



Commission on Off - Highway Vehicles

Full Commission Meeting

October 15, 2015

Meeting Minutes**DRAFT**

Meeting Locations:

<i>Nevada Legislative Building 401 S. Carson St Room 2135 Carson City, NV</i>	<i>Grant Sawyer State Office Building 555 East Washington Ave. Room 4412 Las Vegas, NV</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 8:40 am.

2. PLEDGE OF ALLEGIANCE

The pledge was recited

3. ROLL CALL OF THE COMMITTEE MEMBERS

Commissioner Cox – Present, Las Vegas
Commissioner Elmore – Excused
Commissioner Baker – Present, Las Vegas
Commissioner Gerow – Present (late), Carson City
Commissioner Griggs – Absent
Commissioner Jackson – Present, Carson City
Commissioner Lambert – Present, via telephone
Commissioner Lee – Present, Las Vegas
Commissioner Richardson – Absent
Chair McKay – Present, Carson City
There is a quorum.

4. PUBLIC COMMENT

There is no public comment

5. MEETING MINUTES

Commissioners will vote to approve the minutes from the NCOHV meeting held on August 20, 2015.
MOTION: Commissioner Lee makes a motion to approve the minutes from August 20, 2015; seconded by Commissioner Lambert.
The motion is approved. Commissioner Jackson abstained.

6. DISCUSSION AND DISCUSSION AND POSSIBLE ACTION ON A PARTNERSHIP WITH THE NEVADA OFFICE OF GRANTS FOR OUR EXECUTIVE SECRETARY POSITION

The NCOHV may vote on whether to partner with the Nevada Office of Grant Procurement, Coordination and Management (“NOGPCM”) to have the NOGPCM provide office space and mentor the NCOHV’s Executive Secretary in his or her duties. Patrick Gates, Director of the Department of Administration, he has some concerns with the Grants office supervising the position. The Grants Office is charged in statute with seeking grant opportunities for agencies and training them but not actually running their grant program. He would like to offer to find a suitable place for the position. Commissioner Baker, this is different from conversations that were held yesterday with Sheila. The position was based off of residing in that office and this could derail the hiring process that we have been working through. In regards to finding a place for this person to reside, that is not the long term goal. The long term goal is to find a place for the Commission to reside; so there can be a partnership with a state agency. She appreciates the help in trying to find a place but the goal is to try and find a true partner within the state. Chair McKay, in looking at the audit recommendation it suggested the Commission to seek legislation to have a host agency. This was an attempt to bridge the gap a little. Patrick Gates, Department of Administration, he is suggesting a permanent solution, the Grants office is not that answer. He is confident the Commission can continue with recruitment and a suitable place will be found where the Commission can be supported. Chair McKay, the position should be re posted with the benefits package and then they can work with Administration on a more permanent place to be housed. The subcommittee will hold another meeting and work with Administration to discuss a solution.

7. DISCUSSION AND POSSIBLE ACTION ON DETERMINING WHO WILL SIT ON THE GRANT SCORING COMMITTEE

Section 20 of the recently adopted regulations (LCB File No. R131-14) to Chapter 490 of the Nevada Administrative Code (“NAC”) require the Commission to select individuals who will serve on its Grant Scoring Committee for the grant applications that will be received by the NCOHV pursuant to its recent Funding Announcement and Request for Proposal for fiscal years 2015-2016. The NAC requires the Committee to be comprised of non-voting advisors to, or members of, the NCOHV or a combination of both non-voting advisors and members. The Commission will vote to select who will serve on the committee.

MOTION: Commissioner Jackson makes a motion that all members of the Commission be part of the scoring committee, in addition there will be nonvoting members which will be selected in another motion; seconded by Commissioner Gerow. The motion passes unanimously.

Commissioner Jackson, after going through the process of scoring the applications, the Commission will be voting on whether or not to fund these grants; advisers will not vote at that point. Does the scoring count as a vote? Ralene Palmer, AG, the Commission adopted the regulations and the regulations say that the Commission will determine who will be on the scoring committee. It can be comprised of commissioners, nonvoting advisers or a combination of both. Their score would be reflected in the ranking of the application but they would not be part of the final vote when the Commissioners choose who gets funded.

The Commission can also decide not to include them on the scoring committee. Sheila Lambert, Grants office, currently the nonvoting advisers will be reviewing for the integrity and the only voting individuals will be the Commission.

MOTION: Commissioner Cox makes a motion that the members of the scoring committee consist of the commissioners only; seconded by Commissioner Lambert.

Commissioner Cox withdraws his motion.

Discussion continues about voting and nonvoting advisers.

Commissioner Cox reinstates his motion; seconded by Commissioner Gerow. Commissioner Jackson feels the Commission would benefit from having a couple of experts who have been through this process before. The more people that score the better the averages would be.

