



# Commission on Off - Highway Vehicles

## Full Commission Meeting

August 20, 2015

Meeting Minutes **\*\*APPROVED\*\***

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 8:30am.

#### **2. PLEDGE OF ALLEGIANCE**

The pledge was recited.

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

Commissioner Baker - Present  
Commissioner Cox - Present  
Commissioner Gerow - Present  
Commissioner Elmore - Present  
Commissioner Jackson - Absent  
Commissioner Lambert - Present  
Commissioner Lee - Present  
Commissioner Griggs - Present  
Commissioner Richardson - Absent  
Chair McKay - Present  
There is a quorum.

#### **4. PUBLIC COMMENT**

No public comment.

#### **5. MEETING MINUTES**

Commissioners will vote to approve the minutes from the NCOHV meeting held on July 15, 2015.

MOTION: Commissioner Lambert makes a motion to approve the minutes from July 15, 2015; seconded by Commissioner Gerow. Commissioner Lee makes note on the second page to have it corrected from July 15 to June 15. The correction is acceptable to the motioner's. Commissioner Elmore states that he was not present at that meeting. That correction is acceptable to the motioner's.

The motion passes unanimously.

#### **6. DISCUSSION AND ADOPTION OF NCOHV GRANT APPLICATION GUIDEBOOK**

The NCOHV will discuss any changes to the draft Grant Application Guidebook developed with the Nevada Office of Grant Procurement, Coordination and Management ("NOGPCM") and may move to adopt the grant application guidebook with or without changes. Sheila Lambert and Connie Lucido may be present from NOGPCM to answer any questions. There may be a motion to modify and adopt the Grant Application Guidebook.

Chair McKay, he will review the changes that have been made with the commission to see if the commission can move forward and adopt the grant guidebook today. The will review the changes page by page.

Page 1: There will be a change to the application deadline once the date for announcement has been set. The fiscal year will state 2015.

Page 2: No changes.

Page 3: The new description contains the updated explanation of how the DMV and OHV Commission share revenue. It also included NRS 490.068, the proper statute for the disbursement of OHV grants. The new draft guideline outlines the competitive priorities that were discussed by the commission previously. Chair McKay read through the list of priorities in the grant guidebook. Commissioner Baker, she has a change in regards to trail mapping; it should state land owner approval because it may not be exclusive to the BLM. Chair McKay, would land manager be acceptable? Commissioner Baker approves. No comment from the commission. Chair McKay, the language will be changed from BLM to land manager. Larry Caulkins, Nevada Four Wheel Drive Association, number one, the word club is used as the word defining the organization and he believes the word should be organization which is more inclusive. Chair McKay, it could be stated club or organization in order to be as inclusive as possible. No comment from the commission. AG Palmer, in regards to page 3; the second paragraph talking about program descriptions, then Nevada Administrative Code is blank right now. NRS 490 should be inserted there and in parentheses should reference LBC file #r131-14. In reference to the land manager, it should state land owner / manager since you might be dealing with the land owner. Chair McKay, the second paragraph, the second sentence it states that a maximum 60% can be awarded for trails and a minimum of 15% must be awarded. He would like to change the word to "may". They are not obligated to fund the whole amount. The second line will read, "A maximum of 60% of funds can be awarded for trails and a minimum of 15% of funds may be awarded for public education outreach and safety." AG Palmer, the word minimum should be removed. Chair McKay, it will read, "...and 15% of funds may be awarded for public education outreach and safety." Commissioner Baker, the second paragraph, first sentence in regards to allocation of funds. She feels that it implies the commission is holding back 25% of the funds. Commissioner Cox, if the percentage could be eliminated. It could read, "The OHV grant announcement is to allocate OHV funds for trails and safety and so on". No comment from the commission. AG Palmer, the commission may want to change "is to allocate" and change it to "may"; the commission does not want to be confined. Connie Lucido, Office of Grant Management, the word "will" should work. AG Palmer agrees. No commissioner comment. Chair McKay, it will read, "This OHV grant announcement will allocate OHV funds for trail and safety training for public education for fiscal year 2015."

AG Palmer, can the word "additional" be added to the NCOHV funding sources for item 6. Chair McKay agrees.

Page 4: The law enforcement paragraph in the middle will be removed. Commissioner Baker, she is concerned about the statement of awarding 6 to 8 grants ranging from \$30,000.00 to \$80,000.00. That was never discussed as a group. Connie Lucido, Office of Grant Management, she agrees that the commission may want to remove the minimum dollar amount. It is a good idea to give organization a range or there may be organizations asking for \$600,000.00. Chair McKay, the 6 to 8 grants will be eliminated and the range will be changed to \$10,000.00 or \$5,000.00. Commissioner Elmore, there should be no low end and is concerned about a cap. He would like to see all grants come forward. Chair McKay, would the commission like to strike the sentence in whole. Commissioner Cox, the NRS put the cap at certain amount, maybe that language should be incorporated. Commissioner Elmore, agrees in referencing the wording from NRS as a reminder that no single project can receive over 30%. Chair McKay, that sentence will be removed and the wording from NRS will be inserted. No comment from the commission. AG Palmer, the paragraph for law enforcement cannot be removed. No comment from the commission. Chair McKay, the paragraph will remain as is. Commissioner Baker, the first paragraph fourth line down, in reference to law enforcement; there needs to be an asterisk after law enforcement. Then put an asterisk in front of the definition of law enforcement at the end of that section. Chair McKay, that change can be made.

