



Commission on Off - Highway Vehicles

Full Commission Meeting

March 13, 2014

Meeting Minutes ****DRAFT****

Meeting Locations:

Legislative Counsel Bureau
401 South Carson Street, Room 2135
Carson City, Nevada 89701

Grant Sawyer State Office Bldg.
555 East Washington Avenue, Room 4406
Las Vegas, Nevada 89101

Great Basin College
1500 College Parkway
McMullen Hall, Room 114
Elko, Nevada

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

1. CALL TO ORDER

Chair Jackson called the meeting to order 1:40pm.

2. PLEDGE OF ALLEGIANCE

The pledge was recited.

3. ROLL CALL OF THE COMMISSION MEMBERS

Commissioner Cox - Present, Las Vegas
Commissioner Elmore - Present, Carson City
Commissioner Baker - Present, Las Vegas
Commissioner Griggs - Absent
Commissioner Gerow - Absent
Commissioner Jackson - Present, Carson City
Commissioner Lambert - Present, Carson City
Commissioner Lee - Present, via phone
Chair McKay - Present, Carson City
Commissioner Richardson - Absent (excused)

There is a quorum.

4. PUBLIC COMMENT

Commissioner Jackson stated a couple of items that are currently being worked on are the live video feed of the meetings (should be available for the next meeting), and taking public comment via phone calls during the meeting (this is still being worked on). Public comment is not a Q and A session, it is for comments only and Commissioners may comment after the person is done speaking. Please limit comments to 3 minutes.

Carson City: Doug Holcomb, member of the public – Mr. Holcomb read a letter into record which is marked as Article A.

Larry Calkins, Nevada 4 Wheel Drive Association – stated he has great concerns and also wrote a letter to Governor Sandoval; which the commission received a copy of so he will not elaborate on the contents of the letter. The OHV community is not antagonistic towards the OHV program. It is extremely interested in seeing the program move forward in a legal and transparent way. The OHV community has not gone to the media, fearing that a media circus could be detrimental. However if the issues are not resolved, it is inevitable.

Paul Quade , Nevada Trail Stewards - thanks the members of the Commission that are interested in the effective use of public lands, the education of the OHV community, and other issues related to the use of public lands. Many of members came onto this Commission in a largely volunteer fashion and are very concerned with what has occurred with this matter. In reviewing the past conduct of the Commission, there has been some honest, hard work that has occurred. Many members of this Commission have the right ideas in mind as far as the goals of the Commission. There is no antagonism by or from the Nevada Trail Stewards against the Commission itself. He prepared a 6 page single spaced letter in response to requests from certain Commission members, with respects to the beliefs that there had been violations to the Nevada Open Meeting Law and Administrative Procedures Act. Said letter was forwarded to members of the Commission via email and he asked that the original of that letter be accepted by the Commission and marked part of the record. He also prepared a 2nd letter today which asks for immediate inspection of the audio recordings of commission meetings. This request is being made in respect to NRS 241.0354. He reads part of the letter due to his concerns that have been raised in the failure to produce these recordings. As well as the combination of Mr. Jackson's request that members of the community review the actions of the Commission to determine what actually is going on. The letter states as follows: This request is made in addition to and based upon the recordings made available on the commission website as of late last week or early this week. The February 1, 2014 Commission meeting related to the Grant Process was recorded and this recording has been made available on the Commission website; however, the recording may be incomplete or altered based upon the review of the recordings available earlier this week. This does not take into consideration the process that was set up to listen to the recording on the website, which makes it very difficult to review the audio recording in its entirety. On February 12, 2014 the Commission held two meetings, one meeting to address the Grant Appeal process and issues related to the final funding of the approved Grants was to begin at 9:00am. The second Special Meeting was to begin immediately following. There are two items of concern related to the record. First, there was an audio/video recording of both meetings. At the conclusion of the meeting a representative from the meeting obtained a copy of the recordings and the recording was there after deleted. Only the commission now has a copy of that recording. It must be made immediately available to the public for inspection. Commission Jackson asked for clarification, that the minutes had been deleted. Mr. Quade verified yes and that he obtained that information from the LCB. Commissioner Jackson asked if Kathy Grost had a copy of the minutes and she stated that she yes and would provide a copy to Mr. Quade. Second, a review of the Commission website reveals that it has been altered with items removed. He has attached an exhibit in this regard. He has in his possession two different copies of the February 12, 2014 Special Meeting Notice that he raised concerns about at that meeting. Neither of those notices now appears on the website, nor are there minutes related to the February 12, 2014 made available on the website. In short, he has grave concerns in regards to the withholding or altering of public record. Therefore, he is requesting to inspect the original recording immediately and would to have them duplicated for further analysis. Next, agenda item 5 in the notice of public meeting for today indicates that there will be discussion of the minutes related to the January 31, 2014, February 1, 2014, February 6, 2014, and February 12, 2014 meetings. Draft copies of those meeting minutes have not been made available to public. It is impossible for anyone in the public to make a comment on proposed meeting minutes without knowing what they are. In particular, I have made public comments and I want to make sure those comments are accurately reflected in those minutes. I cannot do that without a draft copy of those meeting minutes. Those have been requested and they are still not available. He was informed that copies of the draft minutes were available at the door. Under agenda item 7 there are draft regulations that are being composed for consideration and action by the entire Commission. He noted in his letter with yesterday's date, that there has been no notice of meetings of the Administration Regulation Committee related to the drafting of these new regulations that pertain not only to the Rules of Operation but also to the Grant selection and the Grant Funding. This is the primary concern of the general public and Interested Parties; the Grant Process and the disregard of this Commission to its own Grant Guidelines. What Grant Guidelines have legal affect is subject to argument, but the reality is this Commission is apparently, according to its own agenda item, going to be addressing and acting upon proposed regulations that have not been made publicly available. And any discussions or considerations of the proposed regulations that may be acted

