Gerz, Mr. Jackson you're denying a \$4,000.00 grant, so he cannot understand where you are coming out of that. We have cleanup projects under our belt. We don't have trail reconstruction projects because we don't have the equipment to do it. We don't have outreach projects because we don't have literature printed and or equipment to manage the outreach. At promotional events, they have reached out to Nevada's, and they do it on a regular basis. AG Palmer, he has the right to present his view point. Chair McKay, Scott I appreciate your response and I think we understand. Any further discussion. Commissioner Lee, Scott is it possible for you to go back to what he said before. Is it possible for you to look at simply and enclosed trailer, do you happen to know what the costs of your tools are? Those trailers are anywhere from \$5,000.00 to \$10,000.00 depending on the size. Do you have off the top of your head what you would think, with the tools you would need along with an enclosed trailer? Could you do it for substantial amount less? Chair McKay, we have to discuss the proposal before us. I am sure down the road if he wants to amend it in a different proposal it can be considered. Commissioner Jackson, he certainly had his doubts when Ms. Lambert came before us the first time he thinks now after this process and presentations from her department and the work they have done. He would like to commend her and he would like to say thank you for what you have done and you have relieved any doubt that he had and he is extremely comfortable with the process now and he is extremely comfortable with you and your department.

MOTION: Commissioner Cox makes a motion to deny this grant; seconded by Commissioner Griggs. Commissioner Griggs, Mr. Gerz please look at this from our prospective in that they are the custodians of public money. He thinks this is potentially is a good project, as Commissioner Lee said, if you could with a trailer that is reasonable and define the equipment, define the people that are going to help you, and define the projects. You will make it a lot easier for us to give you some money. He hopes that he will do that. Scott Gerz, Mr. Griggs thank you for your comment. The limited space and time that was available in the application did not really leave a lot of options to break it down into specifics. It kind of forced it into a general grant request. He expected to have some time for a proposal and for a presentation if that was needed by the commission as was said was going to take place. He completely understands where he is coming from on this and we can do this for a small amount, we can do it for a larger amount. We have been doing the promotional work and all of the coordination out of a personal residence. As it stands right now we recently has a theft and had trailers stolen from us that they are trying to recover right now. They are limited on the space that they can affect. These types of things can be done at the commission's obvious discretion. I thought that we were going to have the opportunity to reduce the price on this if needed as we stated in the meeting prior to the grant submission. Commissioner Griggs, this whole process is an education and learn as we are going. Take that for you as well, learn from this and come back and try again please. Commissioner Lee, he has to agree with Scott on that point. He thought that they had an opportunity to reduce the amount too. We chose one restroom rather than two. So instead of \$253,000.00 the Commission decided on \$133,000.00. Instead of a toy hauler trailer they could opt for an enclosed trailer. He did not think that he was out of line but apparently he is mistaken. He thought they had the opportunity to do that. Chair McKay, we did but I think there were other substantial issues that barred the award more than the amount.

Chair McKay calls for the vote.

The motion passes. Commissioner Lee opposes. Commissioner Lambert abstains.

Commissioner Lee, he opposed because he thinks it could have been reduced.

Shelia Lambert, she would like to verify that the grants office has what the Commission would like moving forward. For the proposals that have been approved today we would be looking at the top four ranked proposals which is proposal 10, restroom facilities at Logandale Trail System for a do not exceed amount of \$133,000.00. We would be looking at proposal one, Front Country Back Country Roads for ATV safety for a do not exceed amount of \$10,000.00. We would be looking at proposal two, which ranked third, Genoa Peak Logan and Logan House Road best management house practice project for a do not exceed amount of \$60,000.00. We would be looking at proposal three, which ranked fourth, Nevada OHV Economic impact study to do as a collaborative grant agreement for \$53,489.29. She also wants to verify that is what the Commission intended. Chair McKay, he believes so. Shelia Lambert, what they heard today in the process in terms of learning and improving the Commission, she wants to make a couple of comments from the Grant office. The amount of time allowed for the grant submissions is standard, Federal grants with up to 10 to 15 million dollars with 120 pages gives us 4 to 6 weeks for submittal, so this middle time is considered appropriate. But they would be willing to support the next position in doing a technical assistance. After the release of the grant, so that applicants can come in during that time period and ask questions, so her office