Page 5: Commissioner Baker, there is concern about the ineligible project costs for flyers, brochures, publication and printing, marketing and advertising. If there is going to be public outreach, those should be components of that. Chair McKay agrees. It could be added for public education and outreach that those costs are appropriate. Connie Lucido, Office of Grant Management those can be placed in eligible costs with in parentheses next to education and outreach. Commissioner Elmore, it can remain

in ineligible cost and add "not related to or pertaining to public education and outreach". Chair McKay, maps should be added to eligible costs on page 4. No commissioner comment. Commissioner Lambert, under ineligible project costs, vehicle maintenance; it indicates if the commission funded a vehicle, side by side, or trail machine that it would end up unrepaired; that is not the intention. Vehicle maintenance for eligible vehicles should be under eligible costs. Connie Lucido, Office of Grant Management, by doing that the Commission may be maintaining the vehicles for the entirety of the vehicle's life. There currently is a notation in the sub grant award that they are required to maintain the equipment if the grants purchase them. Commissioner Lambert, that works for government agencies but not for clubs and organizations. Commission Elmore, how does an applicant know what to designate for maintenance. Commissioner Gerow, part of the grant process makes them responsible for the vehicle. Scott Gerz, Nevada Trail Stewards, this type of equipment will be heavily used on a daily and weekly basis. Maybe there can be an actual budget that can be applied for with maintenance and additional repairs. For the printing of flyer and brochures for public education, do you expect to see those funds coming out of another area or is the organization responsible for all of the printing costs? Chair McKay, printing for public education and outreach is allowed. He is not sure what the current answer is for vehicle maintenance. Charise Whitt, OCJA, with the law enforcement grant it is not standard practice to pay for the maintenance. Commissioner Baker, they talked in Las Vegas and feel it should be an ineligible cost and if one is awarded a vehicle it must be maintained. Chair McKay, the commission will complete a round of grants and see if maintenance becomes a larger issue and how to address it. Commissioner Elmore, the commission does not want to pay mileage that does not pertain to the project but if can be matched and can be an amplifier for further support it can be valuable. Common ineligible costs is a misused term. Common ineligible funding is fine. Many of these are costs that should not be counted as a cost to the commission but as a match. Connie Lucido, Office of Grant Management, her suggestion would be to change the heading to, "Common ineligible direct costs", that would allow for the match. Commissioner Gerow, if something is on the common ineligible list does that stop the commission from approving that grant. Connie Lucido, Office of Grant Management, if the proposal goes out as is, then this round of funding would make those items ineligible for direct costs. Commissioner Elmore, mileage should be pulled from the list, we can always partially fund. Commissioner Cox, it should stay as written. Chair McKay, it will stay as is; it still allows for club or private individual but government agencies using fleet vehicles are not eligible. Commissioner Elmore, he is fine with that and would like the parentheses removed. Chair McKay agrees. No commissioner comment.

Chair McKay, Section III Eligibility Information, bullet point 5, an applicant may only apply for one grant per grant cycle. If they submit more than one, then they would be in competition with themselves. Does anyone want to change that? Leo Drumm, BLM, one of your priorities is conducting environmental studies, there are a few groups in Nevada that have the ability of completing NEPA for agencies. Since government agencies are not allowed to apply for these grants it would be difficult for them to get funding to complete any NEPA studies. His advice would be to not show any limitations. Commissioner Lambert, he agrees with Mr. Drumm. To limit may indicate that they are unable to use the funds because there are very few participants that are qualified to do so.

MOTION: Commissioner Lambert makes a motion to strike that sentence; seconded by Commissioner Gerow.

The motion passes unanimously.