upon today by this Commission have not been made publicly available or publicly noticed related to the discussion and considerations or actions by the Administrative Regulations Committee. It is a grave concern of mine that the Commission is going to be acting upon proposed regulations that the public has not seen at this point. He assumes the proposed regulations are made available to the public at this point also? Commissioner Jackson stated that if he felt that they have violated the Open Meeting Law then he should file a complaint with the Attorney General's Office. Mr. Quade stated they have filed and will be perusing that with Mr. Taylor of the Attorney General's office. They will also be requesting a full investigation as to the conduct of the Commission and any emails that do not constitute discussion. And he is happy to hear what discussions did or did not occur from the Commission. Commissioner Lambert stated that he had received several emails over the past several weeks asking him to make comments about Regulations and he declined to respond to the serial emails that were addressed to the entire Commission. It is was to his understanding that it would have been out of his code of conduct if he would of responded.

Karen Borger, Nevada Chapter of Backcountry Hunters and Anglers – she thanks the Commission for the opportunity to speak and may not have much to say if the commission answers yes to her question. Her question to the Commission was if her second comment letter was received. It was acknowledged that it was received. One quick comment in response to Doug Holcomb's comment, that since she was part of the original stake holders group that crafted this bill. It was very much a comprise bill of many different entities and stake holders. It was made very clear that when the Grant process began that there were to be a number of different categories of Grants. Whether it was for trail construction, or trail user created route restoration, education, or enforcement; a whole lot of different things that have an impact for positive or negative off road vehicle use. By doing so, it was the hope that it would become a sustainable activity into the future. So, not all Grants were expected by the group to be just for ORV use for recreation. But for our members who do not to use them for recreation but to get to where they want to go, park and then hike. Also many of my rancher and aggie friends use them for work. So there are a lot of different uses for OHV's that these Grants should be intended for. Letter put into public record.

Scott Gerz, Nevada Trail Stewards – He is reading a request from the Off Road Business Association, a letter that was sent to Governor Sandoval on 2-27-2014. The letter states the following: I am writing this letter as President and CEO of the Off Road Business Association (ORBA). ORBA is an international trade association that represents business and corporations from around the world. Our members include large corporations such as Lincoln Electric, while at the same time we represent the small independent Mom and Pop store fronts. ORBA's primary function is to ensure, protect and expand responsible OHV community opportunity on public and private land. The concern of ORBA is the confusion and possible misconduct of the NVOHV chairman. Our application was submitted with the understanding that was posted in the Grant Guidelines that all grants would be scored with an identified points system. Second, an opportunity to appeal would be given to those which were denied in the process. Third, to date ORBA has not been formally notified nor has there been any appeal process outlined or identified. Fourth, the mission of this Commission severely lacks an objective clear plan. There are many rumors swirling around this unfortunate circumstance. While it is clear that ORBA has standing for a legal remedy that is not our intent at this time. We believe that this can be easily resolved so that Nevada can remain independent place for its citizens and visitors to recreate. Business in America depends on integrity and an open process. The current Commission chairman has no interest in what is best for Nevada OHV. From, Fred Wiley CEO and President of ORBA. Mr. Gerz has several other letters of concern that he will give to the secretary for public record and will not read them in interest of time. There are emails included with some of these letters, where several of these organizations have been contacted by Commissioner Jackson. He notified them of their wrong doings and included some intimidating conversations that they have placed into these emails. Some of these emails are directed to all of you in the beginning and then the chain quickly drops off to a conversation between Mr. Jackson the author of the email. These are important to be seen, since they have not been seen by the rest of the public. For a clear and transparent view, that everyone has the right as the Commission to understand what is being transpired back and forth on your behalf.

Pat Bruce, Friend of Nevada Wilderness –would like thanks the Commission for their time. He is the Stewardship Program Director for the Friend of Nevada Wilderness; they are 501C3, nonprofit for 30 years. As an organization they have come to the Commission and submitted in good faith the applications and process for grants the presented on January 31, 2014. They put in requesting funding for vehicle and signage. They provided the required paperwork on time and gave a presentation in the allotted time period as did many others. As nonprofit organizations and small groups, these are time and resource intensive operations. From what he saw through this process there was a number of possibilities, including signs to monitor trail along with a number of other things. The process was exciting and