can provide more specificities to make sure they get the best and most competent applications before the board. For the letters there is a requirement in the application for letters of support, as you saw, with many of the other applications, but they are going to change that to commitment letters, and they will detail out in the application that those commitment letters need to define what role those individuals would play in and with the project. They would add a classification and require that the applicant for future funds define where they believe what category they are requesting those funds from instead of the Commission having to define that for them. Then the Commission would evaluate it based on what their submission would be. On every application they would ask that OHV, as with any Federal or state grant, any production of any materials study or project has signage as to who funded that project or who participated in the funding of that project and that will be standard language within the application. One of the challenges they found was the difference within capital implementation projects as well as planning projects. As several of the Commissioners pointed out, the scoring is a little bit of a challenge on some of the planning project because there is some information that cannot be included. They would include a matrix that differentiates between those two projects. The last thing she would like the Commission to consider, typically what they would like to recommend as you saw with the proposals today is a minimum cut off. Meaning if the applicants who submit don't meet a minimum score they are not considered. As you saw today, there was a range in scores from 103 to 360. If they do not meet a minimum score, which can be defined by the Commission, they would not come forward. That would save the commission time on some of the redundant comments that were heard today on those proposals that did not meet with the Commission's approval. Is there anything that the Grants office missed that the Commission would like to include into the next grant cycle? Commissioner Jackson, do you have a recommendation on a minimum score? Shelia Lambert, they like to use what they call a 70%, so if you get below a C you fail. Commissioner Cox, he was surprised to see these as total scores and not a percent score. Shelia Lambert, they equal to the same. Chair McKay, we could quote the statute to the non-voting advisers which specifically lays out their advice in regards to their section of the statute, and it would be more clear to them. Commissioner Cox, if we set the 70% or whatever, when we were scoring these in the area's that were not applicable to that, then how do we keep those scores in line? Shelia Lambert, there will be a different matrix for planning and they would be considered under two different categories. Because the planning grants or the studies don't have all of the backup that the other implementation design or programs grants do. That was part of the learning process here. It would not have been appropriate today based on some of those grants today. They would all be on equal footing at that time. AG Palmer, she would like to provide a different summary. In totaling the grants that were awarded it amounts to \$256,489.29. Commissioner Cox, where did you get that number from? AG Palmer, I am sorry you probably have \$10,000.00 less than that. Commissioner Cox, I have \$685,842.98. AG Palmer, we better get these figures correct because it makes a difference on where the Commission needs to go from here. Commissioner Cox, here is what I did. He took the \$446,342.98 for law. AG Palmer, law is not involved in today's grants. Commissioner Cox, today we approved \$239,000.00. Shelia Lambert, we too have \$256,489.29, the grants office would concur with AG Palmer. AG Palmer, you have \$53,489.29 in category one of the statutes of the 60% that you do for the grants process. You have \$60,000.00 in category four; \$133,000.00 in category five, \$10,000.00 was awarded under sub paragraph two which is your 15% of which you also have \$50,000.00 allocated in direct spending through the inter local agreement with the county. Because that \$133,000.00 in category 5 represents approximately 51.85% of the money that you have allocated, the Commission needs to spend another \$186,844.33 in the remained of calendar 2016. So there needs to be another grant process that goes out this year and it has to be awarded this year. That would exclude the category of construction of trails and facilities because that is the figure that is setting the amount. They could spend more than that if they wanted to spend some in that category 5, but it has to be spent in the areas of category one, two, three, four or six with less money to be spent in categories one and four with which you have \$53,489.00 and \$60,000.00 respectively in those two. Shelia Lambert, Commissioner McKay and some of the other Commissioner's indicated the desire to go back out before April of this year with another grant cycle. AG Palmer, hopefully with the additional technical assistance that you will be providing that provides some of the recipients who were not awarded grants a little more hope that it is not the end of the process and they don't have to wait another year. There will be another opportunity. Shelia Lambert, in addition to that they do have a number of applicants who has since recognized that OHV is now giving out awards and who have indicated that they would like some information on technical assistance. They are looking forward to seeing what awards were provided today. Commissioner Baker, can I ask you Shelia, didn't meet, met and exceeds. She sometimes got a little conflicted with when you met it, or you exceed it, because she is more of a "is there or isn't there" kind of person instead of, if you had 4 letters or you had 8 letters, if

