



Commission on Off - Highway Vehicles

Full Commission Meeting

April 21, 2016

Meeting Minutes**DRAFT**

Meeting Locations:

<i>Nevada Legislative Building 401 South Carson Street Room 21344 Carson City, Nevada 89701</i>	<i>Grant Sawyer Office Building 555 East Washington Street Room 4406 Las Vegas, Nevada 89101</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 9:02 am.

2. PLEDGE OF ALLEGIANCE

The pledge was recited.

3. ROLL CALL OF THE COMMITTEE MEMBERS

Commissioner Cox - Present, Las Vegas
Commissioner Baker - Present, Las Vegas
Commissioner Gerow – Present, Carson City
Commissioner Jackson – Present, Carson City
Commissioner Lambert – Present via teleconference,
Commissioner Lee – Present, Las Vegas
Chair McKay - Present, Carson City
There is a quorum.

5. MEETING MINUTES

The Commission will vote to approve the February 4, 2016 meeting minutes.

MOTION: Commissioner Gerow makes a motion to approve said minutes; seconded by Commissioner Baker. Commissioner Jackson abstained; he was not at the meeting.
The motion is approved.

6. UPDATE ON THE EXECUTIVE SECRETARY SEARCH COMMITTEE

The Commission will receive an update from the Executive Secretary Search Committee on the hiring process.

Chair McKay: we are getting closer but this is not a quick process. The Interim Finance Committee (IFC) approved the position last Thursday. He has been working to get the position posted but there have been a few last minute questions. The latest question being, which agency will have the account for paying this position? This question is being debated. He is waiting on a letter from the Governor's office stating which agency will be the host agency. Once that issue is resolved the job will be posted to the state website. The state will then accept and review applications and provide a list of qualified applicants to the

Commission. The search committee will interview the candidates in an open meeting and then bring the selection to the full Commission for approval. Commissioner Jackson: it was to my understanding they could hire a temporary person to cover the position until the permanent candidate was selected. Chair McKay: in the beginning they could have selected a person through Man Power Associates, but since they are in the process right now there are not too many options. AG Palmer: the commission would need to refer to personnel law. If the personnel department states that it can be done, that would be the authority. Commissioner Baker: we are so close to hiring a person, with the learning curve it would not be worth it. Gary Lambert called into the meeting. Commissioner Baker continuing: the job has finally been crafted to meet all of the Commission's needs, which is the positive. She does not understand why the job cannot be posted until the host agency is finalized.

4. PUBLIC COMMENT

Chair McKay returns to item 4, Public Comment.

Carson City - No public comment

Las Vegas - No public comment

Teleconference - No public comment

Returning to Item 6.

Commissioner Jackson: it would seem apparent that if they can hire someone temporarily and the position is posted, the person that is hired temporarily may turn into the long term person. When the Commission selects a person and two months down the line decide to hire them, if they are any good, they have already found another job. Chair McKay: this afternoon he will discuss with the personnel department about posting the job without a host agency. He will also investigate taking the job description and posting it temporarily to see if there is any interest. Does it please the Commission to address those two issues? Hearing nothing to the contrary, he will have those issues addressed.

7. UPDATE ON STATUS OF INTERLOCAL AGREEMENT WITH THE CLARK COUNTY CONSERVATION DISTRICT AND DISCUSSION OF PUBLIC EDUCATION / OUTREACH FUNDS

The Commission will discuss updates regarding the communications with the Budget Office and the Board of Examiners Clerk regarding the inter-local agreement with Clark County. The Commission may schedule a meeting with the County's successful bidder to discuss public education/outreach content for the program. The COMMISSION may move for a contingency plan to make the funds available in the grants process, in the event that the inter-local agreement is not approved.

Commissioner Baker: the contract was formally approved through the County Commission and we are waiting on the signature to give it to AG Palmer. It will then be ready for the final signature. In the meantime, the purchasing department has the Request for Proposals (RFP) ready to go and it should hit the street today or tomorrow. The preliminary meeting has been set for May 2nd; this will allow for people to come and ask questions before they submit bids. Once the candidate is selected, they will be on our next meeting agenda to receive feedback and clarification on the bullet points that were asked for. The brochures for law enforcement, dealers and the general public, PSA, advertisements, stickers and creation of the website that could bring in all the trails throughout the state. That is the general scope which can be added to. AG Palmer: the Board of Examiners for the State has not signed off yet, what will happen if they don't sign off? Commissioner Baker: if denied the proposal will be canceled. They are not awarding yet, the RFP was just submitted and hopefully in the meantime the Board of Examiners will sign it off.

8. 2016 LAW ENFORCEMENT AWARDS

The Commission will review the recommendations from the Nevada Office of Criminal Justice Assistance (NOCJA) on the 2016 Law Enforcement Awards and may possibly agree to fund them under the provisions of NRS 490.069(3) (b). An attachment with the NOCJA recommendations is posted on the Commission website.

Charise Whitt, Office of Criminal Justice Assistance (OCJA): The OCJA in effort to comply with NRS 490.069 sent out letters to law enforcement agencies on January 15, 2016 regarding the availability for solicitation of Off Highway Law Enforcement monies. The solicitation was posted on the OCJA website on January 15, 2016 and provided to the Commission on January 20,

2016 to post on the OHV website. Emails were sent out to law enforcement agencies as another form of notification. Emails were also sent through the state grants office. In an effort to make the process a little easier for the law enforcement agencies, the OCJA utilized the same format they use with their other grants that they provide to the law enforcement community. They also sent out letters for grant writing training to the agencies. They had the ability to attend the training in Las Vegas, Reno and Elko if they wanted assistance. Eight applications were received totaling \$292,331.00; however, once the staff reviewed the applications they found some mathematical errors. The total request is actually \$286,331.00. The applications were reviewed, scored and discussed by the OCJA staff. They requested progress reports from last year's agencies, but the agencies last year were not required to do progress reports so there was no way to check and see how they did last year. One of the recommendations would be that this upcoming year the agencies be required to send in quarterly progress reports and a final evaluation report to the commission. Then the Commission can see where the money is being used, how many citations are written, and how many hours they are utilizing the equipment. Chair McKay: there may have been a miscommunication regarding reports on law enforcement activities within the state. He has had a few conversations and also talked with Sheriff Lee, and they believe most agencies do have some documentation on their activities as part of their normal course of business. It would be prudent to send them a letter requesting some information on their law enforcement activities in that period so the Commission can start collecting data. Charise Whitt: there were several applications that did note some data, which is normal when writing an application request. The OCJA can provide a sample progress report, it is a one page report that the Commission may want to look at and adopt. The OCJA is recommending that 7 out of the 8 applications be awarded for funding. The one application not recommending funding stated no OHV activities, the Walker River Paiute Tribe Police Department.