educational. These Grants ranged from Education, Law Enforcement, the Drone mapping, ourselves, and my others seemed to be excited about this process and the prospects as a result of these proposals. In everything that he has seen, the process seems fair and transparent. The Commissioners were engaged in questioning, whether the question was difficult or not. They left feeling optimistic and good about their presentation. We had conversations with Andy Hart of the Nevada Outdoor School. He could not be here today but he asked me to let you guys know that he hopes that you move forward with the process already planned and that the Grants go forward. He was not at the February 1, 2014, but he has listened to the audio recordings and it seemed fair and transparent. The discussion on each grant seemed clear and the commissioners seemed to be thoughtful and thorough in discussion. When it came time for their grant there seemed to be a lot of questions raised. Some that were questioning whether or not a group like Friend of Nevada Wilderness should be funded through the commission and that is a reasonable and understandable thing. They are nontraditional partners. Commissioner Elmore's comments were appreciated and he summed up their intentions, in that they are here to build a relationship. He provided examples of nontraditional partners working together to accomplish a greater good for Nevada. They have produced positive results and are excited to work with nontraditional partners. In order to get anything done, everyone has to work together for a common goal. The goal is to promote responsible use and the goal is not to go at it alone but to work together. They were surprised at the backlash that ensued after the February 1, 2014 meeting, when Friends of Nevada Wilderness became the "piñata at the party" so to speak. Then at the phone meeting following, some puzzling responses and comments came up and they luckily had been able to address those with the individuals involved. That was the first time that they had heard of legal action being filed by one group to stop disbursement of Grants. Luckily they have been able to turn things into a positive process. They have current project planned with the Hell's Angels and several other groups in across Nevada. They hope things move forward with no further issue.

Elko – no comment

Las Vegas – Robert Adams, Motorcycle Association of Nevada – MRAN is a nonprofit that has been around since 1968. He referenced a letter that was read for approval at the March 3, 2014 general meeting. The letter reads as follows: Dear members of the Commission and members of Moran. We know that paying taxes is an obligation. We would feel better paying if we felt our money was being well spent, especially regarding special uses like registration. Based on the recent Grants awarded by the Commission of off highway vehicles, we do not feel that those fees paid for OHV registration are being well spent or to the overall benefit of the OHV recreational sport. Regarding trash pickup, the BLM has typically paid for dumpsters and the volunteers do the work. Here we are picking up an expense that was previously paid for by others. Grants to purchase OHV's: for common benefit projects, vehicles have commonly been donated manufactures, dealers or other organizations. By the fund being made available for that, it could quickly drain the OHV fund, and take funds away from trail expansion and other projects. It takes 800 to 900 OHV registrations to pay for one moderately priced project. We feel that money could be better spent. OHV's typically own OHV's and the use of their OHV's typically donated along with their time. It was to our understanding that the bulk of the registration funds would go to the expansion of the OHV activities here in Nevada. This round of Grants does not reflect that. A copy of the letter was provided for public record.

Anthony Livreri, President of MRAN and President of Silver State Trailblazers – A discussion was held in regards to the OHV grant process at their last monthly meeting. They do not support the purchase of OHV's; they feel that OHV users should already have OHV's. As the letter said when you volunteer or help do public land projects with the BLM they will typically give you signs and pay for dumpsters. What they really need is labor. Our group when to Jean and put up close to a mile of fencing and all of that material was donated and we did the work. We do not feel that it is a good use of money to pay for dumpsters, signs or OHV vehicles. He supports item 10 on the agenda, putting the advertisement in the wildlife brochures. They are concerned with item 12, in changing the Grant process. They feel that the original process was never fully used in regard to the Grant process with this first go around. How can you know that it is broke if you never follow the original process? We feel that the Commission needs to complete the original process first before they decide to change the process. My brother could not be here today and he put in a Grant for the Cal 80 motocross. While we know that we rushed that Grant and we did not do the best job. We are not too surprised that it did not get funded. They have never officially received any communication from the Commission. Even though they kind of know where it stands, it would be professional on the part of the commission to send out correspondence to all of the Grant applicants. That includes a status and a few points of where they could improve in the future. Commissioner Jackson provided an explanation of appeals process. He apologizes that there was no follow up given to the Grant applications.

This was due to the freezing of the Grants due to possible law suits and uncertain future of the funding. The Commission is looking to get answers to those issues in today's meeting so that the Grants can be distributed. He also provided an explanation of scoring process. The scoring was created to rule people out. There was a problem with some of the scoring and the commission took a consensus. All Grants were considered. In the interest of time, the agenda will be moved around.

14. APPOINTMENT OF OUTREACH COMMITTEE CHAIR AND ADDING MEMBERS OF THE COMMISSION TO THE OUTREACH COMMITTEE

Commissioner Jackson stated that this item is to deal with committees and assigning people to committees. Since Commissioner Jackson will no longer be the chair of the board after next week, he is looking to table items 14 and 15 to next meeting.

MOTION: Commissioner Elmore makes the motion to table 14 and 15 until the next meeting or until the after the next Chairman is chosen. Commissioner Gerow seconds the motion.

Motion passed unanimously.

15. REVIEW OF ALL COMMITTEES

This item as been tabled until the next meeting for until after the next Chairman is chosen. See notes from item 14.