Leo Drumm, BLM, bullet point number 4, he is not sure how the commission wants to deal with that since it states agencies with more than one office and government agencies cannot apply; the commission may want to strike that bullet point. Bullet point seven, he would like to clarify that point is in the eyes of the commission and in no way reflects any federal or government agencies. The commission may want to rephrase that bullet point. Bullet point 8, the commission may want to use the language in the regulations. The BLM will not grant tenure or control to any organization over public land. Again, he would suggest using the language in the regulations under section 19 and that would simplify it. Connie Lucido, Office of Grant Management, how about that bullet be changed to, "Applicants must have control and tenure to the property to be eligible and awarded grant funds with by ownership, lease, easement, or written agreement at the time of submission and during the project period." Leo Drumm, BLM, there would still be a problem with the term control and tenure. Chair McKay, how about it is replaced with section 19. Bullet point 7, can it be replaced with section 18? Commissioner Cox, the commission should strike bullet 4, 7, and 8; add the phrase the Leo suggested to replace all of them. AG Palmer, just a government agency cannot apply; a regular agency can apply. Commissioner Cox, just eliminate 7 and 8 and replace them with what is stated in the regulations. Leo Drumm, BLM, the commission might want to add that the applicant needs to be able to provide written documentation from the land owner that they will maintain the facility or project the time frame. Connie Lucido, Office of Grant Management, there is a requirement for an attachment which is a landowner/manager review and approval letter; would that suffice for

written approval? Leo Drumm, BLM, the control and tenure part is speaking to the maintenance of the facility or project. Chair McKay, that can be added in and reference Appendix E. Chair McKay, the bullet point that states only an individual can apply for a grant will be removed. Commissioner Lambert, the word substantially complete belongs in this language. Sheila Lambert, Office of Grant Management, when they have a grant application, they will not submit the final grant payment until it is a complete project. Substantially complete is subjective. Chair McKay, as far as no single individual, the regulation does not preclude it, it allows it. He is not sure how to handle the situation. Sheila Lambert, Office of Grant Management, her office can work with the commission to amend the next grant funding but she would like the opportunity to get this announcement out the way it is written with no single individual eligible to apply. Then provide the backup to why they would not recommend changes to the next one and allow the commission to take the recommendations under consideration for the next draft. Commissioner Elmore, is the commission opening up for liability by not letting a single individual apply? AG Palmer, what are the general concerns of having an individual? Sheila Lambert, Office of Grant Management, number 1 is stewardship of public funds, secondly with other state grant opportunities they require a business license, insurance, 501C3 designations. With the grant funds that are allocated from other state agencies there is a number of additional requirements that must be met in order to be eligible to apply. Currently they do not have single individuals that apply for grant funds because they cannot meet the risk management criteria. Those are just some of the reasons. Commissioner Baker, supports Ms. Lambert in keeping it this way for at least this round to ensure these dollars get spent for public use. Commissioner Elmore, can it state "no single individual who does not meet x,y,z"? Is there a set of requirement that can help narrow down "no single individual" to work for the commission? Sheila Lambert, Office of Grant Management, it says an applicant means a person who qualifies to apply and applies to the commission for a grant. That would be the qualifications that the OHV would set forward. It would have to be developed, but in that, they would use standard state language that would require registration of as either a business association or a 501C3. Would the commission be comfortable with her office working with risk management to create a paragraph that would put that criteria in there without having to come back to the full commission for approval? Chair McKay, your office can come up with criteria that the commission can adopt this with changes that will work out jointly with AG Palmer, Sheila Lambert and Chair McKay.

MOTION: Commissioner Elmore makes a motion to authorize Chair McKay to work with AG Palmer and the Grants Office in working up the language to qualify and individual; seconded by Commissioner unknown (could not hear a second on the recording).

The motion passes unanimously.

#### Section IV Application & Submission Information

Page 7: No changes.

Page 8: Chair McKay, number 3, Trail mapping, the language needs to be more inclusive, saying land owner / manager. Commissioner Baker, the scoring seem subjective. If the application meets the requirements then it should be the full amount, who determines if it exceeds it. Chair McKay, the cover sheet will state meets expectations, no exceed.

Commissioner Lambert, he does not remember reviewing the qualifications for a recognized OHV club. Chair McKay, it is defined in the regulations. The wording "as defined" can be included the regulations can be referred to.

Commissioner Elmore, there was just the discussion about recognizing individuals; how can we give 5 points to clubs who apply but don't do the same for an individual. He thinks that needs to be removed. Commissioner Lambert agrees to strike C1.

Connie Lucido, Office of Grant Management, she will remove that from page 8 and page 3 as well. No commission comment.

Chair McKay, the cover page is now worth 2 points, there is no exceeding standards and the 5 points will be removed for recognized Nevada OHV club.

Page 9: No changes.

Page 10: Scott Gerz, Nevada Trail Stewards, will there be a budget template that will be used by grant applicants? Chair McKay, there will be some forms as part of the packet.

The submission date will be changed once a date has been agreed upon.

Page 11: Chair McKay, the exceeded 4 point column will be removed. The C1 Recognized Nevada OHV club will also be removed.

Page 12: No changes.

Page 13: Commissioner Baker, under Grant Commencement and Duration she is confused. One cannot apply for funding if the project is not complete, why would one have to reapply. Connie Lucido, Office of Grant Management, typically each year for public government entities, if one is awarded for a two year project, typically one has to go back for the second year funding.