Nye County Sheriff's office requested \$84,580.00. Full funding is recommended. They are listing overtime, purchase of three ATV's with a fitting of lights, sirens, emblems, stickers to increase their compliance with OHV regulations and increase efforts on search and rescue. Chair McKay: in the notes it was stated the equipment needed to be more specific. Was that the accessories or the need for the amount of equipment? Charise Whitt: it was for the accessories. The OCJA did call and speak to the Lieutenant. The equipment they are looking at seemed justified and met the normal standards from what was have researched. Chair McKay: Nye County is a large county geographically and he is wondering if three ATV's would be appropriate versus two or one for starting? In the meeting with the interim finance committee there was considerable discussion about law enforcement and law enforcement activities. One worry is the lack of focus on law enforcement activities. We want to avoid the perception that the Commission is only purchasing equipment and not having the enforcement of the law which could be a major issue in the near future if compliance does not rise. Commissioner Lambert: he has attended some of the Nye County meetings. To my knowledge, they are in the front on NRS 490. They have opened up all of the under 35 MPH streets to OHV's to get into town, which is the majority of their streets. The county is actively seeking events to run from Pahrump to Tonopah. Commissioner Jackson: Nye County has asked for a small amount of overtime, are they still going to be using these vehicles during their regular working hours? Charise Whitt: that was not stated. It was stated they would be using them for increased compliance of NRS 490 and search and rescue efforts. Commissioner Jackson: they only have 224 hours of overtime which is basically 70 hours for each vehicle. I would like to know the full intended usage of the vehicles. Charise Whitt: that is data that the Commission can receive if the progress reports are required. Every quarter the Commission will be able to go back and look at each agency to see what they have done and how they are progressing. Commissioner Lee: I agree with Chair McKay, realizing that Nye County is the largest county in the state of Nevada. I would like to see two OHV's and maybe and increased amount of overtime. There does need to be more focus on enforcement but they need to have the equipment to do the enforcement. Chair McKay: a legal question to AG Palmer, can the request be altered? AG Palmer: the statute puts the burden on the OCJA. The OCJA is the organization that really has the burden of ensuring that what is being recommended is being utilized for the purpose of which it is ultimately being awarded. She would suggest the concerns be brought to the OCJA and they will make the determination and justify to the commission the decision. Commissioner Jackson: if there were to be a motion to ask the OCJA to change this and they agree, then it could be done. AG Palmer, it could be done two ways: there could be a discussion with the OCJA since they are here or a motion can be made and then have the OCJA follow through after the fact. Commissioner Baker: she does not have the document in front of her with how much money is available to award. From the last round of awards it is important to see who was awarded last time and who is new. Last time the requests ranged from \$15,000.00 to \$30,000.00 and all of the requests this time are within that range, Then we get this one for \$90,000.00, she is wondering if there a range? She does not want to set the wrong standard moving forward by awarding such a large award. Commissioner Gerow: he believes there is a total of \$479,534.00 due to be awarded. Of that \$83,572.00 is

the balance due from 2015. In reference to what they are asking for, can we look at approving what they want but add some stipulations? Part of those stipulations would be that the Commission will look at getting the equipment and over time but they need to put man hours into this program. Three vehicles is a small quantity with such a huge area to cover. This seems to be a basic start because they will need more. When they are out patrolling, who gets to keep the fines they collect? Can that money go toward officer's time for patrolling or does that money come back to the commission? Charise Whitt: the reason they did approve all of the vehicles requested was because the area is so large and they are having special events happening. The OCJA would not go back to the agencies and dictate that they need to do more overtime because they do not know exactly what their capabilities are. They could have a discussion with them and provide them the Commission's views. The Commission should look at setting some standards: how much they will pay for an ATV, range of pricing for specific equipment, so many hours completed per quarter. That will be a little difficult as each county and agency is different in size, population and usage. Those are some of the things that should be a standard set by the Commission and not by her office. If there are some things the Commission would like for her office to go and discuss with the agencies, they will do that. The agencies may be willing to do more overtime, but they will not direct them to do so, that is not standard practice with funding projects. Commissioner Jackson: can we set a standard stating the Commission will pay for overtime if they are doing a specific amount of time as regular hours. For example if they are out there for 200 hours of regular time then the Commission will cover 200 hours of overtime. Commissioner Lee: the large rural counties within the state are having man power issues and he is not sure if they can do that. He does not think that 224 hours is a lot of overtime and we certainly do not want to dictate to them and tell them what they have to do. I think if they knew the Commission was willing to give them more in overtime, they would most likely take it. Commissioner Gerow to Commissioner Lee: is there any way to look at having the Commission grant funds for full time employees whose main job is OHV enforcement. Commissioner Lee: the thought is good and there would be plenty for that person to do. The only thing that is bad, coming from the perspective of a sheriff, there would have to be some sort of a multiyear agreement. He would not want to go through the process of hiring someone and only having a one year grant. Maybe something could be done similar to the drug task force where the county partially funds and the Commission partially funds. Commissioner Cox: he was involved way back at the start when this law was first being crafted. The thought process going into it, of having this done by the OCJA, is that the commission does not understand the law enforcement needs across the state like the OCJA does. Commissioner Lee: when a citation is written those funds go to the court and to the state, he is not sure of the breakdown. AG Palmer, NRS 490.065, enforcement of the off highway vehicle chapter, the department of motor vehicles, all officers of the department of motor vehicles and all peace officers in the state of Nevada shall enforce the provisions of this chapter. They already have a duty to be doing this just like they are required to be enforcing all other laws. MOTION: Commissioner Jackson makes a motion to approve Nye County Sheriff's grant request for \$84,580.00 funding in full; seconded by Commissioner Lambert. Commissioner Jackson, after hearing the comments from Charise, she understands where the Commission is coming from on some of these issues. She will be able to relay that in the best possible way to the sheriff's department and let them know that the Commission is inclined to give them more overtime for enforcement. Commissioner Baker, perhaps there is a better process to award the money. If the Commission is aware of concerns, why would we continue and not change the process. With the balance of funds this year for law enforcement, there could be a program that focus's just on law enforcement, not equipment purchases. Commissioner Jackson, would it be reasonable to attend a sheriff and chief's meeting and have a round table discussion so they can tell us what they need. It would be educational for both the Commission and law enforcement. Charise Whitt: she can contact the appropriate person to see if something like that can happen. Commissioner Baker: is it the Commission's obligation to make sure the money is allocated through the registration process for criminal justice gets utilized correctly or is it the OCJA obligation? Charise Whitt; her understanding is that NRS states that OCJA will make the recommendations. It does not go any further than that. AG Palmer: it states that the Commission shall award as it is recommended. The Commission's concerns are well placed, in the sense that they are the ones entrusted to distribute the money for the public. The Commission might need to hold a special meeting specifically to review the needs of OHV and law enforcement, rather than awarding a certain amount of money for equipment without truly knowing the needs. Commissioner Gerow: he does not see any accountability. The OJCA recommends and the Commission approves. Charise Whitt: if you have progress reports and you are reimbursing them, that is your leverage. If you have a grant manager taking care of these projects, as is should be, then you have some leverage. The grant manager would be looking at the progress reports, the fiscal claims, and have continual communication with those agencies. The funding award is an agreement and if they are not keeping up with the agreement the Commission can refuse fund the rest of the project. If the item was already purchased you could not pay the overtime, it all depends on the agreement.