10. FUNDING OF NEVADA DEPARTMENT OF WILDLIFE'S PRINT ADS

Commissioner Elmore was contacted by the Nevada Department of Wildlife to put pro OHV program advertisement in their print media materials (Hunt Application Book for Big Game Tag Applicants as well as Hunt Guidelines Book) both of which are annual publications. This is time sensitive due to when these books will be printed.

MOTION: Commissioner Elmore makes a motion to approve up to \$2500.00 in order for there to be a pro OHV advertisement in the NDOW Hunt Book and Hunt Guideline Book. The guidelines for the advertisement are to mimic the pro OHV concept on the OHV website and will be changed slightly to match the demographic. Commissioner McKay 2nd the motion. Commissioner Lambert asked if this was administrative money or release of a grant. Chair Jackson stated it was money from the grant program. Commissioner Lambert strongly opposes due to using a grant due to past grant issues and feels that it could leave the commission open to problems. He would like use \$2000.00 from the administrative fund if that is available. Commissioner Jackson refers to AG Geddes for legal clarification. Mr. Geddes states that he is against using administrative grant funds and is in agreement with Mr. Lambert. Commissioner Jackson asked Commissioner Cox if \$2500.00 could be taken out of administrative funds. Commissioner Cox stated no. This is due to the budget put forward at the beginning of the year; the administrative funds are limited due to the amount of money that was in the pot at the end of last year. There is a discretionary budget line item for travel for commissioners for \$5000.00. Money could be taken out of that fund if the commissioners would agree not to turn in travel expenses. Mr. Geddes cautions the Commission in using money for an item if it has already been earmarked one use and using it for another use. The NRS specifically provides guidelines and apportionment principles by percentage breakdown. The commission needs to make sure that they do not exceed the percentage allowed per statue per category. Commissioner Baker asks Mr. Geddes, it is to her understanding than under the NRS there are those categories that they can award grants to but that they can also use outside of the grant process. So would that be discussed in the grant process or is it discussed as a separate agenda item identifying fund that we may want to hold out, outside of the grant process? Mr. Geddes stated that he was referring to NRS 490.069, which sets constraints on how the Commission spends money and how the budget is apportioned. He cautioned the committee that if they think they are freeing up money from one place to put into another, the NRS states certain percentages have to go into certain categories. Commissioner McKay withdraws his 2nd to the motion. Motion dies.

Commissioner Griggs 2nd the motion for further discussion.

MOTION: Commissioner Jackson makes a motion of all in favor of allowing for \$2500.00 to be removed from the commission grantable funds to be used for the Wildlife print advertisement.

Motion defeated.

11. LETTER OF INTENT TO THE OFFICE OF CRIMINAL JUSTICE ASSISTANCE

Commissioner Lee is asking for permission from the commission to draft a letter of intent to the Office of Criminal Justice Assistance. The information of what is needed in the letter can be provided by from Michelle Hamilton, who is in Carson City.

MOTION: Commissioner Lee makes the motion to draft said letter to go to the Department of Criminal Justice Assistance which will allow them to administer the law enforcement grant. Commissioner McKay 2nd the motion. No further discussion ensued. AG Geddes asks for clarification of the record, that grant funds are being administered by a particular organization? Commissioner Lee states that it is part of the statue, a formality. AG Geddes cautions that to the degree it is interpreted by a court or otherwise, any regulations involving the grant process must be in place before a letter of intent can be approved. NRS 490.068, subsection 2- discusses how applications are submitted, section b- awarding grants, and subsection c- acceptable determination for performance of work. Commissioner Lambert would like full knowledge of what is needed Michelle Hamilton's letter. Michelle Hamilton, Grant Analyst for the Office of Criminal Justice Assistance. She let Commissioner Lee know, it is her understanding that 20 % award to law enforcement and to be managed by the Department of Criminal Justice Assistance. In order to get authority to accept the funding, she needs a letter from the commission to the Office of Criminal Justice Assistance on OHV letterhead that it is the commission's intention to administer the funds and how much in round numbers they would be expected to manage, a physical point of contact for transferring the funds electronically from the OHV account to the OCJ account, and account information to be set up. No further discussion ensued.

Commissioner Jackson called for a vote. There is a division.

Poll Vote: Elmore, Gerow, Lee, Baker, Mckay – yes; Cox, Griggs, Lambert – no

Motion carries.

6. DISPOSITION OF GRANTS ON HOLD AWAITING OPINION OF THE ATTORNEY GENERAL

Commissioner Jackson stated that there were 3 Grants put on hold awaiting the opinion of the Attorney General (2 from the Nevada Trail Stewarts and 1 from Lincoln County). The motion asking for that opinion has been rescinded due to the fact that the Attorney General was the wrong person to get the opinion from. Advised by AG Geddes, this would falls under Ethics and must go to the Ethics committee. Commissioner Baker would like to take action on items 12 and 13 first, as it may parallel these actions. Commissioner Griggs agrees with Commissioner Baker and thinks it is a good point, but feels that all three of these grants will come back to the commission and would like to have the Ethics Committee opinion.

MOTION: Commissioner Griggs makes a motion to take these 3 grants forwarded to the Ethics Commission now to be reviewed. Chair Jackson suggests forwarding them onto the Ethics Commission as an inquiry. If they come back with an opinion, the commission can work forward from there. Commissioner Elmore 2nd the motion for discussion.