That section will be removed since it does not apply to this type of project. AG Palmer, it states that project implementation must be initiated within 60 days. When looking at the regulations that were just adopted in section 38, page 10, it states unless otherwise approved by the commission. A contract entered into between the commission and a grantee must provide that the grantee must secure all necessary approvals, clearances and permits not later than 90 days after the contract is entered into. Sheila Lambert, Office of Grant Management, with the chair's permission she would like to work out that language with AG Palmer and use the most appropriate language for applying with the state regulations.

MOTION: Commissioner Elmore makes a motion to authorize Chair McKay to work with AG Palmer and the Grants Office to ensure the implementation language matches what is stated in regulations; seconded by Commissioner Lambert. Commissioner Cox offers a friendly amendment, both documents need to be compared in full to make sure all the regulation language and the language in this document match. The amendment is accepted by both motioner's.

The motion passes unanimously.

Commissioner Baker, with the smaller organizations will there be some exceptions to the reimbursement policy. Connie Lucido, Office of Grant Management, an advance is allowed but we guard against it since creates a second set of books. Scott Gerz, Nevada Trail Stewards, is concerned with the reimbursement notice. If an agency purchases a large item, that funding comes out of the organizations bank account, then the commission decides if they will fund or if they pull funding after the fact. The organization is put at risk at that point. Sheila Lambert, Office of Grant Management, she would recommend that it still be a reimbursement grant with an upfront advance and designated language in the budget justification, if that is something that the commission accepts. Commissioner Lee, he would like to add unless pre-approved by the OHV Commission. Commissioner Elmore, is there something that will provide the notice that they will need an advance. Sheila Lambert, Office of Grant Management, her office will be amending, with the commission's approval, the budget justification with a section that does have the applicant designate their justification for asking for an advance as well as the amount of money that they would be requesting. Chair McKay, some of the language just discussed can be placed into the reimbursement notice. No commission comment. Scott Gerz, Nevada Trail Stewards, to his understanding, the organization or club would need to show their fiscal balance in order to receive and advance? Sheila Lambert, Office of Grant Management, upon submitting the grant application to the OHV committee the organization or person who was eligible to submit would be required to include a complete budget and justification. The section to be added will be for the justification; as to what one would expect the amount of money to be. Along with justification for the money in order to kick off the project.

Page 14: Chair McKay, the third bullet from the bottom, performance measurement tools, which is for OCJA and will be removed. Scott Gerz, Nevada Trail Stewards, the first bullet point, funds are not comingled with funds from other grant sources. Going back to a piece of equipment that needs maintenance, how is one to fund that without having other grant sources? Sheila Lambert, Office of Grant Management, the comingling of funds is accounting. One cannot comingle funds in the same account and they have to be accounted for separately.

AG Palmer, under Reconsideration, it is not an appeal it is a reconsideration in the regulations. There needs to be a change in the second paragraph, submit requests for reconsideration. The second to last sentence, that sentence gets removed and the sentence before that should have a continuation that would say, "...and posted to the NCOHV internet website." No commissioner comment.

Page 15: No changes.

Page 16: No changes.

Page 17: No changes.

Appendix A: No changes.

Appendix B: No changes.

Appendix C: No changes.

Appendix D: No changes.

Appendix E: No changes.

MOTION: Commissioner Lambert makes a motion to authorize Mr. McKay and the other entities of government to work forward and finalize so there can be a request for proposals; seconded by Commissioner Gerow.

The motion passes unanimously.

#### **14. TREASURER'S REPORT**

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

balances.

Commissioner Cox, he went back two months for this report. The account balance at the end of May \$1,214,526.07; there was three deposits \$29,736.40, \$25,500.00, \$36,058.70. Expenses in June for Executive Secretary \$1,218.00, office expense \$138.54, Public Utility Commission room rental \$217.00, postage (number not stated). The account balance at the end of June \$1,303,962.63. Deposits for the month of July \$32,368.00. There has been no deposits since then from the DMV due to how the funding was changed by the legislature. Expenses in July, Executive Secretary \$1,812.50, office supplies \$62.98. The account balance for the end of July was \$1,334,455.15. Since this report was sent out there has been another expense for Executive Secretary for July \$580.00 and will be reflected in the next month's report. Chair McKay, the 6/25/15 was not for postage it was for the year rental of the post office box in Reno.

## **7. DISCUSSION AND POSSIBLE APPROVAL TO SOLICIT GRANT PROPOSALS AND FUNDING FOR THE NCOHV GRAND PROGRAM**

The NCOHV will discuss possible funding levels for the first round of grant awards and when to begin the grant award process. A discussion of whether to include a grant award for the public education/outreach or whether to competitively bid these awards will occur. A draft timetable for future NCOHV meetings will also be discussed to complete this process. There may be a motion to solicit grant applications and a funding level for this round and possibly a motion to competitively bid the public education/outreach category with a funding level separate from the other grants.