they were specific she liked it so she did not know what is two met and 8 exceed. She got confused sometimes on that and then when she wants to be so consistent with her voting over all the proposals, then she had to go back and go review her scores. It was challenging. She liked the columns either they had it or did not have it. She did not like you have it or you exceeded it. It got a little blurry sometimes. Shelia Lambert, Commissioner Baker we can certainly appreciate that, she does several scoring and on many federal and state application and find herself a similar position. She thinks one of the things that they attempted to do in the beginning was to take some baby steps in terms of the first application from the Commission and simplify it down to a very kind of basic level and as you will see in the draft that they will propose for the next round there will be a little more detail and flexibility, and a little bit more range in the scoring for the commissioners, recognizing how this process works. They wanted to keep it as consistent as possible for a number of commissioners who had not been through the process before. As you get more experienced, you have the ability to add in some more details and more information that you will find you will have a little more flexibility in the scoring in the next round, and there will be additional clarification. Commissioner Lee, his thought is right under the same thing as Commissioner Baker just said. He was a little confused on some of those. Also, it would be nice for members of the commission to be able to call up the grants office and maybe go to school for a little bit. He was a little confused on some of them also. He did the best he could do, but was a little confused. Chair McKay, maybe a little training session before the next round. We might have to do that individually or we would have to agendaize it. He was just thinking if he could call up before they do the next round and maybe Connie and Ms. Lambert could take us to school for a few minutes and help us to understand some of the scoring. Shelia Lambert, the Commission did such an exceptional job this time, and there was a lot of really great questions going through this process. When we provide a draft of the next round, and they are looking at the scoring, then we would want to not only brief you on that, but then do Q&A and whatever other information or training we can provide at that time and they would be happy to do that as a group. She does not know that her office would have the resources and time to do it as individuals, but they would be happy to do it at one of your public meetings.

Five minute break.

Chair McKay reconvenes the meeting at 12:07pm. He is going to change the order up a little.

## **9. PRESENTATION FROM THE DEPARTMENT OF MOTOR VEHICLES**

The NCOHV will receive a report from a representative of the DMV on the status of NCOHV state registrations and the revenue and expense reports related to the quarterly distribution of NCOHV funds.

Denise Cogal (spelling), DMV, she has with her today Marty Elzy. OHV revenues year to date as of 12/31/2015 registration fee original \$105,143.00; registration fee renewal \$358,580.00; replacement decals \$110.00, title processing fee \$ 32,428.75, title fee \$80,511.70; title fee out of state \$485.00; VIN assignments \$110.00; late fee registration \$42,950.00; total OHV revenue \$620,318.45; salaries \$38,445.50; operating expenses \$20,686.14; total DMV OHV expenses \$59,131.64. First quarter distributions \$697,149.53; OHV new registrations 5,369; renewals 17,971; OHV duplicate decals 105; OHV titles processed 4,099; phone calls answered 9,165; mail correspondence processed 2,162; total active OHV registrations 41,267. Chair McKay, keep in mind the quarterly reports should be coming out near the end of the month and they can be discussed at the next meeting. Commissioner Cox, the first quarter deposit of \$697,000.00, is there any break down of that? Chair McKay, that was provided in the previous meeting and it is on the website. AG Palmer, I thought there was an agreement that DMV would be providing that information monthly so that the Commission could get a break down. Now second quarter is done, you may of not had it in time for the meeting, but you should of had October, November at least so that the Commissioners could have an idea of where they are at. She thought that the DMV was going to be providing a monthly breakdown. Chair McKay, he met with Amy McKinney, she said that it might be just as easy to do it monthly instead of quarterly. Denise Cogal, she recalls a conversation about that and I think there was some confusion on the formatting of the report so that might have been where the hang up was. But moving forward they will provide that to the Commission monthly.

## **6. THE 2016 LAW ENFORCEMENT AWARD PROCESS AND TIME TABLE**

The Commission may discuss the timetable and content of the 2016 Nevada Office of Criminal Justice Assistance Law Enforcement Awards. Cherise Whitt may be present to answer questions.