Commissioner Lambert stated on 2-12-14 there was a motion to suspend any letter of opinion, but on 2-15-14 Chairman Jackson signed an Ethics opinion letter. This letter might be viewed as a complaint from the whole commission against Commissioner Lambert. It is confusing how something like this could happen on behalf of the commission without the commission's knowledge. It is contrary to the motion that was made on 2-12-14 and finds this contemptible on the Chair's part. Chair Jackson states that Mr. Lambert has the facts wrong. He did file a justified complaint to the Ethics commission but it was on his behalf and not the commission. He expects his complaint to be heard. Commissioner Lambert stated the Mr. Jackson signed the said motion as Chairman of the OHV with encompasses this entire commission. AG Geddes recommends against this motion because it may confuse the record due to how it is agendized, to suggest that these are subsequent to this meeting, that if the commission decides to rescind the grant process, it would send the message that these are actual grants that have proper legal force which he commission may or may not revisit. Commissioner Baker asks question of the attorney, for this agenda item, as it has been agendized it, would it be appropriate to modify the motion and ask for a clarification on commission members and their connections to the grants go forward to the Ethics commission and not the specific grants that were previously applied for or is that not possible the way this item was agendized? AG Geddes' conservative answer is that it is not possible due to how the agenda is written. AG Geddes read the full agenda item. This agenda item envisions that there are grants that preexist and actions of various types will be taken on them. If the commission later, in this very meeting rescinds these grants, he believes that it will confuse the record. And put forth a record of an Ethic opinion based on non Grants, Grants that have been invalidated by this commission. He feels that the opinion given by a commission member to move these Grants around makes sense.

Commissioner Griggs withdraws his motion.

Commissioner Jackson states the motion is withdrawn.

Chair Jackson will accept a motion to Table item 6 until 3-20-2014 or later.

MOTION: Commissioner Lambert motions to Table item 6.

Commissioner Griggs 2nd the motion.

Motion is passed.

This item will be agendized for 3-20-2014.

8. EXECUTIVE SECRETARY SEACH COMMITTEE REPORT

Commissioner Baker stated that they posted a formal recruitment with the State of Nevada and on the OHV website, asking for all applications to be turned in by the middle of March, with a start date of April 1st. There were 13 applications received, with some of them rejected due to not meeting the minimum qualifications. The A that were qualified have been forwarded on the committee. Commissioner Baker is seeking guidance from the attorney on whether or not they can conduct interviews with the subcommittee and not have it be a formal posted meeting. Pending that decision, they are moving forward with telephone interviews and then in person interviews depending on the outcome of the telephone interviews. Chair Jackson asked if it is the intention to hold the interviews via teleconference on the morning of 3-20-14. Commissioner Baker stated that it is her intention to hold the telephone interviews outside of the formal public hearing so that it can happen sooner than later. If the subcommittee and telephone interviews go well and it is unanimous with one candidate, a second set of meetings may not be required. But if they are required, it is her intention to have that on the morning of 3-20-14. Chair Jackson states that they will put a public notice together for the hearing on 3-20-2014 in the morning; at the conclusion of that meeting the commission will have its regular scheduled meeting.

9. NEW MAIL BOX

Commissioner Cox stated that he had to write a check for a new mailbox. This is due to the fact that the old mailbox was not in the commission's name. The commission now has a mailbox in the commission's name. He would like clarification of why the commission had a mailbox that was not in its name, since this occurred before he came onto the commission. He would also like to seek a refund for monies that were not spent properly. Chair Jackson stated that he believed that the commission paid \$120.00 for the old mailbox and ask Commissioner Cox if he could verify when that check was written. Commissioner Cox did not have the checkbook record with him and could not answer that question.

MOTION: Commissioner Cox makes the motion to approve the expenditure of the new mailbox.

Commissioner Baker 2nd the motion.

Commissioner Elmore verified that the funds will come out of the Administrative budget. Chair Jackson verified the price of the new mailbox to be \$290.00.

No further discussion ensued.

The motion passes.

12. RE-EVALUATION OF GRANT AWARD PROCESS AND FORMULATION OF NEW ADMINISTRATIVE REGULATIONS REGARDING THE GRANT AWARD PROCESS

Chair Jackson states that they are looking to re-evaluate the grant process in view of new Administrative Regulations. Commissioner Lambert asks for a copy of the Administrative Regulations that were proposed for the public and him. Chair Jackson states that they have been available and ask Kathy Grost for a copy of the regulations. She states that she did not know of the said paperwork. Commissioner Cox stated that there were no regulations, just ideas for regulations. This was emailed out to the commission for thought so that it could be discussed during this meeting. Mr. Lambert did receive the said email. Commissioner Lambert stated that he received an email chain which asked him to be part of discussion. The email was not public so he did not participate. He wants a copy to see what they are discussing because the public and he are not aware of the document. Chair Jackson states that they are going to re-evaluate the grant process and they are going to put together regulations to govern said grant process.

MOTION: The motion is that the commission would re-evaluate the grant process and formulate new Administrative Regulations to govern that grant process. Commissioner Cox makes the said motion.

Commissioner Baker 2nd the motion.

