



Commission on Off - Highway Vehicles

Sub Committee Meeting

June 11, 2015

Meeting Minutes ****DRAFT****

Meeting Locations:

*WASHOE COUNTY LIBRARY
301 S. CENTER STREET
RENO, NV 89501
DOWNSTAIR AUDITORIUM
Teleconference 712-432-1212, Meeting ID 957-738-378*

I. MEETING OF THE NEVADA COMMISSION ON OFF-HIGHWAY VEHICLES

1. CALL TO ORDER

Commissioner Jackson called the meeting to order at 10:38am

2. PLEDGE OF ALLEGIANCE

The pledge was recited.

3. ROLL CALL OF THE COMMITTEE MEMBERS

Commissioner Elmore - Present, Reno

Commissioner Gerow – Present, Reno

Commissioner Jackson - Present, Reno (Chair of this Committee)

Chair McKay – Present, Reno

There is a quorum.

4. PUBLIC COMMENT

No public comment.

5. REVIEW OF EACH OF THE LAW AWARD APPLICATIONS

The members of the NOCJA Committee will review and offer recommendations to the DOJ on the following subjects:

- A. Whether to fund individual awards in full or in part
- B. Whether to include conditions on the award including signage
- C. Whether to require a bid procurement process and type of bid process within the award
- D. Whether to require a goods or service purchase process that has geographic requirements

Charise Whitt, Department of Public Safety; she reviewed the applications, specifically the equipment. She received a quote for the trailer for White Pine County and she would like the Commission to look at that. She also has some questions for Commissioner Gerow. When OCJA was reviewing the applications they went through and pulled up the different equipment to review the pricing, most of the pricing was around what they thought, except the trailer seemed excessive. The real problem was that the OCJA did not realize that some of the applications were asking for the top of the line equipment. Along with the quotes, the law enforcement agencies can also go through the State 1122 program where they can get better pricing; she did not see anything that would save more than \$2500.00. Commissioner Jackson, he is going to deal with three subjects and if a Commissioner would like to add something else they may. The first subject is equipment, what it is used for and is the Commission willing to pay for equipment that will not be used for OHV. Chair McKay, in previous meetings the Commission identified the primary purpose of these awards were to fund law enforcement activities with the interest of OHV but it was specified that other uses such as search and rescue and other activities were still okay. Commissioner Jackson, he feels that

search and rescue is a related field to OHV but he does not believe the collection of marijuana plants is. His personal view is that the Commission could fund things which were going to be used for OHV and for related reasons. The related items are up for discussion. Commissioner Gerow, he feels the same way. The off road user groups that are paying into the fund don't want to see this money being extracted out for non off road uses. Charise Whitt, one of the reasons they recommended the Commission request a quarterly report with specific bullet points is for the Commission to see specifically what the law enforcement agencies are using the equipment for. That will help the Commission to gauge if they are using it for what the Commission wants. Commissioner Jackson, the awards that they make should be used for equipment and overtime that is either directly concerning OHV or is associated with it such as search and rescue. Commissioner Gerow agrees. Commissioner Elmore, he agrees but does not know how realistic it is expect them to solely use this equipment for OHV related issues. We want them to do their job and if that requires the use of a tool that we provided then he is all for it. There is other equipment that they will be using on OHV that the Commission did not pay for but have the same expectation of use. Commissioner Jackson, the next subject is bids. It is standard practice within state purchasing to get bids, would we like to recommend a number of bids required or framework? Commissioner Gerow, the normal bid process is three competitive bids and I know we try to put favoritism to keeping the money in Nevada. AG Palmer, given the area that Commissioner Gerow represents on the Commission, she feels there are potential ethical concerns that he needs to be concerned about. There is the possibility of appearing to be anti-competitive to out of state participants and excluding them. Chair McKay, would it be acceptable to put that the Commission would prefer a purchase in Nevada but still require three bids? AG Palmer, she will have to research that information. There has been recent case law based on a new Supreme Court decision. It is not directly specific to purchasing vehicles but it has to do with regulating a particular area where you have people that are actively involved in that area; an anti competitive perception. Commissioner Elmore, it is smart to see more than one bid and he did notice that a few of the bids were from out of state. It is not ideal but it does not bother him. Commissioner Jackson, he feels they should target for three bids but in some situations three bids is not practical. There should be three bids on equipment or however many is possible. Everyone knows that we want to keep the money in the state and the people getting the bids want to keep the money in the state. The other question to the committee, when purchasing equipment do we want to allow police departments to specify a specific brand or type that excludes competitiveness? Commissioner Gerow, he did have a problem with that area because instead of wanting to put a specific unit up for bid they have narrowed it down to a specific make and model. His other opinion is the public seeing these people represented on these very expensive machines and he does not want them to think that the Commission is squandering their money. Chair McKay, to Ms. Whitt, would it be possible in the recommendation process to award them a lesser amount of money and they could purchase a more generic piece of equipment that would be more cost efficient. Commissioner Jackson, would you prefer for the Commission to set a dollar amount or is that something your department would do? Chairse Whitt, in the best practices that they use, there is several different ways to go about this. One, what is a reasonable amount for this type of equipment; then that amount would be allocated to the agency. If they wanted to purchase something bigger and better they would come up with the difference. Commissioner Jackson, are all the Commissioners satisfied with the discussion and understanding now, any comments? Chair McKay, he would like to hear from Commissioner Gerow with his expertise for a better figure on the purchase of two motorcycles that would do the job and be more cost effective. Commissioner Gerow, he can do that as well as look into the pricing for the four wheeler's that have been asked for by the agencies. Commissioner Jackson, is the committee comfortable with Ms. Whitt working with Commissioner Gerow to set some prices that would be reasonable, knowing that we can only make recommendations to the OCJA. Commissioner Elmore, he wants to be mindful of everyone's time and not overthink this; he is reviewing the figures for some of the equipment and it is standard retail. In his opinion they either approve what they are asking for or not. The Commission can always ask them if they are interesting in a lesser amount or model. It does not seem in any of the applications that anyone talks about maintenance. How is the maintenance of the machines handled? Charise Whitt, her office did consider the maintenance and they would recommend something that is built into the award document; they sign they are responsible for maintenance of the equipment. Commissioner McKay, he noticed on several of the applications that it mentioned that they would be responsible for the maintenance of the machines. What is the time frame? He thinks it should be asked to see if they will accept a lesser amount for a different machine. Commissioner Jackson, is Ms. Whitt comfortable going through the applications now with Commissioner Gerow's help on pricing or do you need us to go through each one? Charise Whitt, she had anticipated speaking with Commissioner Gerow for the majority of the meeting and looking at the equipment to get his thoughts on pricing. She did not want to get into specifics as to what is a general standard price for this type of ATV that would be used. Commissioner Jackson, is everyone comfortable moving forward? Commissioner Elmore, he has pulled a few of the