Chair McKay, Cherise Whitt was unable to be here today, the application documents are on the website under today's meeting notice. Two changes reflect the Commissions concern's from the first grant award process. There is language in there, if they are purchasing equipment, they should take into consideration where a moderately piece of equipment will do the job, will be favored over a high end type of purchases. Secondly, it allowed for that if the law enforcement community wanted to do some public education work, it would also be available for funding. If anyone has any questions or concerns today, those can be forwarded to him and he will forward them to her. Ms. Whitt will probably put the announcement out on Monday. The application deadline will probably be in mid-February, and in March we can look at the recommendations and funding. Commissioner Baker, just to clarify, if we will fund them for public education, is that still within their law enforcement category? Chair McKay, it will be related to the law enforcement category and law enforcement awards. It will not affect our other public education outreach category is his understanding. Commissioner Baker, just to encourage them that it does not just have to be about enforcement, it can be about education as well. Chair McKay, about how to register, or other laws pertaining to OHV use, hopefully something state wide to have to hand out to people that will give them good information. Commissioner Baker, for clarification, in the RFP from the county scope of work, the Commission did ask for them to develop a law enforcement brochure. She wants to make sure that there is not any misunderstanding that they would be applying for funds to develop material, but just to put hours into the outreach. Chair McKay, actually Commissioner Lee has been doing a little work and has been the liaison. Commissioner Lee, he feels that Commissioner Baker is right. What law enforcement is looking for is something that the Commission has come up with for law enforcement to put out statewide. Those entities could take that information and put it into a brochure with their own badge or logo, but most law enforcement agencies are looking for something that is put out there, or can be put out there, that they can utilize as they are out on patrol. Commissioner Baker, we did include that in the scope of work for the county. Commissioner Lee, he thinks there are many entities that are waiting for that to come out. Law enforcement is excited that could happen. Some entities tried on their own to put something together because the Commission had such a long process. He thinks if there was something state wide it would be great. The original brochure should come out of the education outreach monies, but if they want to print an additional one, or maybe we should go as far as making them available every year, giving each department a request to bring some in unless they want their own logo on them. Chair McKay, it would be good as far as funding goes, it was \$95,402.00 balance from 2015 that was not spent. The 20% adjusted for our other commitments was \$350,940.00 for a total of \$446,342.98 is the total available for distribution this year for law enforcement. AG Palmer, that is different from what the minutes reflect was the amount from the last meeting. At the last meeting it was \$83,572.00. Commissioner Cox, the \$83,572.00 that was left over that the Commission did not allocate from the last year has now changed because we have written some checks. Some of the entities did not spend all of the money. Does that money get added back into? That is what is making the difference here. One entity, White Pine County said that they could not do their project for \$10,000.00 so they did not want the grant. AG Palmer, then it does, yes. Commissioner Cox, that is why on his balance sheet that it is reflected of what is left over, Lincoln County had \$1,826.83 left over, Mineral County had \$3.00 left over. That is why the balance has increased. Commissioner Lee, before you take those monies away make sure those entities are done with their projects. Lincoln County is not done. White Pine is probably, maybe Cherise could put out something that if they desire to de-obligate their remaining funds, that would be great. Lincoln County still has to have the radio installed, the lights put on and they still need to print some pamphlets. The projects should have at least a year before the funds are put back into the fund. Commissioner Cox, he is not sweeping the money away. That is why there is a difference. That has been his question, is how does he deal with these left over funds? They are still in the law enforcement category but they have been allocated. Commissioner Lee, those entities that want to de-obligate should have the chance to. If White Pine feels that they cannot use the \$10,000.00 then maybe Cherise can have get a letter from them stating they want to de-obligate those funds. The Charlie would know that those funds need to be added back into the fund. Chair McKay, with those comments we will tell Ms. Whitt to proceed. Commissioner Cox, if we just go with the left over from last year, \$83,572.32 and add that into this years \$350,940.83 then the total available is \$434,513.15. That might be the more realistic way to do it.

**10. AUTHORIZATION FOR THE TREASURER AND CHAIRMAN TO AUTHORIZE PAYMENT OF EXPENCES CONNECTED WITH THE COMMISSION'S STATE BUDGET ACCOUNT**

The Commission will be asked to approve the Treasurer and Chairman to authorize payment of expenses with the Commission's State Budget Account that will be administered by Nevada State Parks. The Commission will get the list of expenses at each Commission meeting for review and comment.