Chair McKay call for the vote.

The motion passes.

MOTION: Commissioner Cox makes a motion to approve the recommendations and suggestions from the OCJA had included in the packet for the Commission's consideration as part of the approval process; seconded by Commissioner Gerow.

Commissioner Baker: just to clarify, it is very clear that we are recommending the adoption of their recommendations and it is implied then those would be imposed on the awards that we are making right now. Chair McKay: correct., the OCJA is recommending 7 of the 8 applications to be awarded funding. The one application that is not being recommended for funding has no stated OHV activities to be conducted. Staff research prices from the 1122GSA Federal program, local dealers, internet searches and reviewed the specifications received from other state projects last year. Commissioner Gerow was forwarded the equipment listing and prices requested for his review since he has expertise in the ATV/OHV vehicles. The OCJA is recommending that all awarded agencies, regardless of the funding need or the amount awarded, be required to sign program and fiscal assurances when signing a funding award agreement. OCJA can provide a template as can the State Grants office. The program assurance includes a statement that the agency will provide sufficient maintenance on all OHV funded equipment for the life of the equipment. It requires agencies to do standard purchasing procedure by attempting to obtain three competitive quotes prior to purchasing equipment. The purchasing decision must be made to the lowest responsible and responsive bidder. This quote meets the requirements and criteria set forth in the quote request. Lowest responsible and responsive bidder will be judged on the basis of price specifications, qualifications, delivery date, quality and best interest of the public. They must submit a quarterly progress report providing the following information for at least one year, with a cumulative final evaluation report at the end of the project with the minimum data: number of contacts made regarding OHV registrations, number of VIN inspections (if applicable), number of citations issued on OHV registrations, laws, rules etc., number of incidents where the agency provided education on OHV laws and safety, number of vehicle stops, and actual training/educational events (workshops, fairs, etc.), number of hours equipment was utilized, hours worked on OHV activities, salary overtime, number of service calls received, summary analysis of calls for service to identify problem area activities, any other goal or objectives the agencies specifically listed in their applications. Obtainment of the information listed above will assist the Commission and the OCJA with future funding considerations and will provide documentation of proper use of equipment and overtime. The report should provide enough information to access whether or not the funds are being utilized in providing efficient and timely activities and are obtaining effective outcomes in accordance with approved budget and the intent of the Commission. The OCJA continues to recommend that the state wide awarding practices be followed by funding with any remaining funding from the previous year 2015 beginning with the highest scoring applicants. When that year's limit is reached, then fund with the next year, 2016, beginning with the remaining highest scoring applicants until all available funding is exhausted. The following are not actual recommendations by the OCJA but suggestions that the Commission may wish to consider: a statement in the condition of the award expressing the Commission's expectation that the funded activities be primary for OHV activities, with an understanding that they may be used for other law enforcement activities secondarily. Request agencies to track type of activity to the next level by having them provide the following information: the number of times equipment or personnel time is used on the following activities: drug related activities, emergency search and rescue, illegal dumps, target shooting, riding in unauthorized areas, destruction of lands, educate for laws and safety, impaired drivers and other. Requiring funded agencies to designate a person to evaluate the project, as not all agencies address this in their application. This may be the contact person listed on the application or staff member with a higher level responsibility. Requiring agencies to adhere signage to the equipment purchased with Commission funds which states something similar to, "This project was supported with the funding by the Nevada Commission on Off Highway Vehicles". The size of the signage would be up to the Commission. Electronic versions of the applications have been placed on a flash drive. These are the suggestion provided to the Commission by Charise Whitt on March 24, 2016 and has been posted on the website.

Commissioner Baker: the only other thing to add to the recommendations is the dialogue we want to have with the Sheriff and Chief's at the July meeting and have the dialogue as to what other suggestions they may have. This has been added to the second for the motion.

Accepted by Commissioner Cox.

The motion passes unanimously.

Commissioner Cox: since those recommendations are adopted and part of those regulations is to spend last year's left over fund first. In regards to the first grant, the left over from last year are \$83,572.32, which would be awarded to this grant and then \$1,007.68 would come out of the 2016 fund.

Chair McKay: the Mineral County Sheriff Office requested \$14,668.00: 200 hours of overtime for \$5,949.00; some promotional educational material \$1,504.00; an enclosed trailer for their Razor \$6000.00 and an intercom system headset for \$1,215.00. It has been recommended for full funding by the OCJA.