applications up and the numbers presented on the spreadsheet seem to be straight retail and he does not see anything that is out of line. He is fearful of the ground work that would be set by going back to the applicants and saying you asked for this amount, which is what we asked you to do, and now the Commission is going to tell you what you are going to get. Commissioner Jackson, by moving forward is everyone comfortable with Ms. Whitt moving forward and adjusting any of the awards based on price of vehicle or using a lesser vehicle. Ms. Whitt has indicated that she is comfortable moving forward and has the information that she needs. Charise Whitt, as long as she can speak to Commissioner Gerow about pricing she is comfortable moving forward. Her intent will be to contact whomever she can or needs to in order to obtain information regarding this type of equipment. Commissioner Elmore, to Commissioner Gerow, the prices listed straight retail? Are there any types of manufacturer, law enforcement or government programs to purchase these machines at a lesser price? Commissioner Gerow, most manufacturers offer a government agency discount as well as well as a law loan program where they will loan a machine out without payment. There are different options. Chair McKay, the State 1122 program for better pricing could also be an option and require multiple bids is another option. Commissioner Jackson, the next subject is signage. It has been made clear by most of the members of the Commission that they want to have some sort of signage on any equipment purchased. It can be left up to the end user to put some signage on the vehicle. A suggestion can be made as to the size of the sign and can there be a percentage of how much of the vehicle needs a sign. Charise Whitt, there is standard verbiage that they have the sub awardees use when signing their vehicles. It is usually a bumper sticker size and it says "This vehicle paid for with Department funds", very basic. With OHV it may be need to be a little larger so people from farther away can see it. Commissioner Jackson, personally he would like to see the side of a trailer have something more significant. Chair McKay, a decal should be required on equipment purchased by the Commission. Larger than a bumper sticker but smaller than the Police emblem on the door, it needs to be prominent. Commissioner Jackson, would everyone be comfortable with the signage on a motorcycle or ATV being the size of a bumper sticker, signage on a 4x4 vehicle being at least 8x11, and signage on a trailer being no less than 5% of the exterior volume. Ms. Whitt, would that be out of the norm? Charise Whitt, no that would be fine. Chair McKay, a logistical concern since we have the logo and this can be on an agenda in a future meeting; out of the administrative funds the Commission can come up with the stickers and logos for the equipment instead of requiring the agencies to. AG Palmer, the Commission cannot use administrative funds for that. Chair McKay, can we require them to pay for the stickers out of the award process. Chairse Whitt, yes you can require them to pay for that out of their award. Commissioner Jackson, are there any other items to be brought up. Commissioner Elmore, he wants to address a few of the applications where they were recommended for partial funding for overtime salary, patrol, and no equipment. There needs to be some leeway in understanding who is writing these applications and help them to be smarter in round two. This outreach, the face of the OHV program and interaction with the public is very important. The Commission needs to be mindful of that when looking at some of these applications who are trying to get some dollars to pay for that. In his opinion, that may be more important than buying a piece of equipment. Commissioner Jackson, he discussed with Ms. Whitt earlier about a second round of funding with the left over funds and she said that is possible. Chair McKay, it has been his experience that the prominent presence in the state was the department of wildlife. They are out there enforcing the laws and he is fully comfortable in fully funding their request. Commissioner Gerow, he likes the idea of a second round of funding. That way the Commission is not feeling so obligated just to throw the money out because it is there and we have to get rid of it. He really thinks the Commission's money should be stretched as far as it can go. Chair McKay, the possibility of having a second grant award process could even refine what the Commission wants to get out of the process also. Commissioner Jackson, Ms. Whitt are you comfortable with what the Commission wants for the grants. Charise Whitt, yes she believes that she has the information that she needs.

6. PUBLIC COMMENT

No Public Comment.

7. ADJOURNMENT

MOTION: Commissioner Gerow makes a motion to adjourn; seconded by Commissioner Elmore.
The motion passes unanimously