



MEETING MINUTES OF THE COMMISSION ON OFF-HIGHWAY VEHICLES

Date and Time: Thursday, March 16, 2017 – 8:00 a.m. – 12:30 pm

Location: This meeting was held in Carson City (Carson City Hearing Room B - 1150 E. William Street, Carson City), with a videoconference link in Las Vegas (Las Vegas Hearing Room B - 9075 W. Diablo Drive, Suite 250). These two meeting locations were connected by videoconference and the public could attend at either location.

There was also a telephonic connection available for those wishing to participate in the meeting who could not be at one of the physical meeting locations: Phone connection was: 1-888-808-6929, access code **5109589**.

- 1. CALL TO ORDER 8:27 a.m. Commissioner McKay**
- 2. ROLL CALL OF THE COMMISSION MEMBERS and INTRODUCTIONS**

Commissioner Greg McKay - present
Commissioner Sue Baker - present
Commissioner Kerry Lee - present
Commissioner Charlie Cox - present
Commissioner Kevin Hill – present
Commissioner Eric Riemann – present
Commissioner Sean Berryman – present
Commissioner Michael Gerow - present
Quorum is present.

- 3. PUBLIC COMMENT** Public comment was taken at the beginning and end of the meeting.

Introduction of Brian Bekowski – TreadLightly Nevada Coordinator.

- 4. REVIEW AND APPROVAL OF AGENDA - *FOR POSSIBLE ACTION***
Motion to approve December 13, 2016 meeting minutes, Commissioner Baker, Commissioner Lee, seconded. Motion carried.
- 5. REVIEW AND APPROVAL OF DECEMBER 13, 2016 MINUTES - *FOR POSSIBLE ACTION*** - *Greg McKay, Chairman*
Motion to approve December 13, 2016 meeting minutes, Commissioner Baker, seconded by Commissioner Cox. Motion carried.

6. COMMISSIONS AND BOARDS, ETHICS TRAINING - Question and Answer period – Bryan Stockton – Deputy Attorney General

Standard Open Meeting Law Training was presented. Clarifications:

- a. Roberts Rule of law is not law. Most boards and commissions use it to keep meetings orderly. The Open Meeting Law is the law.
- b. Commissioner discussions outside an agenda item. “conversation that contain deliberation towards a decision”.
- c. Quorum is ½ the membership plus one. “more than 50%”.
- d. Walking quorum: any discussion outside a meeting that includes a quorum. This can be phone calls/emails etc. “serial communications that add up to a quorum”. Social gathering, classes etc.: presence of a quorum does not violate the OML, just don’t talk commission business.
- e. Do not use “reply all” and deliberate via email “don’t use the reply all icon”. Reply to Jenny or Brian only. We will disseminate as needed.
- f. Agenda Items: Chair sets the agenda, send items to Chair. Must be posted 3 days prior. Items can be removed at any time.
- g. Support materials must be to public same time as Commissioners. Do not share materials with enough other Commissioners to cause a walking quorum.
- h. Best Practice: state your name, “for the record” identify yourself every time you begin talking.
- i. Imperfect defense: advice from DAG. Please ask DAG for advice, but keep in mind it is “imperfect defense”. If specific facts lead Commissioner to be in violation, that Commissioner is still liable. Call and be specific.
- j. Full day boards and commission training is recommended in the fall of 2017.

ETHICS training was presented: clarifications-

- k. Dispensing public money for the grants, therefore, public officer, 281A and 281.400 NAC.
- l. Don’t accept ANY favors. Even lunch and small things, **unless everyone including the public is receiving same thing**, (keychains trinkets etc.) for example training/conferences, grand openings, ground breaking, ribbon cutting.
- m. Do not share information on any non-public information to assist grantees etc.
- n. Do not ‘lean on staff’ to help your organization or interest.
- o. Do not use your authority as a tool to receive a job or other personal interest.
- p. Conflict of Interest: recuse yourself if you have a clear conflict. Always ask DAG advice. Third degree of relation by blood or marriage. Commitment in a private significant relationship. First disclose conflict, it will be determined if conflict by DAG, don’t vote if there is conflict.
- q. Call staff before calling DAG as we can find answer through the Department before calling Bryan.