Commissioner Cox, to figure the amount of money that will be available for funding he went back to the figures used when awarding the law enforcement grants. The account balance at the beginning of 2015 \$944,191.62, which \$188,838.12 was allocated for law enforcement. Then take the 5% (\$47,209.58) allowed for administrative services and subtract both of those numbers, leaves \$708,143.42 available for grants.

Commissioner Cox, due to the fact that the commission does not know what the deposits will be from the DMV from this point forward, it is his suggestion not to grant more than \$500,000.00 so the Commission does not run out of money. Commissioner Gerow, the only thing the Commission is required to have is 20% of the funds in the bank for law enforcement which will be journaled out; 5% for overhead will also be journaled out. Which will then leave a balance of what is available to distribute. We have to keep mindful of what our balance is and what has been journaled out. The \$708,143.00 is the number that is available but not the number that is available to spend. Commissioner Elmore, believes the Commission should be taking 20% of all of the receipts and putting that toward law enforcement, 5% for administration and then the Commission will have what is left. If the commission does not plan for that money then it could be gone. Commissioner Lambert, if the Commission does not spend the money on grants, then another 20% of those funds will go to law enforcement the next year. Commissioner Baker, she thinks that all \$708,000.00 should go towards grants. Chair McKay, it will potentially be a year before those grant funds are expended by people doing projects. Can those funds be separated from the January 1 balance being that they are reserved for grants? AG Palmer, the statute states 20% of any money in the account which makes it very difficult to know how much money the commission can give out. She can do more research to confirm if the Commission can use an accrual method. Sheila Lambert, Office of Grant Management, typically when they are looking at grant funds they use a calendar or fiscal year so there is no redundancy in accounting. They would like to reach out to the department of administration budget office which oversees commissions and work with them to make sure that it is done correctly. These funds are to be granted out and there should be no discussion as to what the purpose of the funds are for, the commission has no authority to keep a rainy day fund. AG Palmer, her concern is to why "money in the account" was used instead of "balance in the account". She would like to do the research. Commissioner Gerow, if the commission does not go based off an accrual it would be foolish and it makes no sense. Commissioner Elmore, he is scared to assume what and if there will be any further deposits from DMV this year. We cannot bet on anything until the commission can see how the new disbursement of funds will work. AG Palmer, the commission needs to figure out what the administrative costs for 2016 will be and at least separate out that much in reserve; and separate out any direct funding as well. Mr. Lambert is correct and if there are funds left over from the \$708,000.00, 20% of those will go to law enforcement next year. The only thing you need to ensure is your administrative fees for 2016. Commissioner Gerow, what number is the 5% for administrative fee based on? It should be based on an accrual, how much the commission took in during that year. Commissioner Cox, the expenses so far this year are \$14,104.00 for administrative costs and as the commission begins the grant process those numbers will rise. Sheila Lambert, Office of Grant Management, there are various types of accounts. The word account is being used in a narrow framework; out of an account there can be sub accounts which can be created within the State budgeting systems. If there is monies that is encumbered they could go under various sub accounts so that the commission is consistent with what is available in a specific account. The Grant's office needs to know how much money the commission plans on allocating out so that can be included in the announcement.

MOTION: Commissioner Lambert makes a motion to readdress the law enforcement grants based on accrual basis. The commission has allocated the money in excess of the requirement and if they are able to work on an accrual basis that they address \$600,000.00 toward this round of grants. The commission needs to readdress what appears too many to be paying law enforcement twice when the money was committed although the grants did not accomplish. That should have also been done with the first round of grants as the commission did not allocate the money that the commission told the people that they

were allocating. They should reissue the grants to those 21 participants to go after the money that they participated in the first time. The commission has committed a couple mistakes that were not done on purpose but those mistakes appear to have legal actions that could be implicated by them. So they should look at issuing to the original applicants the original amount of money putting the original amount. Commissioner Cox, he wants to clarify that we journaled out the \$188,338.00 which is 20% of the balance at the beginning of the year. No one has double dipped and that money has been journaled out. The law enforcement grants have been done correctly and we are waiting for people to send in their bills. I thought you were making a motion for how much money to allocate in this round of grants. Commissioner Lambert, he did but it also addresses the fact that we paid law enforcement on a double dip standard which he does not support. AG Palmer, the terminology double dip is not correct. What happens is if you don't spend the money, the money grows so 20% becomes larger. The only thing the commission is required to expend is the 20%, everything else is optional. It is the difference between mandatory money which you must spend and optional money that you can spend; the optional money could not be spent until the regulations were in place. Commissioner Lambert, he suggest the commission avoid anything but accrual accounting and put \$600,000.00 into this round of grants. The commission needs to address the fact that the commission has not told the people from the first round of grants that were or were not successful in writing. Chair McKay, AG Palmer adequately explained that the first round was not done correctly and the commission rescinded and it was all legal. Those applicants are able to apply for any grant from this day forward now that the commission has the correct regulations and authority to disperse the money. The commission did not have the correct authority the first time around. AG Palmer, to clarify one other point, when it is said to set aside \$600,000.00, and talking about the accrual method, the accrual method will come into play only once the grants are awarded because then the money is obligated.