Commissioner Jackson: overtime they are asking for 200 hours for approximately \$6,000.00 and previously Nye County asked for 224 hours of overtime at \$10,080.00. Why the difference? Charise Whitt: each agency, each county, pays a different amount to their officers. If you look at Douglas County on the last page they are asking for 400 hours at \$50.00 an hour. There is a big range between agencies on how much their officers make. The other factor is at what level the officers are. When OCJA looks at those they normally do not recommend overtime for the Lieutenants and above because those are not the officers who are usually out doing the patrol. Commissioner Lee: Charise is exactly right. It all depends on what officers are being utilized to do the enforcement. That is also going to be an approximate, they will spend \$10,000.00 but it might be 250 hours or 220 hours. When law enforcement puts in grants for traffic enforcement, it is just guess, we could get more or we could get less.

MOTION: Commissioner Jackson makes a motion to accept the recommendations of the OCJA and fund the Mineral County Sheriff's request for \$14,668.00; seconded by Commissioner Lambert.

The motion passes unanimously.

Chair McKay: the Mesquite Police Department requested \$32,800.00: overtime for patrol \$30,000.00; tandem axle trailer \$2,800.00. We should ask them to break down their overtime structure.

MOTION: Commissioner Jackson makes the motion to accept the OCJA's recommendation to fund the city of Mesquite Police Department in the amount of \$32,800.00; seconded by Commissioner Lambert.

The motion passes. Opposed by Commissioner Cox.

Commissioner Lee: can Charise ask them to define the amount of hours the overtime would cover. Charise Whitt: she can ask them for that. One of the reasons that they approved the full funding is that although they will be doing the patrol all year long they have extensive efforts during the summer months. They did put 800 enforcement hours; 144 hours holiday/weekend, 144 hours over off road event weekends, and 512 hours over peak recreation times. They did not break down how much each office will be making.

Commissioner Cox changes his vote to pass.

The motion passes unanimously.

Chair McKay: Elko County Sheriff Office requested \$33,442.00 for a side by side with lights and accessories and a trailer.

Quotes were provided.

Commissioner Jackson: this is the only one I see where they intend to increase registration by 5%. They have looked at that which is very important; whether they are doing it through education or writing tickets. They are actually enforcing the OHV laws.

MOTION: Commissioner Jackson makes a motion to accept the OCJA recommendation to fund Elko County Sheriff department request for \$33,442.00 which will be funding in full; seconded by Commissioner Gerow.

The motion passes unanimously.

Chair McKay, Lyon County Sheriff's office requested \$31,466.00 which is a 2015 Chevrolet 3/4 crew cab 4 wheel drive.

Commissioner Jackson, they made no mention of doing any kind of OHV enforcement. The only thing they said it might be used for to pull ATV's out of situations and take them to appropriate areas. He does not see how this is a benefit to the people who have paid the money. He could see paying for part of the truck because part of the truck would be used for rescue and helping ATV's but he cannot see full funding on this request. Commissioner Gerow, he agrees with Commissioner Jackson. It is really hard to take a street based truck and put it in an off road situation; it could work on fire roads. The truck will get destroyed if they tried to go where the OHV's are going, if their intent is to use it for an off road situation. Commissioner Lambert, what is the OCJA's justification for bringing this one forward? Charise Whitt; they did question this at first. The application was heavy on education and utilizing the vehicle to take the trailer and ATV to different area's and host educational events around the county along with enforcement. She does understand the concerns would consider changing the recommendation.

Commissioner Cox, on the last round of grants we did fund an ATV for that department. They will be using it to pull the trailer and ATV that we already funded, granted it will be used for other things also. Commissioner Jackson, we gave them an ATV for enforcement, they should come back to the Commission later and redefine this.

Larry Caulkins, Nevada 4 Wheel Drive Association, if they are going to use the truck to pull a trailer then there is no need for it to be a 4 wheel drive. They will pull it to a staging area where they will pull the ATV off and take that into any rough territory. Commissioner Lambert, 4 wheel drive is not the issue. Is Charise approving this or is she seeing that we are not so fond of doing this.

MOTION: Commissioner Jackson makes a motion that the Commission not fund Lyon County Sherriff's office request for \$31,466.00; seconded by Commissioner Baker.

Charise Whitt, one of the main reasons they said yes is in the application is they stated that at this time they are not able to assign this trailer to one vehicle due to maintenance and numbers of vehicle being low. The OCJA was afraid that they would not be able to utilize the ATV at all. With the concerns and they are justified with the information provided here. She would change her recommendation to no funding. Commissioner Gerow, originally he was against this thinking that it had a multi-use and most of the use was not going to be for OHV. The more he looks at it, is this something we could put in the stipulations that this machine is going to be used for their off road program. This will pull the trailer, which is housing the ATV for enforcement or education events. Is that an option? Commissioner Jackson, his opinion is that it would not automatically get funded if they changed the wording. This department needs to look at what the truck is going to be used for. This is a complex issue. We want them to have vehicles to do enforcement but is the wrong signal being sent in saying that the vehicle cannot be used for anything else? Or don't go and enforce it when you are in the other vehicles. He does not see tying this vehicle strictly to OHV. We are funding organizations that do their job and they do their job everyday they are at work. Charise Whitt, by adopting the regulations that you just did, one of the suggestions is making a statement in the conditions of award expressing the Commission's expectations that the funded activity be utilized primary for OHV activities with an understanding that they may be used for other law enforcement activities secondary. Commissioner Gerow, there needs to be some trust with these departments. They obviously have a need for the vehicle; we have a component for looking at the usage in the quarterly reports from the departments. It is going to put the other vehicle that we funded into use, without this that vehicle is sitting. The other side of this is as they expand their program, he can see them coming back for other OHV's. They would have a truck to transport them and they have a trailer to house them. It is a building block situation. He is for this, he sees it as a need. If they do abuse it, then it will be seen in the reports and then adjust accordingly. Commissioner Baker, she is firmly against it for two reasons; the Commission has had such a struggle in the public's eye it will look wrong. Secondly, they should have never asked for the first ATV if they had no way of transporting it.

The motion passes. The following Commissioner's opposed Gerow, Lambert, unknown third person. The vote was four yes to three no's.