Commissioner Jackson offers a friendly amendment, to have all the commissioners on the scoring committee plus DMV and BLM; they would be the only nonvoting advisers doing the scoring since they have the willingness to do so. Chair McKay, Leo Drumm has been invaluable with advice but being a member of BLM who may be a future recipient of awards he would have a conflict of interest. Commissioner Cox, he would be willing to amend the motion that the commissioners and any other non-voting members who steps forward and commits to it and do it, they can score. Commissioner Gerow, he does not want to go down that road where this seems to be heading and that is why he seconded the motion to just have the commissioners and move on with this program. He can see the advantage of having more input but right now the main focus should be on getting some grants outs and move forward. Commissioner Jackson seconds the amended motion. Commissioner Lambert, he is in favor of the first motion but not of the amended motion. The commission should vote and the advisers should advise. Sheila Lambert, Grants Office, the more people there are involved the more difficult it will be for the Grants office to meet the deadlines, as there is a level of work for every reviewer that is on a panel and putting it all together for not only the review

cycle but verifying all of the scoring criteria. The more individuals, the more work it puts on the grants office. Leo Drumm, BLM, being on several scoring committee's in the past general there is criteria that he must go by, not just I either like or dislike this project.

Chair McKay calls for the vote.

The motion does not pass.

MOTION: Commissioner Gerow makes a motion for only the commissioners to do the scoring; seconded by Commissioner Cox. The motion passes unanimously.

8. DISCUSSION AND POSSIBLE ACTION REGARDING NEVADA OFFICE OF CRIMINAL JUSTICE ASSISTANCE CHANGE OF RECOMMENDATION TO LAW ENFORCEMENT AWARD TO WASHOE COUNTY SHERIFF'S OFFICE

The Commission will vote on a recommendation from the Nevada Office of Criminal Justice Assistance (NOCJA) to permit the Washoe County Sheriff's Office to utilize the law enforcement award funds previously granted to them to purchase different equipment from that previously agreed upon.

Chair McKay, he has a letter from Charise Whitt stating that the Office of Criminal Justice has reviewed the Washoe County Sheriff office request to purchase a Razor 1004 instead of the previously approved two motorcycles. The Office of Criminal Justice Assistance recommends the Commission to allow the change of equipment requested as the equipment still fulfills the intent of their goals; however they do not recommend increasing the amount of the award. The Washoe County Sheriff's office can make up the price difference with other awards as it is their choice to change equipment.

MOTION: Commissioner Cox makes the motion to allow Washoe County Sheriff's office to change the equipment; seconded by Commissioner Lambert. Commissioner Lee, he wants to make sure the public knows that is the Sheriff of Lincoln County. The motion passes. Commissioner Jackson abstains.

9. DISCUSSION AND POSSIBLE ACTION ON THE NCOHV'S PUBLIC EDUCATION AND OUTREACH IN 2016

The Commission will discuss its plans for public education and outreach for the year 2016. Topics may include public education/outreach efforts by the NCOHV to Nevada off-highway vehicle clubs, public and private landowners, Nevada off-highway vehicle ("OHV") businesses, Nevada law enforcement agencies, local, state and federal government entities; and other potential partners. The Commission may discuss a more extensive lobbying effort for public access in Nevada and the possibility of drafting a legislative bill and securing support for it prior to the 2017 legislative session. Commissioner Baker may also discuss joint efforts with the Clark County Desert Preservation Program, the Nevada Office of Tourism, and the Nevada Department of Transportation.

Commissioner Baker, the Clark County Desert program has been working with her and BLM, they have a good idea of what they would like to do. Kimberly Jenkins, Clark County Desert Conservation and Larry M., Desert Conservation Program, Clark County, they are a division within Clark County and they manage endangered species for all local jurisdictions within Clark County. They have proposed a partnership with the OHV Commission to support marketing and outreach efforts to promote the OHV registration program. They would like to provide assistance to help increase registrations within Clark County.

Commissioner Baker, she can send to everyone the draft scope of work which is pretty comprehensive with regard to helping develop the marketing plan and then creating the marketing material which can be used throughout the state. When it comes to push out the message their funding can only cover Clark County. Kimberly Jenkins, their task is twofold. The first of which is to develop marketing messaging materials to promote OHV responsible use within the County and that would be funded entirely with money from the desert conservation program. The second task is to prepare marketing and advertising material to support the OHV registration program; they are looking to use \$100,000.00 of their funds to support that project.

Commissioner Baker, they are asking the Commission if we are interested in partnering and if we would, is there any money to spread the marketing outside of Clark County that the Commission would like to put into the program. Also, what level of detail does the Commission what to be involved in when reviewing the final scope before it goes out to bid, when interviewing the proposals, selecting the candidate and the meetings their after. Ralene Palmer, AG, you cannot vote on that, it is not on the agenda. The best you can do is to come up with a clear idea of what you want to bring back to the Commission on a future agenda. Commissioner Lambert, requests that these documents be dispersed to the Commission for at least two weeks prior to the meeting for review. Larry Caulkins, Nevada Four Wheel Drive Association, they are a state wide organization of four wheel drive vehicle owners. They would be glad to take any materials developed by the OHV Commission and distribute them to the public on their website, Facebook and membership booth as they go to different events throughout the state. Scott Gerz, Nevada Trail Stewards, he would like to echo the statements of the Nevada Four Wheel Drive, they will also distribute OHV

material at no cost to the Commission. They feel concerned at this late date that the Commission would be entertaining the thought of separating some of the grant funds out and giving them to a designated environmental group to promote OHV use. He wants to make sure that everyone continues to look back at the main charge of the Commission and it is to promote OHV use in the state. Chair McKay, he will put this on a future agenda to discuss some ideas. The public outreach and education component needs to be developed within the state for better participation. The Commission needs to get their presence out there more and develop some better partnerships. Ralene Palmer, AG, in response to Mr. Gerz, it is not grant money, it is optional money that the commission may utilize for grants.