Commissioner Lambert states that they spent many months with the grant committee and according the grant regulations that he had seen, they were not based on the grant committee work. AG Geddes recommends that the commission go forward with this. Stating NRS 490.068, subsection 2 describes regulations that are to be adopted by the

commission relating to various aspects of the grant process. The motion being formulated here to have the grant process proceed by way of regulations to be formulated according to the rule making process under Nevada law is a wise motion. Commissioner Elmore makes a friendly amendment to the motion that the commission ensures that the Administrative Regulations that will be forth coming meet the intent of NRS 490.068 and the full rule making process as stated in the revised statute.

Commissioner Cox and Commissioner Baker accept the friendly amendment.

Commissioner Lambert asks to accept a friendly amendment that these regulations be based on the prior work of the grant committee. Commissioner Cox does not accept. He feels that there should be one committee to deal with the regulations, grant guidebook and everything. It has been pointed out that the process has been flawed and needs to be done over again. He will not accept the grant guidebook as a guideline. He would like to see the grant guidebook as part of the regulation. AG Geddes recommends against Commissioner Lambert's amendment. As he understands it, the idea is to start from scratch. It would be inappropriate to presume what the workshop, the public meeting and the LCB final product would look like. It may very well be that in the flow of the process of the required rulemaking process that much is borrow, used or recycled. To add that in at this motion would suggest that the rulemaking process is not starting from scratch as the statute requires. No further discussion ensued.

Chair Jackson stated that the motion is to re-evaluate the grant award procedures, reformulate new administrative regulations regarding the grant award process in compliance with NRS 490.068.

Motion passed unanimously

13. RESCISSION OF FREEZING GRANT AWARDS

Chair Jackson stated that this agenda item is to rescind the whole process of the freezing of grant awards. AG Geddes has been asked to explain what this motion means legally. The commission has now taken action to restart the grant process according to regulations which have yet to be written, according to the rulemaking process. This item is an item to rescind all that came before with respect to evaluating and receiving grant applications. Whether there were promises or offers made, or notices given that certain grants were approved and the grant money would be forthcoming. This item is to rescind all acts taken in the grants process to make way for the process that will follow under the regulation and rule making that follows under the previous agenda item that was passed.

MOTION: Commissioner McKay makes a motion that the Commission will rescind all pending grant awards and decisions and restart the application process at a later time, to allow for the re-evaluation and possible re-formulation of a grant award process.

Commissioner Gerow 2nd the motion.

Commissioner Baker supports the motion. She wants to go on record and send her deepest apologies to everyone that took the time to fill out the grant applications and participate through the process. I know this is something that we have to do and I want to apologize in advance for putting you through the effort and I hope that you can stay positive and we move forward and that you reapply. Commissioner Griggs states that what Commissioner Baker stated was well said and would like to add that we are common people handling public sector money, we are learning as we go. We are trying to do the best we can and we will get there. We appreciated the public's patience. Chair Jackson states that he is sorry that it has had to come to this and the things that have had to happen in the past couple of months have been unbelievable. The animosity towards each other, the animosity towards the commission by people was uncalled for. This is a learning process and none of us could have predicted the reaction of some of the members of the commission or members of the public.

Motion passes unanimously.

7. ADMINISTRATIVE REGULATIONS COMMITTEE

MOTION: Commissioner Cox states that in light of some of the discussions held today, he would like to table this item until a Public Meeting can be scheduled, 3-20-14. Commissioner Griggs 2nd the motion.

Motion passes unanimously.

5. MEETING MINUTES

Proposed minutes from 1-31-2014

Commissioner Lambert stated that the minutes did not include the grants, the scoring criteria, and did not include the content of the meeting. There are several discrepancies within that meeting, there needs to be a further review. In general, all of the minutes were short of the accompanied documents. After viewing the video minutes, he states that there are some concerning conversations held between Mr. Jackson and Mr. Cox and does not feel that flying under the

radar is the objective of this commission. If there is support for these minutes, he asks that they consider the dialog and the transcripts that were taken out of that documentation. He acquired a copy of it and it is not reflected in the minutes. Chair Jackson asked if there was a specific accusation. Commission Lambert stated that there were conversations held between Mr. Cox and Mr. Jackson that are on the recording but are not reflected in the minutes and he wants them reflected in the minutes. Chair Jackson asked Mr. Lambert that if feels there was wrong doing by any member of the commission to come out and say what it is that he feels has been done wrong, instead of making accusations. Commissioner Lambert wants Chairman Jackson to read the supposed comments into the record. Chair Jackson states that he does not know where that information came from. Commissioner Cox asked Mr. Lambert if the said conversation was part of the meeting or not. Chair Jackson asked for a point of order from AG Geddes. AG Geddes states that it is not clear to where this discussion is going and whether or not it is straying from the agenda. He would point out that under NRS 241.035 which sets forth the requirement for minutes. It is not clear right now whether or not the commission is straying to comments that were made off the record. Generally speaking, the requirement for the content of the minutes is date, time, place of meeting, the names of the member who attended the body and those who were absent, the substance of all matters proposed, discussed or decided, and at the request of any member of the body a record of each members' vote on any matter decided by vote, the substance of remarks made by members of the general public who addresses the body, if he or she request that the record reflect that those remarks, if he or she has prepared written remarks, a copy of those written remarks if he or she includes a copy for inclusion, and any other information that any member of the body requests to be reflected or included in the minutes. I suggest that the commission stay on track of the minutes. Chair Jackson asks Commissioner Lambert if there is anything specifically that he feels is incorrect with the minutes. Commissioner Lambert responded that he specifically does not see copies of the grants in the minutes. Chair Jackson asks Kathy Grost if copies of the grants are available on the website and she stated yes. Chair Jackson asked if anyone has an objection of including copies of the grants to the minutes after they are approved.