Chair McKay, the Esmeralda County Sherriff office requested \$25,000.00 for Yamaha Viking V1EPS 6 person, a trailer and education pamphlets. Commissioner Jackson, why do the need a six person Viking? If they are going to pursue ATV's, that would be the wrong vehicle. Chair McKay, Washoe County did a six person Yamaha for their vehicle. Charise Whitt, they did site that they would be using it secondarily after OHV enforcement for search and rescue and for the drug task force. But also to carry equipment and supplies while out paroling. Commissioner Gerow, between the three seat and the six seat, it is second row seating. It is basically the same machine. It makes good sense and it is a good utility machine. Having the second row makes sense.

MOTION: Commissioner Gerow makes a motion for the approval for full funding; seconded by Commissioner Lambert.

The motion passes unanimously.

Chair McKay, Douglas County Sheriff Office requested \$20,000.00 for 400 hours of overtime. Commissioner Lambert, the Pine Nuts is probably the number one destination for the northern California riding groups to come over. It is an economic boom for Douglas County and there needs to be enforcement. Commissioner Lee, for Charise, he knows they applied for overtime last year and it was not required for them to provide statistics, but did they provide any statistics in the new grant? Charise Whitt, they did not provide the statistics as far as a progress report but she was able to get a hold of the fiscal claims and they used the 54 hours for that quarter. Which multiplied by the four quarters in the year equals out to be about average for what they should be doing to meet their 200 hours for the year. Commissioner Gerow, is there any statistics on how many people they stopped or how many citations were written? Charise Whitt, we do not have that information, she got the hours from the fiscal claims. Commissioner Gerow, will the progress report will be a requirement on the new round? Charise Whitt, you are correct. Commissioner Jackson, will they receive the \$20,000.00 up front? Charise Whitt, the funds will be reimbursed. That does not come from OJCA, that comes from the state grants office. Commissioner Cox, when they have been sending in their current reports for reimbursement they have been pretty detailed with hours but not with the statistics.

MOTION: Commissioner Jackson makes a motion for the Commission to accept the OCJA recommendation to fully fund Douglas County Sherriff office in the amount of \$20,000.00; seconded by Commissioner Lambert.

The motion passes unanimously.

MOTION: Commissioner Jackson makes a motion on the Walker River Tribal Police Department to accept the OCJA recommendation not to fund the request; seconded by Commissioner Gerow.

The motion passes unanimously.

Commissioner Jackson, if the Walker River Tribal Police Department comes back to the Commission with a recommendation that includes enforcing OHV statutes then the Commission would reconsider.

9. DISCUSSION OF POSSIBLE CHANGES TO THE COMMISSION GRANT GUIDEBOOK AND POSSIBLE ANNOUNCEMENT OF GRANT APPLICATIONS ACCEPTANCE FOR 2016

The Nevada Office of Grant Procurement, Coordination and Management will report on recommended changes to the COMMISSION's grant guidebook that the COMMISSION may act upon. The COMMISSION may also vote to accept applications for grants in specific categories to fulfill the COMMISSION's statutory duty for mandated disbursements.

Chair McKay, he put a memo on the OHV website in March detailing what was awarded previously. To meet the statutory requirements, it stated what area's the Commission would need to fund additionally to stay within the confines of the statute. Also, the ideas that were offered by Grants Office to improve the grant guidebook and scoring process. Connie Lucido, the grants office took into consideration the RFP process that was done in the fall and winter of last year. They have updated the RFP and it has been on the OHV website for a little while. The updates that you see include all of the information that was requested to be changed. She also updated several of the dates. She will review the RFP and point out the recommendation changes that were suggested. Page 1: The application due date is going to change dependent upon when this is released. One of the things requested was to keep the time periods the same. Then non-voting members would have the proposals for 15 days. AG Palmer's request was to provide better instructions as they review and that will be incorporated as the time comes. The members will have 30 days to review after the non-voting members have reviewed. The next request is for the grants office to assists applicants in the preparation of the grant applications. To accommodate this they will offer a technical assistance call, anyone interested may join and they will walk through the application process. However once this RFP is posted for response, the grants office in consideration of competitiveness and transparency cannot work with an applicant individually. They changed the requirement from support letters to provide commitment letters; the commitment letters will outline the role and the commitment of that particular group in the project. They noted that it was difficult at the time of review for the OHV Commission to decide which funding category the applicant was applying for. They have noted that change and at the time of application, the applicant will need to put on the cover page which category they are requesting funding in. Commissioner Jackson, one of the problems is that there was overlap. Would a candidate be able to apply for two different categories? Connie Lucido, she thinks they would be permitted to be in two categories at the same time and the Commission can decide how to fund that. Connie Lucido, any project funded by the Commission must display the funding on site, which is in the assurances; it is on page 2 of appendix D. Next the grant office will provide or develop a separate matrix for scoring between capital projects and planning / study projects. This is something that was initially looked at doing, page 6 of the RFP, and number 2 the project narrative. They have added a statement for questions that are not applicable to the proposed project, be sure to answer and provide the reason that the question is not applicable. That would suffice to obtain a point in that particular section and that way everyone is scored on the same matrix. Another recommendation, if you wanted to fund just a study you could put out a separate RFP for just a study. The next recommendation was to set a minimum score (70 points was suggested) but that is at the Commission's desecration. Page 10, this is an outline of the timeline. If this were to release next week, they would suggest the new due date of June 24th, 2016 at 3:00 pm. Halfway through the 60 day period is when they would offer the technical assistance call on May 26th at 2:00 pm. She would ask that AG Palmer is available for that call. The concern was that they would get certain questions and those could be included in the technical assistance call. With this being an open period of 60 days they were hoping to answer questions and then update a Frequently Asked Questions list that could be available on the OHV website. The deadline for submission would be June 24th at 3:00pm. The evaluation period would run until approximately the middle of August. A selection of vendors would occur after August 22nd, there could be a public meeting at any point after that. In the last RFP they ran into some concerns about people not having the time to review proposals. Using these deadlines, they would expect that the non-voting members would have the proposals June 28th through July 15th. There

are a few extra days in there aside from the 15 days to accommodate the holiday. Then the members would have the proposals for their 30 days from July 19th through August 18th. Commissioner Baker, we did talk about the “did not meet, meet, or exceed standard” in the matrix. It is challenging for her sometimes to figure out the matrix, what does exceed mean? Connie Lucido, typically when evaluating a proposal, not met is that it was not attempted or did not answer the question. Met is that it answered the question. Exceed is if they expanded on the idea that they answered. That is the typical evaluation task. Commissioner Baker, what you just said clarified it for her. How many more points do you get if you just expand on the answer? One gets two points if met but four points if exceeded, which seems high to her. She likes the met or not met, it makes it easier for her; maybe a bonus point if you excel. Connie Lucido, if you would like to change exceed to three points instead of four that is at the Commission's discretion. Commissioner Gerow, he really likes having the extra information. It gives so much more than just a yes or no. If it is only worth a little bit people will not put in the extra effort. Chair McKay, for transparency the Commission can put a definition for the not met, met and exceeded. Then there can be a better understanding of how they are being graded. Connie Lucido, please direct your attention to the bottom of page 10, Application Review Information, she put it in there. If it is not clear or you would like alternate wording she would be happy to do that.