Chair McKay, we have had several meetings with the state in December with the budget office, finance office, state parks, LCB and where this thing is going is, he is going before the interim finance committee on February 11 and asking permission for a.) state employee and b.) to create a state budget account. The following thinking is to get a secretary that will have some space in state parks, and they can handle payroll, and they can also handle some accounting for the Commission. Part of that, they will generate from our secretary, each month, a list of expenses that the Commission needs to pay. Rather than have the full commission come and decide on it at some date down the road, the general process is the Commission can designate a couple of representatives that can approve those expenses. At the next meeting they can bring to the full commission what expenses were approved, and make sure that works for the group. He is asking for a motion to authorize the Treasurer and/or Chairman to authorize payment of expenses connected with the Commission's state budget account. Commissioner Jackson, so would the treasurer and the chair meet to do this? Chair McKay, they will have a conversation when they are looking at all those and go through it together. Commissioner Jackson, would it be easier on paper, it goes to the Chair, the Chair then mails or emails to the treasurer. Chair McKay, I think they will email both of us any concerns or we are okay with it. Commissioner Cox, what happens now, an invoice comes in the mail, the Chair gets it, approves it and sends to the treasurer to be paid. He can only go by the invoices presented to him. Chair McKay, he is asking for a motion to authorize the treasurer and/or Chairman to authorize payment of expenses connected with the Commission's state budget account

MOTION: Commissioner Lee makes the motion as stated by Chair McKay; seconded by Commissioner Lambert. AG Palmer, the Chair and the treasurer may have to get together in a meeting to comply with the open meeting law to discuss those expenses and approve them. Chair McKay, just the two of us. AG Palmer, if you two are the ones that are going to be approving it, because you are going to collaborate. Chair McKay, so each time we review expenses to be paid we have to have a meeting? AG Palmer, maybe I do not understand, is this for the initial setting up of the budget or is this the way the commission wants to function going forward. Chair McKay, this is what the state suggested. They could give a list of expenses, and then they would like an approval from two people on the Commission (typically the treasurer and chairman). If they say okay with the expenses, then they get paid. Then they would come back at the regular commission meeting and explain what was approved. AG Palmer, so this is just the approval process. Chair McKay, that is correct.

Chair McKay calls for the vote.

The motion passes unanimously.

## **11. TREASURER'S REPORT**

The NCOHV Treasurer will report on the NCOHV's account activity, including income and expenses and current bank balances. The Treasurer may also elaborate on the new Budget Account for the NCOHV being set up by the State and the accounting done by the Nevada State Parks for the NCOHV's new Executive Secretary.

Commissioner Cox, he sent out the balance sheet and P&L for 2015 and set it out again corrected. When quick book transferred it over one of the formulas did not activate correctly. He will start with the balance sheet. Because they have the law enforcement grants and they will have more grants in the future, on the first line there is a general fund has \$1,754,704.15; all the restricted or encumbered monies, the total in the checking account at the end of the year was \$1,979,811.30. The liabilities \$225,107.15 represents all the above grant total to be spent. The adjusted end of the year balance \$1,756,530.98, sorry that is the equity figure. The correct adjusted checkbook balance is \$1,754,700.15. There is a difference because equity is different than checkbook balance. On the profit and loss statement, that is the income statement for fiscal year 2015. We have DMV income of \$1,020,088.23. Total expenses for administration \$20,737.38. The net income for the year \$793,652.36. Then we get to December 31, January 1 balance currently \$1,979,811.30 less the restricted fees \$1,754,704.15 for the operating capital for fiscal year 2016.

## **8. THE NCOHV 2016 BUDGET**

The NCOHV will discuss and create a 2016 Budget.

Chair McKay, they have been working with state finance and budget on creating a 2016 budget that reflects our obligations of the past and our expense structure. They should have something out, and it can be reviewed at the next meeting. They are working on it, and it is all in conjunction our budget accounts. The expenses should be very similar to last year although we will pay a little bit more for the secretary due to the benefits package that the other one did not have. Most of the other expenses are right in line, with a possible exception of state parks with cost of rent and office accessories.

## **5. MEETING MINUTES**

The NCOHV will vote to approve the December 3, 2015 NCOHV meeting minutes.