7. UPDATE ON LEGISLATION - AB29, transportation committee hearing dates and Commission attendance –Dominique Etchegoyhen - DCNR Deputy Director *FOR POSSIBLE ACTION*

Mr. Etchegoyhen introduced himself. Referred to Committee on transportation, no date yet for that hearing. When we do have hearing scheduled staff will contact Commissioners with information and need to attend. Budget meeting schedule for Friday, March 24th. We have not received any other bills at this time. Chairman McKay noted that a Bill Draft was in the works by Dr. Titus but not released yet. Commissioner Cox asked for copy of the bill, Jenny Scanland stated it is still on the Commission website. To track it the website link will be sent out to Commissioners. Discussion described current AB29; Sue Baker noted that our executive secretary is functioning as a program manager. No motion deliberated. Commissioner Hill clarified that the DCNR staff will be presenting budget, Mr. Etchegoyhen stated that it would not be necessary as staff may not even be asked a question.

Clarification: Bryan Stockton; if Commission as a body has not voted to support or not support, you may go to legislative hearings, but you must disclose that you are a Commissioner, but you are there in your personal capacity. Be careful if you are talking to too many of the legislators it may be construed as lobbying. Call Bryan. No action was taken.

8. UPDATE ON FINANCIAL STATUS - Kelly Williams, DCNR ASO

Williams presented current budget materials for Calendar year 2016. All outside accounts have been brought into state budget and are closed.

Revenue as of December 31, 2016 is \$841,000. DMV report states revenue 2nd quarter distribution is \$180,000 rounded.

Expenses – personnel, in state travel and operating, AG office bill from last year was high. We have tracking system in place to control AG costs. Any hours we use over or under the projected cost allocation will be adjusted in the next biennium. Total expenses as end of 2016 was \$406,000 with balance of a little over 2.4 million. Commissioner Baker asked for projected amounts available for grants: Williams stated that the projected revenue under a single grant category, pending passing of legislation is in the first year would be \$1,750,000 in grants. Second year 1,025,000. This is projected. Commissioner McKay asked if this covers the reserve, Williams stated yes, 90 day reserve while waiting for revenue to come in from DMV. It also includes covering all operations and personnel. Also, 50K in marketing costs. The continuation of expired contracts must go through state process, interlocal and contracts. Interlocal with Clark County is the contract type. The Commission obligation was a one-time amount and is expired.

Commissioner Riemann asked if travel on behalf of Commission is covered. Williams stated yes, but communicate with staff prior to travel. Commissioner Hill asked about DMV costs; Williams clarified actual costs with a reserve of \$150,000. McKay, bill passed to change % to actual costs. Commissioner Berryman asked who drives the RFP process. Williams clarified; staff will complete the process on behalf of the commission.

9. STAFF REPORT HISTORY OF COMMISSION and CURRENT GRANT PROJECTS -

Amendment to extend Logandale toilets project to end of year - Jenny Scanland, Executive Secretary ***FOR POSSIBLE ACTION*** History and grant update was presented. There is one Law Enforcement 2015 grant outstanding and was amended to expire end of 2017. The 2015 NDOW grant did not get completed before expired, it was all overtime. They will be coming back in for another grant. Discussion ensued on other projects including Recreational Trails Program awards that leveraged OHV in Tahoe on Genoa Road which is complete and closed. In order to save costs, PIC wants to build two toilets at same time using other federal RTP funds.

Motion by Commissioner Baker to extend Partners in Conservation Logandale project agreement end date to December 31, 2017. Seconded by Commissioner Lee. Motion carried.