Larry Caulkins, Nevada Four Wheel Drive Association, under the ideas offered, the requirement to change support letters to commitment letters; he does not understand the reason behind this. He understands support letters to gauge the amount of public support for any project. A group that supports the project is not necessarily agreeing to take part in the project. Connie Lucido, if you simply support the project as yes this is something we want to do, you would not necessarily score any points for that other than having the community support. If the proposal has a component in it that says your organization is going to provide three weekends a year, they would want to see a letter stating that. Chair McKay, he does not think to preclude you in a normal public comment period to say our club supports these projects for whatever reasons you have. Commissioner Jackson, there is a difference. If a club says they support a project, which is one thing. A letter from a person who has never ridden an ATV is pointless to him. Connie Lucido, they did not totally remove the support portion. Page 8, the section describe level of commitment or support that each partner will provide to this proposed project. They do want to see support but they are making a distinction between a commitment letter and a support letter. Commissioner Gerow, he likes separating them. It is nice to have support but when you have a club that not only supports it but has agreed to get behind it, it goes a long way for the commission to look at different projects.

MOTION: Commissioner Gerow makes a motion to approve the changes to the COMMISSION grant guidebook by the office of grant procurement; seconded by Commissioner Lambert.

Connie Lucido, one more comment on page 4, section 2 of award information. Before this goes she would like to have a meeting with either the Chair, AG Palmer or whomever the Commission chooses to put in the wording for the available funding. That is something that she was not comfortable doing and she will take the Commission's direction on that. Chair McKay, there needs to be an accurate account of what is trying to be done here, the categories available and what is available to be spent. Is that agreeable to the first and seconder? Commissioner Gerow and Lambert agree. Commissioner Jackson, who will be appointed? Chair McKay, legal counsel, himself and Connie Lucido will work together. Commissioner Jackson, the Chair being appointed to things becomes problematic. If you appoint someone from the Commission that would then allow the person to consult with the Chair. If the Chair is going to be chairing the Commission for the final approval that becomes a conflict of interest. AG Palmer, she would like to comment on what Commissioner Jackson asked, if a particular grant could be split among different categories. She wants to refer to the language of the statute where it talks about the percentage of money that may be used for projects relating to. That is where the six categories are, it is by definition what the project is. If a particular grant has multi components they should be broken out into individual projects so that it is easy to identify with the statute. As to the second point, there is no provision in the statute that allows an individual to do something, which is entrusted to the whole Commission. What you are looking for here is to put in the language that covers the information in the statute, in the funding with the chair. She is not sure how they want to change the language. Connie Lucido, the very first sentence, OHV to provide language for this section, she crossed out, Commission funding for OHV FY15 and 16 was approximately \$700,000.00. That is the specific language that she wants to replace. She wants to know how much funding is available and in which categories so it can be put into the RFP. Chair McKay, we need to discuss how much funding is available. That could be a topic of discussion right now. Commissioner Cox, when we get to the proposed budget and approve it that might clarify the situation. It is spelled out in there as to what is available. Chair McKay, do we want to wait until we get to the budget or make the decision now and it can be changed later if needed. Commissioner Cox, can we table this motion until we approve the budget? AG Palmer, you can trail this matter and take things out of order and move to the budget portion and then

come back to this. Chair McKay, for purposes of getting the amount of funding to be done, they will be moving to Item 14 the Treasurer's Report and Budget.

14. TREASURER'S REPORT AND 2016 BUDGET

The COMMISSION Treasurer will report on the COMMISSION's account activity, including income and expenses and current bank balances. The Treasurer will also discuss a proposed 2016 Budget for the COMMISSION and provide information on the work being done by the Budget and Finance Departments.

Commissioner Cox, before he discusses the budget he will do the rest of the treasurer's report. Profit and Loss January 1st to April 15th, the check book balance \$1,979,811.30 with one deposit of \$169,335.45 bringing the checkbook balance \$2,149,146.75. As you read down through the list of expenses there is one expense to be pointed out that is an error: Douglas County Sherriff \$23,673.17. Douglas County was never awarded that much money in their previous grant. He had written a check for that amount and gave it to Chair McKay to sign and give to the OCJA for distribution. There has been a stop payment put on that check and it has never been cashed. As you read down further, Douglas County Sheriff submitted \$2,000.00 and \$6,000.00 which is in accordance with their grant. The current checkbook balance is \$2,049,309.07. The P&L statement is what they are currently working with but the balance sheet is what the Commission operates on for the year. The \$1,979,811.30 was the beginning balance in January, by law that is what the Commission has to operate on for the year. Up until today there were law enforcement funds of \$83,572.32 and the new year's law enforcement grant funds \$395,962.30. The Commission spent the \$83,572.32 and with what was awarded today there is a left over balance available for law enforcement for 2016 \$269,044.62. The working capital for this year is \$1,588,449.64 minus the awards that were just approved. The proposed budget, there is a beginning balance for \$1,979,811.30 with 5% roughly \$98,990.66. We may or may not spend all of that in each of the categories but that is what is available. 15% of the original 1.9 million for safety and education is \$296,971.70; there are already commitments against for \$60,000.00. The category of other which is 60% \$1,187,866.78 which has commitments against totaling \$289,500.00. We need to approve the budget and then adjust the categories. Commissioner Gerow, the 20% law enforcement is mandated but the 15% Safety and Education and 60% of the other is discretionary to the Commission. We can put those numbers as a recommended number but we do not have to spend the total number. Commissioner Cox, that is correct. Do you want to leave the 60% other category as the \$1,187,886.78 or do you want to subtract from it to bring it down to what we are allowed to spend the \$1,979,811.30. Chair McKay, he looked at this on how much income they are generating a year versus what they are legally obligated to spend. If we spent anywhere near a million dollars we would not have an operating budget for next year. If the DMV receipts were between \$600,000.00 and \$700,000.00 a year it would makes sense to spend that much per year to keep the commitments but still be able to operate as a commission. We spent \$289,000.00 on grants and we spent the law enforcement. His own view was to advertise for \$500,000.00 or \$600,000.00 and award based on the proposals submitted.