MOTION: Commissioner Elmore moves to include complete copies of the applications as they are posted on the website to the 1-31-2014 meeting minutes and he moves to accept the 1-31-2014 meeting minutes as proposed.

Commissioner Gerow 2nd the motion.

Commissioner Lambert asks when the grants were posted to the website in a public location and Kathy Grost did not know. Commissioner Elmore restates his motion and moves to accept the 1-31-2014 minutes as proposed with the inclusion of copies of the Grants as listed in their entirety on the 1-31-2014 agenda.

Motion passes unanimously.

Proposed minutes from 2-1-2014 10:00 a.m. meeting

Commissioner Baker has some additional clarification that she would like to be added to the 2-1-2014 meeting. Specifically to note on the record under agenda item 4, grant deliberations, items 3, 5 and 10. We clarified that the budget requests were for \$60,000.00, \$60,000.00 and \$247,250.00 yet with each of these grants the budget was for \$8.3 million and there was no clarification in the grants for what they would do specifically with the \$60,000.00. So they were in a dilemma of what to do regarding how to award it, given that there was not a definite budget for the specific grant amount requested. Commissioner Lambert responds to Commissioner Baker's comment, stating that the \$6 million was part of the max that was spelled out, if the grant had been thoroughly read. It was spelled out what was to be used with the commission's money, although there were items outside the commissions funding. He does not feel that the representation of the spreadsheet is correct. Commissioner Baker feels that it is important to state that everyone on the commission except for Mr. Lambert did not know how they were going to spend the money and therefore they could not fund it. Every other grant application that came before them had a specific budget. This is totally separate from the Ethics issues that have to do with those specific grants. Chair Jackson states that the only things that can be in the minutes are things that were actually said or things that were actually done. Commissioner Baker stated that these issues were specifically said in the meeting. Commissioner Jackson feels that it would be best to table the 2-1-2014 minutes until she can make the adjustments based on the DVD, so that she has something to go back on besides memory. Then the minutes can be reviewed again at the 3-20-2014 meeting. Commissioner Elmore agrees with Commissioner Baker in that the minutes do not reflect the discussion that were held during the meeting. He would like some addition time with these minutes for accuracy. AG Geddes makes clarification that NRS 241.0352 requires minutes or audio recordings of public meetings to be public record and must be made available to the public within 30 days after the meeting was adjourned. You are describing minutes that are beyond that time frame and that you have audio

recordings of the said minutes. My recommendation is that whatever you are going to do with minutes that you do so as quickly as possible and even at this point there may be a technical problem.

MOTION: Commissioner Lambert motions to table the 2-1-2014 minutes until such time and there has been adequate time to review.

Commissioner McKay 2nd the motion.

Commissioner Lambert asked Commissioner Baker in regards to her statement about the commission have a vote or a poll placed that he was not aware of. He is curious as the when that vote or poll was placed in regards to the Nevada Trail Stewards and him being the only one in opposition. He asked that she point that out on the agenda items. Chair Jackson stated that one of Mr. Lambert's three applications was denied and there was a vote on it. He believes that is what Commission Baker is referring to. Commissioner Lambert stated that he did not vote on that and he prefers that it is stated that there was an abstention; therefore he will not be misrepresented. Commissioner Baker confirms with Commissioner Lambert that he did abstain from that vote.

The motion passes unanimously.

Proposed minutes from 2-6-2014 telephone meeting

Commissioner Lambert stated that the tapes that were placed on the website from 2-6-2014 are unmanageable and very low quality. If those tapes had been put up in such a way that he could have downloaded them, it would not have taken him several hours to get through less than an hour of a meeting. The way that they are managed today is unacceptable. Please put them up as a file transfer so that they can be reviewed for accuracy. Kathy Grost stated that the proposed minutes from the said meeting were only available from the Sony recorder. She worked with Kevin Malone and they did the best they could to get them up on the website in the best way possible.

MOTION: Commissioner Lambert would like to make a motion to table these minutes until such a time where an adequate file can be reviewed.

Commissioner McKay 2nd the motion.

Chair Jackson suggests making an amendment and changing the wording of "until we get the best possible file".

No second on the amendment motion.

The motion for the amendment dies.

Commissioner Lambert restates his motion that the minutes and the audio tapes be made available for download in an acceptable fashion that are reviewable and usable by the public and the commission.

Motion passes unanimously.

These minutes will be reviewed again on 3-20-2014

Proposed minutes from the continuation of the 2-6-2014 meeting (held on 2-12-2014) Commissioner Lambert stated that he went to publication after the meeting to obtain a copy of the DVD. The DVD's had been delivered to the commission with the understanding that they would be deleted from the server afterwards. Kathy Grost verified that she has a copy of that DVD and that it will be sent to Kevin Malone in order to be placed onto the website.