Grant update continued. Law Enforcement grants are remaining open to end of year to gather reporting data for deliverables. Commissioner Baker requested that the overall intent of the Tread Lightly Grant to “establish and maintain an interagency work group” was made clear as the priority in the scope to Tread Lightly by Staff. Gerow asked for clarification. Clarification by staff: that is the priority of the grant; the others are tasks that come out of the working group and staff will keep Commission updated. This is not a change from the application. Commissioner Baker asked to have an agenda item on next meeting with full update from the grantee and with possible action to amend priorities. Goals for staff direction were presented; active outreach using marketing materials, outreach for projects, coordinate grant program goals, outreach to increase registration, unencumber funding silo’s and reduce late fee (in AB29), explore feasibility of out of state registration, explore opportunities to make VIN registration easier. Commissioner Baker stated that she would like to see the last two goals as future agenda items to determine how to move these forward. Also, the Treadlightly grant will help us move the outreach goals forward as well. The Commissioners should

talk about individual commissioner's roles in these goals. Commissioner Cox would like street legal licensing OHVs addressed due to the NPS lands and national monuments that are here in Nevada.

10. STAFF REPORT ON ANNUAL PROGRAM PLAN, COMMISSIONER OUTREACH, AND FUTURE PROJECT CONTACTS - Jenny Scanland, Executive Secretary *FOR POSSIBLE ACTION*

Four yearly meeting dates are set for March 16, today, June 8, Sept 14, and December 14. Staff dynamic plan; budget, legislation and grants update will be standing agenda items this year. Call for interest interested parties with projects; to allow for planning to occur with grantees to get their application done (see attachment). Bryan Stockton clarified that the Commission has role to complete outreach to folks let them know about grants etc. There is no conflict, this is outreach and education. Pecuniary interests, making money, is the conflict. The goals of the Commission are stated in the RFP. Executive Secretary outlined work on her desk now for the Commission including many contacts on projects and potential projects asking for information on grants.

Commission as advocates: clarification by Bryan Stockton – as board you can advocate for OHV's. If you are taking a position, you must communicate that to the clearinghouse and Governor's office. The Governor may want a consolidated response from Nevada. Lobbying congress is Washington DC is no, unless collaborating with Governor's office. Educating state legislators is fine, but you cannot lobby for or against a bill. Educational contacts only. Commission as a body can take a position, but it must be a formal vote and in official capacity as requested by the Commission to testify during hearing. Again, must be sent through the Governor's office. It was clarified that you can still do any of this in private citizen capacity with clear statement that you are on the Commission but acting in your private citizen capacity.

Direction from Commission, flyer/social media for grants introducing the grants for the fall, this is asking for call for interest. Bryan Stockton clarified that this was lower type of decision not needing vote. Commissioner Baker and Cox discussed the priorities and that they may be broader when the funding silos are removed. Commissioner McKay brought forth the categories which will not change. Commissioner Baker: Funding priorities will be established at a future date. Commissioner Gerow asked that this be put on next meeting agenda.

11. VOTE TO SEND OUT PRE-GRANT "CALL FOR PROJECTS" announcement offering staff technical assistance. – Jenny Scanland, Executive Secretary *FOR POSSIBLE ACTION*

It was determined that there was no need for vote on call for interest. This is an administrative act.

12. OHV MARKETING PROJECT - Review marketing content/material to date, seek input from Commissioners, and discuss renewing contract for next fiscal year - *FOR POSSIBLE ACTION* - Sue Baker, Vice Chair

Marketing consultant Radioactive gave presentation of marketing plan and deliverables to date.

It is uncertain if Clark County will be continuing to market the program in Northern NV without more funds from the Commission. It was determined that we would put this on next meeting as agenda item with more information ready on contracts and Interlocal Agreement and status of legislation and budget.

Recommendations and findings from plan: Strive to make registration easier by organizing onsite VIN verifications at OHV events using law enforcement/dealer partnerships; Spring Creek has largest reg/per capita; there is significant correlation between hunting licenses and OHV registration; ATV's largest 60% of registered users; 20% side/sides; dirt bikes third at 12%. Snowmobiles 3% due to snow pattern; Dune buggies were lowest %.

Marketing materials were shared. Stickers, round and bumper (to show OHV paid for the trailer etc.), pamphlet drafts and T-shirts, wildlife and big game guide ads and SMART stories online. Finals will be distributed to Commissioners soon. Website expression engine will be moving to state site after launch. Jenny Scanland will be admin with Radioactive training and help. No action needed.