MOTION: Commissioner Jackson makes a motion to approve the budget with the adjustments made due to today's awards; seconded by Commissioner Gerow.

The motion is approved unanimously.

Chair McKay, part two, getting back to what the Commission should advertise for funding availability for this next round. He stated his opinion earlier and he is looking for other ideas. No comments were stated. Keeping in mind the annual income in this program and the necessity to maintain the proper fund balances to be able to function, it was his suggestion was for funding availability for this round to be \$500,000.00. Keeping in mind the almost \$300,000.00 that is committed on the first round of grants and the commitment we made today with law enforcement. Commissioner Gerow, \$500,000.00 is an appropriate number, we need to stay within our percentage guidelines of what can be allocated. Our revenue should outweigh the expense which will allow us to carry a balance forward for fiscal 2017 with a big enough balance to give us the proper amount of money to fund our operations. Chair McKay, he will get to the specifics of the categories after the available funding is determined. Commissioner Cox, he feels the Commission can do \$600,000.00 based on incoming funds. The first two deposits from DMV this year total \$367,000.00 so if that trend continues the rest of the year the \$600,000.00 makes sense. Chair McKay, he states he will entertain a motion. Commissioner Cox, he thought there was a motion on the table for \$500,000.00 and he would like to make a friendly amendment for \$600,000.00. Chair McKay, is that agreeable to the motion? Commissioner Gerow and Commissioner Lambert accept.

The motion passes unanimously.

Connie Lucido, she will change the sentence to state, "the commission funding for FY16/17 is expected to be approximately \$600,000.00 for this cycle". She did not intend to include categories.

AG Palmer, she does not know if he would want to inform the public (through the guidebook or in some way) you do have some areas that you probably want to spend money. You have not spent any money in category 3b 1, 2, or 3. You have spent the bulk in category 5. You might want to encourage people and let them know that there is funds available in those other categorizes, whereas there will not be for construction. There does not need to be specifics but a general guideline of the type of spending the Commission would like to see.

AG Palmer, the Commission should note that there is a statute that places limitations and your current spending in each one of those statutes is at this particular level. And then something to the effect that money is more likely to be granted in those categories where less money or no money has been spent.

Connie Lucido, can you please give me the percentages and the categories and she will include it in that section. AG Palmer, category 1, the studies for planning for trails and facilities, the commission has agreed to spend 12.61% they have already committed. Nothing has been committed for mapping and signing of trails and facilities and nothing has been spent in acquisition, category 3, of land for those trails and facilities. Category 3 is zero. Category 4 is enhancement and maintenance of trails and facilities is currently at 20.73%. Category 5, construction of trails and facilities is currently at 45.94% and that is what is creating the \$153,833.00 deficit. That number has to be brought down to 30% of total spending. That category will probably be the last category where any additional money will be committed and that is only if there is money based on the other categories that brings that one under 30%. Category 6, restoration of areas that have been damaged by the use of off highway vehicles, no money has been committed for these types of projects. There is still 15% for safety, training and education that can be used and it is not subject to 30%. It is subject to only 15% of the account balance. Everything she just said is subject to change based on what the department of administration does when they actually come up with the new account, budget and everything and their interpretation of things.

The motion for Item 9:

MOTION Commissioner Gerow makes a motion to approve the changes to the COMMISSION grant guidebook by the office of grant procurement; seconded by Commissioner Lambert.

The motion passes unanimously.

AG Palmer, for clarification, the approval is with the dates put in, all of those dates are fixed dates with the exception of May 26th which needed to be checked. If that date needs to changes is the commission okay with a new date, whatever that date may be? The Commission agrees.

10. DISCUSSION OF GRANT FUNDING CHANGE FOR THE NEVADA OUTDOOR SCHOOL AND AUTHORITY OF CHAIRMAN TO APPROVE MINOR CHANGES TO GRANT AWARDS

The Nevada Outdoor School was awarded an COMMISSION grant in January 2016 and is seeking approval to transfer \$1,200.00 approved for salary expenses to supplies instead.

Chair McKay, the authority for the Chairman to approve minor changes is not to be part of the discussion. They are not asking for any more money it is a transfer of category for funding.

MOTION: Commissioner Lee makes a motion to approve; seconded by Commissioner Jackson.

Commissioner Cox, since there was a discussion earlier today on the other grant awards about changing and the Commission decided against it; how does the Commission go back now and change what was already approved in a grant. Connie Lucido, this is a bit different. As opposed to the Commission asking for the change, this is recipient asking for a change of \$1,200.00 to spend in a different category. It is at the discretion of the Commission whether or not to do it. Commissioner Cox, would we be setting a guideline on other grants awarded for people to come back and want to change things after the fact? Connie Lucido, yes you would. This is one of the things that does occur when granting funds. When they get down to actually delivering the project and determine that there are resources in one area and not necessarily in another and will request to move funding. The motion passes unanimously.

11. PRESENTATION FROM THE DEPARTMENT OF MOTOR VEHICLES

The COMMISSION will receive a report from a representative of the DMV on the status of COMMISSION state registrations and the revenue and expense reports related to the quarterly distribution of COMMISSION funds.