Chair McKay, speaking to AG Palmer, are most of it grammar. He read off the list of errors which of provided to Kim Miller for correction.

MOTION: Commissioner Lambert makes a motion to pass the minutes as corrected; seconded by Commissioner Jackson.

Chair McKay calls for the vote.

The motion passes unanimously.

## **10. COMMISSIONER BRIEFINGS**

Commissioners may brief the NCOHV on any emerging issues of interest to the NCOHV arising after the agenda is set. No deliberation or action will be taken on any information presented until the matter itself has been specifically included on an agenda as an item upon which action may be taken.

Chair McKay, he will start with the executive secretary situation. He heard from the candidate who we wished to hire on Monday, and she had a change of heart. Principal reason was that she is a young mom and has young children. She has spent a little time at home now, and she likes it. Her time table to start work has been moved to fall, when her youngest goes into preschool. We are going to have to go through that process again, but before we even do that, it was too late revise the agenda and has it posted in time to get that started today. Actually we are going to have our February 11 finance committee meeting to get authorization for the state budget account and the position. We were going to have to hire her temporarily through Manpower until this interim finance committee could meet and authorize the position on a better basis. We will probably have to schedule a meeting soon after the February 11 to get authorization to authorize the executive secretary subcommittee to go through the process, post, and interview and come back with a recommendation for the commission on a secretary. In the interim Kim will continue working. It may allow for some of the other parts to fall into place during that time as far as the state and agreements are concerned. It was nobody's fault, there are no bad people, but the state process can be slow. That was part of it too. For months she was trying to get an answer. Commissioner Jackson, what about the second choice? Commissioner Baker, for clarification, in all fairness to Jessica, we first interviewed and applied in August. Then they received direction from two different departments, and they reposted. She reapplied three times through the process. When it was all done, it still was not right because of the bad direction they were given by different departments. She does not want to be negative against her, while she was waiting, she got comfortable being an at home mom. You cannot blame her for that. It was all the bad direction that they have been given all the way through this process. How it will work now, Chair McKay filled out this form that said exactly what the Commission needs the person to do, the percentage of time they are doing each of the major tasks. They have to officially authorize the position and then it can be reposted for the 20 hour a week position as a state employee with the full benefits. She feels pretty confident that they have been given the firm direction because it is official, and it will be budgeted. An official part time position, the commission has never had that before. To answer Jackson's question, they did ask the second runner up and had just taken a full time position. Chair McKay, hopefully we can turn this problem into a little better opportunity and get a better candidate. Commissioner Baker, one thing that they talked about with the extended duties, the thought is that this position would be more of an executive director than an executive secretary. One of the comments we probably want to have on our next agenda is talk about getting ahead of the game with the legislative session coming up so that they can ask for that change in the statute, so they can hire an executive director versus an executive secretary. In the

interim, the scope of work that they have for the secretary is more defined like a director. One of the conversations that we had was when they post this position, we hope everyone on the commission would go, "hey this is a position that people are looking for". Maybe we need to be targeting this for someone that is retired, and is excited, and that had already been in a lead position. That can say they would love to work 20 hours a week or so to help you guys. Just throwing that out there for everyone that is listening, if you know someone that is retired, and has been in a director's position that has an OHV interest, send them our way. Chair McKay, later this month he is scheduled to meet with BLM and the forest service and some other groups to learn what their opportunities are, what their challenges are, how we can work better together with them and try to come up with a general thing of what can be done state wide. Then bring that information back to Commission for discussion. He thinks this next year will be a lot of public education and outreach, building partnerships. Commissioner Jackson, since Commissioner Richardson, who is the secretary, is out for a year, there is a need to appoint a new secretary for the interim until he returns, or if there is a commission election between now and then, appoint someone. Chair McKay, as a point of information he does not have a problem with agendizing and taking care of the issue soon. Jim Richardson originally wanted to reapply. He changed his mind and sent a letter in stating that he is done. The new boards and commissions person is working on a replacement for him, there is a gentleman that the department of conservation and natural resources has recommended. Darrin Elmore's seat is up for consideration to be renewed. There are four commissioners' whose paperwork is in there, and she is looking at replacements. Commissioner Baker, we are meeting on the 21st, Tread Lightly. Jamie Fields has put this together to coordinate with Tread Lightly, and she has invited a lot of OHV organizations. She is excited that it is to talk about the coordination of Tread Lightly, but it is also one of the first times many of these OHV organizations will be together in a room. That is an exciting thing. Chair McKay, the meeting is next Friday, and there is actually one in Sparks, and one in Las Vegas. Leo Drumm, the meeting is at the forest supervisor's office in Sparks, on Franklin Blvd. Commissioner Baker, Tread Lightly, 9:30am Nevada inter agency gathering January 21. It is in Las Vegas at 4701 N. Torrey Pines Drive, Las Vegas, and she does not have the address in Sparks. Commissioner Lambert, regarding trails the No Back Company is finishing their great trails manual and handbook. It was presented at the International Trail Builder's conference in California a few months ago. He has a copy of that book and it is pretty useful. It is something the Commission might consider getting for the commissioners. It is specifically on OHV trails, organizations and building. It was well received by the International Trail Builders and land agencies. Chair McKay, can you find it on their website? Commissioner Lambert, it is a printed book. You can find it on their website and order it there. It was funded through an OHV commission in part, the production and manufacturing of it.