The motion dies for lack of a second.

Commissioner Baker, one of the items the commission had discussed was not putting into the grant but keeping separate and going out for an RFP for the public education and outreach. From that aspect she wanted to share that in working with the Clark County Desert Conservation program and they are willing to help the commission. They are willing to give the commission money to create marketing materials and they are willing to hire the marketing company to help put it all together. They cannot actually fund the commission paying for ads. They will put out a marketing RFP for the commission. The commission would have to pay for the media purchases and placement. That could be used for the entire state and the commission would just have to pay for getting it out to the public. Knowing that the commission could get this material developed, we might want to reserve some of the money to get the message out there. AG Palmer, that cannot be discussed today, it is not on the agenda. Commissioner Elmore, there are so many unknowns with the accounting that yes the commission is eager to get an RFP out but the basis of that is they have money to give out. Until everyone knows how the accounting works and how much money there is, he does not know under his own due diligence and working prudently under the intent of all this if the commission can do that right now. There are too many unknowns to come up with a number. Commissioner Cox, out of the \$708,143.00 grant funds that are available, if they get to spend money themselves for public education outreach or whether it goes through the grant process; 15% of that original \$944,000.00 is \$106,221.00 that the commission can spend up to for public education outreach. If the commission can do that themselves, then they should hold some of that money themselves. Scott Gerz, Nevada Trail Stewards, why has no one address the projected expense budget. This seems to be the easy answer for what the commission is looking for. Based on previous years the commission is only looking at \$22,900.00 worth of expenses that you know that you will have. Are these projected out so there can be an actual number so you know what is going on? Chair McKay, there is an educated guess of the budget for next year.

### **13. 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 other matters pertaining to the DMV.

Doreen Rigsby, DMV, the monthly report from July 1st through July 31st; DMV total revenue was \$114,737.20. Operation costs for the month of July \$23,444.92. The DMV made the deposit in July for the end of June. The way the law is written is that they will deposit quarterly. The revenue from July, August and September will not be on the revenue report and a deposit will be made the first part of October. The State runs on a fiscal year. New registrations 1,052; renewals 3,584; duplicate decals 11; total titles processed 715; answered 1,827 phone calls; 311 pieces of correspondence. Active OHV registration count as of July 31st 41,487. Heather Fancher, DMV, the DMV has completed some projections, each quarter they should disperse about \$191,307.60. This first quarter they had carry over funds from the previous year. They are projecting the first deposit to be \$564,589.12. The commission will make more money with this new funding model than with the old funding model. The deposit for the last quarter will not come until January, as their deposit are usually 2 weeks after the end of the quarter.

The conversation returned to item 7.

Commissioner Gerow, the money earned in 2015 should be accounted into our ending balance of 2015. Commissioner Cox, in taking the projections of \$564,589.00 and roughly \$191,307.00 for the quarter and the \$322,932.00 in the account presently; the first of the year the account balance should be just over \$1,000,000.00. If the projections are accurate that is where the

commission should be at on January 1st. Chair McKay, the question will be if \$50,000.00 will be enough to handle the executive secretary with new responsibilities and all the rest. There are two ways to go, there can be a conservative estimate or we have to work with the department of administration to figure out the accounting to make sure to have all of those issues handled before making the decision. Commissioner Gerow, there is the unknown of how many people will even apply for the grants. If we have \$700,000.00 available then that is what should be put out, which does not mean there will be \$700,000.00 in applications. Larry Caulkins, Nevada Four Wheel Drive Association, what the commission is doing is announcing what is available and you want to put out the biggest number possible in order to attract the most grant applications.

MOTION: Commissioner Cox makes a motion to put \$700,000.00 out as available grant money this year; seconded by Commissioner Gerow.

Commissioner Elmore opposes.

The motion passes.

Chair McKay, in item 7 is whether or not to include the public education in the grant award or competitively bid it out. It should remain in the grant application guide and see what happen unless there is objection. Commissioner Gerow, lets people apply; if there are no applications then it can go the competitive bid route. Chair McKay, the other item was a draft time table for future commission meetings. It will probably take a week or two to hammer out the details discussed in the earlier item. I will have some dates once we get the announcement in then we can get dates that will work for the whole commission.

#### **8. DISCUSSION AND POSSIBLE ACTION REGARDING OPTIONS FOR PAYING STATE UNEMPLOYMENT INSURANCE FOR EXEXECUTIVE SECRETARIES**

The Commission will vote on a payment method – regular or reimbursement – for paying state unemployment insurance for the executive secretary to the NCOHV.