13. CLEARINGHOUSE ITEMS – Fallon and Nellis Naval Air Station Expansions; Washoe County Lands Bill/Wilderness; Greg McKay Chairman, Jenny Scanland, Executive Secretary *FOR POSSIBLE ACTION*

Nellis – OHV comments were consolidated through Governor’s office. Commissioner McKay stated that he received personal communication from Washoe County Commissioner that Washoe county lands bill has dropped the wilderness part of the bill. No action taken.

14. ELECTIONS FOR CALENDAR YEAR 2017 (two year terms) Chairman and Vice Chair - Greg McKay, Chairman *FOR POSSIBLE ACTION*

Nominations requested by Chairman McKay. Vice Chair Commissioner Baker stated that she would agree to be chairman but had concerns that someone up north should be available during legislative session. Lee motioned to elect Greg McKay as Chairman, seconded by Commissioner Gerow. Motion carried. Commissioner Gerow motioned to elect Sue Baker as vice-chairman, seconded by Commissioner Lee, motion carried.

15. CALL FOR AGENDA ITEMS FOR NEXT MEETING

- Presentation by TreadLightly and opportunity to shift priorities if needed. Commissioner Baker
- Representative from DMV requested for related agenda items. Commissioner Gerow
 - Ways to make registration and VIN inspection easier, administrative items.
 - Revisit non-resident program. Residents buying non-resident stickers.
 - Exemption stickers.
 - Affidavit of non-use.
 - Street legal licensing of OHV to give ability to ride in NPS Lake Mead, National Monuments. Commissioner Cox
- Update on Legislation - standing
- Update on Budget - standing
- Update on Grants – standing
- Update on Marketing launch
- Goals/priorities of the Commission revisit for RFP and scoring criteria. Commissioner Baker
- Marketing interlocal with Clark County to continue Radioactive marketing work. Commissioner Baker

16. PUBLIC COMMENT

1. Leo Rankin? (his last name unrecognizable on recording) noted that his side by side is street legal. Clarified by Commissioner Cox that he still must have License metal plate to ride in Federal National Parks. Check with local Sheriff Dept. to clarify where you can ride.
2. Partners in Conservation appreciates the Commission looking into license plate for OHV’s wishing to ride in National Monuments and Park Service lands. They thanked the Commission for the amendment to the grant project.

17. ADJOURNMENT - *FOR POSSIBLE ACTION* motion to adjourn made by Commissioner Cox, seconded by Commissioner Lee. Motion carried, meeting adjourned.

NOTICE: Items on this agenda may be taken in a different order than listed, combined for consideration, or removed from the agenda at the discretion of the Chair.

THIS NOTICE WAS BEEN POSTED ON OR BEFORE 9:00 AM ON THE THIRD WORKING DAY BEFORE THE MEETING AT THE FOLLOWING LOCATIONS:

Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City, Nevada

Nevada Department of Agriculture, 405 South 21st Street, Sparks Nevada

Department of Wildlife, 1100 Valley Road, Reno, Nevada

Capitol Building, 101 North Carson Street, Carson City, Nevada

Legislative Building, 401 South Carson Street, Carson City, Nevada

Library and Archives, 100 N. Stewart Street, Carson City, Nevada

Nevada Department of Motor Vehicles, 555 Wright Way, Carson City, NV 89711

Notice of this meeting was also posted on the Commission on Off-Highway Vehicles Website at:

<http://nvohv.com/meetings/2017-meetings/> and <https://notice.nv.gov/>

These draft minutes will be posted online <Http://nvohv.com/meetings/2017-meetings> prior to next meeting.

We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special accommodations or assistance at the meeting are requested, please notify our office by writing to the Off-Highway Vehicles Program, 901 S. Stewart Street, Carson City, NV 89701; or by calling 775-684-2794 no later than two (2) working days prior to the scheduled meeting. You can also email Jenny Scanland at jscanland@ohv.nv.gov

Please contact Jenny Scanland at 901 South Stewart Street, Suite 1003, Carson City, Nevada 89701; or email jscanland@ohv.nv.gov or 775-684-2794 to obtain support material for the agenda. Materials will also be posted on the <http://nvohv.com/meetings/2016-meetings/> website.