## **11. PUBLIC COMMENT**

Carson City:

Kris Swanson, director of the Zap Lab in Reno, his two grants were the two that did not meet the technical requirements of the grant proposal. He apologizes for that, he does not have a lot of experience in writing grants. He did see the times new roman and chose not to do it. He had a very short proposal, and he thought that was so you have me putting 8 point courier in and piling a bunch of information into the pages allowed. He will be working together with the ladies to get into the box on that. He feels they are good proposals, and the commission would have liked them. Commissioner Baker you said multiple categories cannot be addressed in one grant, he did not see that anywhere. Is that something that the Commission finds important? Had one of his been considered, it did address a number of different areas just by its nature, it could have easily been put into one box. For budget reasons he understands. Is that something that needs to be a priority for the Commission? Is that in the best interest of the OHV community? That is something you might want to consider. Secondly, getting a retired person for your director is good idea. He thinks that people who are retired are here not because they have future aspirations of political grandeur or anything like that, but just because they want to do something good and help the next generation. That would be a wise choice. While you are going through this process, and I understand this is fairly new Commission with a rocky start, he does not see that anyone here is here for any reason other than they love the outdoors and OHV riders. You see this sticker as something that people are putting forward so they can have better trails, so we can protect the lands that we have. We are fortunate in Nevada to have this incredible open space that no other states really have. This money should be earmarked specifically for things that are benefiting everyone out there and helping promote, helping get the kids unplugged from the video games and get outside. Go do something where you are going to connect with the environment and have a good time and be responsible. I know that you have a lot of boxes that need to be checked and I know that the government process can be

cumbersome. and it has been proven to be very cumbersome. As you move forward. Commissioner Jackson, he owes Mr. Swanson an apology. He tried to contact him about the grants and he was not allowed to respond to him. He could not tell him why he was not allowed to respond to him. The legal fact is that during the process, he cannot respond, otherwise it becomes a conflict of interest.

Las Vegas:

Alice McAllister, Partners in Conservation, thank you for considering our application. She has a question, since this is an open meeting, is it appropriate to post on Facebook, and start getting people excited about new restrooms, or does she need to wait for an official notification? She also wanted to offer her help with grants to anyone. She is not the world's biggest expert but she had done them for 15 years. She also wanted to say with the economic impact study, that they do surveys at Logandale Trails and they know a lot of the casual users and would be happy to help with that in the southern end of the state. Finally there is an Arizona study that Bob referenced, and it really is an excellent study. Chair McKay, he would suggest that you contact Shelia. The next step in the process is they are required within 5 days of today to post the grant applications that they approved and the brief summary part of each application. When that is posted there is an appeal process. People have 10 days to file an appeal. If they do file an appeal, they can schedule a meeting at the commission's convenience. If there are any appeals, it might take a month to get everything completely resolved. The Commission will post the awards they did today, and the amounts, and the summary of each of those grants. That will be it until they see if there is an appeal or not.

### **13. ADJOURNMENT**

MOTION: Commissioner Lambert makes a motion to adjourn; seconded by Commissioner Cox.

The meeting is adjourned at 1:00pm