Chair McKay, it was the understanding of many that the executive secretary was an independent contractor, according to the State they are not, they are state employees. The commission needs to choose from two payment methods, regular or reimbursement for payment back on unemployment insurance for the current and past secretaries. With the reimbursement method, they pay just what is owed with no penalties or interest for the back period. To get current with the State it is \$1,402.90. Commissioner Gerow, since they are a state employee, do they participate in state PERS and does the commission pays that as well? He is in full agreement with paying the percentage instead of being on the hook for paying the reimbursement. AG Palmer, they are an employee as far as the employment security division is concerned. They may also be an employee as far as the IRS is concerned; she does not know the answer. This all came about because a past secretary filed a claim. There is nothing due at this time if the commission chooses the reimbursement method; there would be no interest or penalties if the commission chooses that route. If they choose the other route \$1402.90 is due and payable on or before August 31st. Commissioner Gerow, if we are paying State unemployment then we need to be paying FICA and all the other things that go along with having an employee. Can the commission be an employer; is there an EIN number and is it filed with the Feds. AG Palmer, according to Commissioner Cox the commission has an EIN number and he filled out the forms that are required for Employment Security Division. They have the business registration form on file now. Discussion ensued about which payment method to choose.

MOTION: Commissioner Gerow makes a motion to file for the reimbursement portion of the unemployment from the past and then change it to the contributory moving forward; seconded by Commissioner Lambert.

The motion passes unanimously.

#### **9. UPDATES AND POSSIBLE ADDITIONAL FUNDING OF THE 2015 NCOHV LAW ENFORCEMENT AWARDS**

There will be an update on the Law Enforcement Award Process with the Nevada Office of Criminal Justice Assistance (NOCJA), the Nevada Office of Grants, and Commissioner Lee, There may be additional funding recommendations from the NOCJA for the 2015 Law Enforcement awards and a possible motion to award extra funds. There will be a discussion of whether the Commission wishes to do another round of awards with the remaining funding left in the 2015-2016 budget.

Chair McKay, the Sheriff from White Pine County protested his award amount, it was for the trailer, he originally going to come and talk to see if the commission would change the disposition. As a matter of process, if there is no change in recommendation from the office of Criminal Justice, there is nothing to vote on.

Charise Whitt, OCJA, notifications when out from her office to the agencies that applied; to her understanding the actual award letters and grant award documents would be coming from the commission or the grants office. She did speak with the White



Pine County Sherriff, he was sent a copy of the original recommendations which had him fully funded. She let him know that the commission had some issues with asking for that amount of money and during the subcommittee meeting the amount was decreased. He said he would have a discussion with the Chair. Going forward, her office made their recommendations and the commission has voted on those recommendations; she would not recommend going back. There is funding left and it is up to the commission what they want to do with those funds. The awards will not be going out until December or January. The OCJA would like some direction of how to proceed with the next round of grants. Commissioner Lee, Sherriff Watts wanted to be here today but he is attending the funeral for the Carson City officer that was killed in the line of duty. One of his concerns was that his grant proposal was cut substantially and he was not able to defend it or ask if he could do with less. He will most likely not be able to complete the grant with the money provided. He wanted to know if he could return the grant and reapply. Commissioner Gerow, he had input on that grant and part of the usage was for drug ratification. He does not feel that OHV money should be put towards something that is not part of the commission's focus. That was his apprehension. Chair McKay, he has received signed award letters from Humboldt County Sherriff, Lincoln County Sherriff, and City of Mesquite. He had a couple other calls from other agencies saying their signature is coming. He will make an effort next week to reach out to the remaining agencies. As far as timing, it is unrealistic to do an additional law enforcement award program this year. It can be an agenda item in September or October in order to provide the OCJA more direction; then get another round of grants started in the beginning of 2016. Commissioner Gerow, by then end of fiscal 2015 he would like to know the amount of money that has been allocated to the journal. Then in 2016, that money (even though it is in the bank account) it is not double counted. AG Palmer, she wants to be clear that there has been no double dipping. Discussion ensued between AG Palmer and Commissioner Gerow. Chair McKay, AG Palmer and Commissioner Gerow will continue this conversation offline.