Commissioner makes a motion to accept the minutes from the continuation of the 2-6-2014 meeting, which was held on 2-12-2014. Commissioner Griggs 2nd the motion.

Commissioner Lambert wants to table all of the minutes until an accurate copy of audio / visual and it is not impeded by arriving late minutes. If we can get all of this tomorrow there might be a chance of passing it on 3-20-2014.

Chair Jackson called for a vote and there is division.

Poll vote: Yes – Elmore, Gerow, Griggs; No – Cox, Lambert, Lee, Baker, McKay

The motion fails.

MOTION: Commissioner Lambert moves to table the balance of the minutes until at least 4 business days after the documents are provided to the commission in a format that can be reviewed thoroughly.

Commissioner Elmore 2nd the motion.

Chair Jackson offers a friendly amendment to exclude the minutes from 2-12-2014 so they can be approved, as they do not fall into the same category.

Commissioner Lambert passes on the amendment.

The motion passes unanimously. The 2-6-2014 and 2-12-2014 proposed minutes will be tabled until 3-20-2014.

16. AGENDA ITEMS FOR UPCOMING COMMISSION MEETINGS

Chair Jackson asked that if any commission members have ideas for the agenda for the then commission meeting to please email them to him. No discussion ensued.

17. PUBLIC COMMENT

Las Vegas - Anthony Livreri, President of MRAN, and President of Silver State Trailblazers – Thanks the commission for their time and feels that this was a progressive meeting and got some good business done. He is disappointed about the red tape with the wildlife flier but understands that law and rules are rules but I really wish you could have done that because I feel that it would have been beneficial to the public. Commissioner Lee stated that he too would like to voice his concern in regards to the wildlife flier. He then proposed a question to Commissioner Elmore of a completion date for the flier. Commissioner Elmore is unsure of the date but does know the date is pressing, as the hunt books are expected to come out in the next few weeks. Commissioner Elmore apologies to the commission and it was to his understanding that there were funds available and that is why he brought this item to the table. Commissioner Lee is concerned that there was nothing done on that. The buy in for Law Enforcement hinged upon the public education and now we will be another year behind. We are already 2 years behind and now another year, so we are looking at being 3 years behind.

Elko – John Glenn, past commissioner - He stated that it is tough to sit through all of this and feels that the commission is doing some good work and trying to make corrections where they are needed. He would like everyone to remember that everyone up there is a volunteer and that they are trying to do the best job that they can. He is disappointed that item 10 could not be funded because they have been working on that since he was on the commission. He hopes that everyone can move forward and do the right thing.

Carson City – Paul Quade – To his understanding there is a print budget of \$2500.00 that could possibly be used for item 10. I would ask Commissioner Cox to look into that to see if that can get the publication approved.

Commissioner Lambert stated that he has knowledge of the said print budget and it was approved over a year ago. It is to be used at the Chair's discretion. Chair Jackson stated that they cannot come back to this issue but they can put it on the agenda for 3-20-2014. Commissioner Cox asked when the said money was approved and Commissioner Lambert stated about a year and a half ago. Commissioner Cox said that it was not in the approved budget for 2014 and he is unsure of where the money would come from. Commissioner Lambert said it was approved and was an oversight when approving this year's budget. Chair Jackson stated for the record that he is the Chair of the commission.

Paul Quade also comments with respect to the 2-1-2014 meeting, he asks that the scoring sheets that were produced and are public record be made available to the public, as well as any letters of support. He would like to have addressed and he believes it will be addressed because of the tabling of that, any vote in regards to the score sheets or any other discussion. We have asked for that information previously, as to when the decision to disregard the score sheets was brought forward. Chair Jackson stated that all discussions are on tape, so those are available. As per the score sheets, the score sheets were never collected. They may or may not be in the sole possession of each commissioner. He can send an email to each of the commissioners to ask if they have their score sheets and to please keep them.

Paul Quade stated that it is disappointing to him as an OHV user that this commission has not been able to move forward in a constructive fashion. He is not there to be an obstruction and nor is Nevada Trail Stewards. It is disappointing that the commission has not been able to move forward with the education campaign. The bottom line is that this commission has to abide by the rules and regulations. We have to bring that forward when we see serious questions to the transparency of the commission moving forward. While there is going to be a delay while these rules and regulations are properly formulated by the Grant guidelines. The bottom line in that, is that this will afford this commission much more creditability, much more transparency, and to ensure that the public trust is there with the OHV community. With respect he has made a request for the proposed regulations under item 7 and we expect those to be produced for public review regardless. Commissioner Lambert stated that at the meeting at the library, Kathy Grost was in possession of at least Commission McKay's score sheets that were provided by the commission, from the commission, with our names on them as commission property. The commission is in possession of at least some of the score sheets. Commissioner Elmore stated that he would find out the deadlines for the NDOW guidebooks and provide that information back to the commission.

18. ADJOURNMENT

MOTION: Commissioner Elmore makes a motion to adjourn the meeting.

Commissioner McKay seconds the motion.

The motion passes unanimously.

The meeting ended after 2 hours and 37 minutes.