10. PRESENTATION FROM THE DEPARTMENT OF MOTOR VEHICLES

The Commission will receive a report from a representative of the DMV on the status of NCOHV state registrations and accounting.

Doreen Rigsby, DMV, this is a report through August 31. Registration fees, they have collected \$36,942.00 year to date for FY16. Registration fee renewal \$1,083.00, replacement decals 15, title processing fees \$11,220.00, title fees \$27,740.70, out of state title fees \$175.00, VIN assignments 22, late fees \$15,750.00, DMV operating costs \$34,444.35, OHV registrations completed through August 31st 849, renewals 5,552, duplicate decals 16, titles processed 664, phone calls 1,861, mail correspondence processed 432, total active registrations as of August 31st 40,462. Heather Hawkins-Fancher, DMV, they will be making their first quarterly distribution and the funds should be deposited by the end of this month; the total amount being distributed is \$696,135.29. Which is above the projections that were originally provided by the DMV. Commissioner Lee, asked about an exempt sticker for the law enforcement OHV equipment. Doreen Rigsby, in current process there was not anything designed for an exempt sticker and it has not come up within the last two years. That is something that could be looked at. Commissioner Cox, is some of the deposit money left over funds from last year? Heather Hawkins-Fancher, DMV, yes, some of those funds are left over from the previous year operating expenses. Commissioner Cox, can he have a month by month breakdown. Heather Hawkins-Fancher, DMV, they are trying to get the numbers closer. With their revenues they get a bimonthly report that shows the revenue disbursements but the salaries are more difficult because the pay periods are different. If they were to cut off at the end of the month, they would not have the salaries included. Chair McKay, he asks for Mr. Cox, Ms. Palmer and Ms. Rigsby put the information together and sent it to him. Then the Commission will work with DMV to fine tune the report.

11. UPATES TREASURER'S REPORT

The Commission Treasurer will report on the NCOHV's account activity, including income and expenses and current bank balances.

Commissioner Cox, as of October 7th, there is a total balance of \$1,334,455.15. With 20% set aside for grants the adjusted account balance is \$1,145,617.00. The expenses for August: wages for Kim Miller \$580.00, September \$783.00, October \$986.00, annual liability insurance of \$1,330.21. Currently the account balance is \$1,141,937.79.

12. 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.

Commissioner Jackson, according to the state, the Commissioners are supposed to be receiving periderm as commission members which they have all waved up until now because there was no money in the bank. Would there be an opportunity to revisit that at the next scheduled meeting. Ralene Palmer, to be clear, Commissioners may be reimbursed for travel expenses there is no periderm. Some boards and commissions by statute can receive a certain dollar amount per day but that does not exist for this commission. Commissioner Jackson, would it be possible for one meeting a year for the entire commission to meet at one place and rotate from the north and the south. Commissioner Cox, he agrees that it is a good idea to meet together for the grant award meeting. Chair McKay, he reviewed the expense structure they are around 1/3 of what they are allowed to spend as far as the expenses are concerned. Commissioner Cox, Commissioner Gerow and himself will be attending the Nevada Division of Audit meeting next week to talk about structures and policies within the State. There is a boards and commissions meeting later in the week which Ralene Palmer will be presenting part of the discussion. Commissioner Lee, the Sherriff's and Chief's will be meeting the first week of November and the OHV is on the agenda to discuss OHV issues. Commissioner Jackson, is that an open or closed meeting? Commissioner Lee, it is a closed meeting but if anyone from the Commission would like to be there for OHV portion that can be arranged.

13. PUBLIC COMMENT

No public comment

15. NEXT SCHEDULED MEETING

Chair McKay, the next scheduled meeting will be when the Commission decides whether to fund or not fund the applications and the funding amount. In looking at the schedule, it could be the first week of January. Currently there is 5 or 6 letters of intent. Commissioner Jackson, would the Commission entertain having a meeting late November to review and possibly vote on the partner agency issue? Commissioner Lambert, according to the new law the Commission needs to meet every 45 days to approve minutes. Chair McKay, if the minutes are dealt with at the next regularly scheduled meeting there should be no problem. Ralene Palmer, the statute is every 45 days or at the next scheduled meeting.

16. ADJOURNMENT

MOTION: Commissioner Jackson makes a motion to adjourn; seconded by Commissioner Lambert.
The meeting is adjourned.