#### **10. DISCUSSION OF THE VACANCY OF THE EXECUTIVE SECRETARY POSITION**

Sue Baker, Chairman of the Executive Secretary Search Committee, will advise the Commissioners of the status of our job posting and process of hiring an Executive Secretary. Commissioners will discuss the criteria for selecting and interviewing the top candidates at a future date. The Commissioners will discuss the next steps in the hiring process and future scheduling. Commissioner Baker, she worked with the state Human Resources Department and they identified the position as unclassified. The job description stated that there were no benefits, no one questioned anything and now she has to go back confirm what that actually means. In regards to the recruitment process itself, AG Palmer provided some good examples so she could mirror what other agencies do for unclassified positions. She reviewed the job duties with human resources and they provided her a salary range. It was clarified that the person would work 20 hours a week with a maximum of 80 hours a month. If the person was paid at the top of the range and worked 80 hours a month it would be \$28,800.00 a year, which is more than what has been done before. Eleven applications were submitted and one withdrew due to being offered other employment. Of the ten remaining one did not send in a resume. Of the nine applications, there was three applications that had three of the five qualifications identified in their resume. Her suggestion would be to set up an interview panel and interview those three and make the recommendation from there. Commissioner Gerow, how do we look at this employee? Will it be State and PERS? That impacts the commission greatly? We need an answer before we make a decision. Chair McKay, which is a good point and can find that out before the next meeting. AG Palmer, as far as narrowing down the criteria that would have to be completed by the commission in an open meeting. Commissioner Gerow, at this point can all the applicants be discussed? AG Palmer, not the way it is on the agenda, it does not talk about going through each application but the criteria can be discussed. Chair McKay, are there any volunteers for the subcommittee for hiring the executive secretary. The volunteers are Commissioner Baker, Commissioner Gerow, and Chair McKay. Commissioner Baker, she will review all the applications and make sure they meet the minimum qualifications as required in the job announcement; then advance those applicants to the subcommittee for interviews. The decision will be based on how the candidate best answers the pre-selected questions. The applications will be scored individually and then the top candidate will come from the highest score. Chair McKay, the subcommittee will make the recommendation to full commission and have the candidate present to the commission for any questions and then vote to hire as a full commission.

MOTION: Commissioner Cox makes a motion for the subcommittee make the decision and present to the full commission the person recommended for hire; seconded by Commissioner Lambert.

The motion passes unanimously.

#### **11. DISCUSSION OF COMMISSION INCORPORATING AND EXECUTIVE SECRETARY POSITION INTO A STATE HOST**

## **AGENCY RELATIONSHIP**

The Commissioners will hear from Vice Chairman Sue Baker on the possibility of incorporating our Executive Secretary Position with a State Host Agency and its relative benefits to the Commission and its task of administrating future grant responsibilities. The Commission may vote to proceed establishing this relationship and report back at a future Commission meeting.

Commissioner Baker, Chair McKay and she have had discussions with the Parks Service and one of their requirements was to be fully funded if they hosted the commission. The discussion with Division of Tourism went well and they are funded through the state room tax. They have an outdoor recreation division which includes OHV use; they also have a website with OHV encouragement. They do offer grants and fund the Parks Service a percentage of their revenue for outdoor recreation with no current definition of how the Parks Service has to spend the money. They currently have a person on payroll to oversee grants. They did feel the commission was a better fit with the Parks Department but they were not opposed to hosting. They also said if the commission was not able to fully fund a position they might be able to help out. They were going to talk to some people and see if that could work. The Department of Transportation has a grants division and outdoor recreation division; they were going to explore what it would look like internally if were to host the commission. Commissioner Gerow, he likes the idea of the tourism angle and believes that it could have large benefits. Charise Whitt, it is important to find out if the position needs to be a state position or if it can be a contractor. If it will be a state employee there are all other kinds of hoops that the commission will need to go through.

## **12. ELECTION OF THE SECRETARY POSITION FOR THE 2015-2016 TERM**

The Commission will elect a Secretary for the 2015-2016 session.

Chair McKay, would any commissioners like to serve the position of secretary for the year.

MOTION: Commissioner Lambert makes a motion to keep Jim Richardson as secretary; seconded by Commissioner Gerow.

The motion passes unanimously.

## **15. 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 Cox, for informational purposes the City of Mesquite under NRS 469.001 has designated a portion of a state highway as a trail; now people can access a trail system by crossing the Riverside Bridge on a state highway. Hopefully this will be an example for others to follow within the state.

Commissioner Lee, he had a positive item on the Sheriff's and Chief's agenda at the Ely meeting in July; it went really well and there was a lot of discussion. Since the meeting, he has been contacted several jurisdictions to get a copy of Lincoln County's ordinance that allow travel of OHV's on designated county or city roads. OHV is finally getting the buy in from the law enforcement community.

Commissioner Baker, the Tread Lightly program is a national program that has partnerships with Utah, Wyoming, and Arizona. Tread Lightly facilitators bring all of the facilitators together so they were unified with their marketing message and an understanding of each other's goals. She did not know if the commission would like to pursue a future agenda item to talk about involvement with this program and if the commission would like to have them help facilitate discussions with the other agencies.

Chair McKay, the legislative committee made the temporary regulations permanent.

## **16. PUBLIC COMMENT**

No public comment.

## **17. NEXT SCHEDULED MEETING**

Chair McKay, it will take a couple weeks to fix all the items discussed. October 8, 15, 22 are available for the legislature, he will send out an email to confirm once the request for proposal goes out.

## **18. ADJOURNMENT**

Commissioner Gerow makes a motion to adjourn; seconded by Commissioner Lambert.  
The motion passes unanimously.  
The meeting was adjourned at 1:55pm