Denise Engle and Marty Elzy, DMV, they will be reporting on the March quarterly revenue, expense report and third quarter totals. March 2016: registration fee's \$18,820.00, third quarter totals \$46,800.00; registration renewal fee's \$49,060.00, third quarter totals \$125,760.00; replacement decals \$5.00, third quarter totals \$75.00; title processing fee's \$6,123.25, third quarter totals \$15,635.50; title fee's \$14,910.00, third quarter totals \$38,998.25; title fee's for out of state \$210.00, third quarter \$280.00; VIN assignments \$10.00, third quarter \$66.00; late registration fee's \$7,000.00, third quarter \$17,550.00; total OHV revenue for March \$96,138.25, third quarter \$245,164.75. DMV expenses for March: salaries \$8,908.44, third quarter \$21,902.75; operating expenses \$13,286.94, third quarter total \$20,083.29; total DMV OHV expenses \$22,195.38, third quarter totals \$41,986.04. OHV new registrations for March 946; third quarter totals 2,369; OHV renewals 2,395, third quarter totals 6,184; Duplicate decals 11, third quarter total 44; OHV titles processed 735, third quarter 1,905; phone calls answered 1,660, third quarter totals 4,185; correspondence processed 350, third quarter totals 959. Chair McKay, one suggestion would be for the chart to be enlarged a little. Commissioner Gerow, do we know the percentage of growth or contraction from quarter to quarter and year to year. Marty Elzy, that is not currently tracked but it can be done in this new format. The information can be compiled from 2015 and do a year to year comparison for the commission. Commissioner Jackson, can there be a month to month, quarter to quarter, and year to year? Marty Elzy, yes that can be compiled. Commissioner Lambert, he is aware that there is a heavy side by side sticker within the state of Nevada and during the process of the roll out it was structured very differently. Who is currently receiving the revenue? What are the splits on the revenue? This is for the heavy side by side program, not the OHV sticker that is administered although it has the OHV logo. He has one of them and they have different rules than the OHV sticker for the exact same vehicle. Chair McKay, he posed that question to Shawn McDonald yesterday and he assured him that the OHV program receives the revenue from those stickers. Commissioner Gerow, he was unaware that there was a split sticker. Is that something DMV processes or the dealer? He does not like the "large ATV" designation. In the industry the separated by ATV or UTV, a UTA being a side by side, rock crawlers, off road Jeeps and vehicles like that. Denise Engle, on the dealer report of sale there is a box to check to determine what is being registered to indicate to the DMV how to properly register it. Commissioner Lambert, one of the dynamic differences in the heavier, large side by side is that it requires insurance and it has different rules on highway operation.

12. DISCUSSION OF ACTION TO APPEAL TO THE NEVADA DEPARTMENT OF TAXATION TO CHANGE THE RULES ALLOWING SALES TAX CREDIT FOR OHV TRADE-INS

COMMISSION Commissioner Michael Gerow will provide information regarding the merits of having the COMMISSION pursue statutory changes that would provide a sales tax credit to OHV buyers for a used trade-in. The COMMISSION may vote to approve a plan of action.

Commissioner Gerow, he brought this up during the last meeting and he would like to have the Commission look at what ramifications this would have for the actual state of Nevada purchasers. To use a motorcycle for example, take a new \$10,000.00 street bike and trade in an \$8,000.00 street bike. Currently you would get \$8,000.00 trade value and the tax credit on the \$8,000.00; you would only pay tax on the \$2,000.00 the difference from your trade in to the new purchase. If it is a dirt bike you would think the same thing, but because a dirt bike is not classed as a motor vehicle there is no tax credit. Now OHV's, ATV's and side by sides are registered. Some side by side's sell for \$30,000.00 and there could be a \$20,000.00 trade in, there is zero tax credit and it is not fair to the people of Nevada. The right thing would be to have taxation give a decision on this. He has been told that DMV does not have a decision on this and he would like to get the Commission's input on this issue. Chair McKay, the process is to first send a letter to the department of taxation with the issue and they will issue a written response. On April 11, 2016 they received a response from taxation. Here is the conclusion: "OHV's and vehicles are both treated as tangible personal property for sales tax purposes; however, the statutes that apply to the allowance of vehicle trade in apply to vehicles as the term is defined in NRS 482.135. Only a change in the current statute would allow OHV's as the term is defined in NRS 490.060 to be allowed the credit for sales tax on the purchase or trade of an OHV". That is what will have to be changed. Commissioner Jackson, the dealers association through one of their lobbyists actually made a proposal. It is not a change to 482, it a change to something else which would allow OHV's to be regarded as motor vehicles. There is language already available. In California, OHV's are tangible vehicles and therefore are subject to the tax credit when doing a trade in. This puts dealerships at an unfair disadvantage in the state of Nevada. There is a proposal which was offered as an amendment to the DMV bill last legislative session and was introduced by Jill Dickman who is on the transportation committee. The amendment did not go through. It can be put in as a separate bill later on. There are several legislatures that would carry this

as a bill and they would also be happy to add in things that we would like as a Commission. Does the Commission want to add this component which would make OHV's actual vehicles and therefore you can trade them in and receive the full tax credit? Or does the Commission want to add that to the Commission's bill if one is put forward a bill? Or does the Commission want to say that we support this action in a separate bill that may be put forward by the dealer's association?

MOTION: Commissioner Jackson would like to make a motion for the Commission to support any actions either in its own bill or any actions in another bill that would make ATV's and other OHV's actual vehicles as it would appear in NRS 482; seconded by Commissioner Lambert.

Commissioner Baker, would that change in category cause any negative impact anywhere else? Commissioner Jackson, the transportation committee did bring that up as unintended consequence. That is one of the reasons that it did not get approved, there was not a lot of time to look into it. That issue has been looked into, in several states that face the same situation including California. There are no negative implications. They do have provision for large ATV's to be driven on the road and need insurance but that provision has already been provided for.

The motion passes unanimously.

13. DISCUSSION OF 2016 LOBBYIST CONTRACT AND LEGISLATIVE PRIORITIES

The COMMISSION will consider renewing its contract with Capital Partners for 2016-2017 for lobbyist services. The COMMISSION will also discuss their legislative priorities and may authorize early action to get a bill drafted and to gather support for the bill.

Chair McKay, he would like to entertain a proposal from Capital Partners to be the lobbyist for the next session. Commissioner Jackson, he was one of the people that brought Capital Partners to the attention of the Commission and he has worked with Capital Partners for long time. Even though he disagreed with some of the things they did last session they did a good job. He would like to put this contract out to bid. Commissioner Lambert, he also has some experience with Capital Partners and he likes them. The reason that has been stated to look at replacing them is the reason to keep them, they are highly ethical and performed per the scope and direction of the Commission. He does support Capital Partners and he has a relationship with them and he would not vote for them. Commissioner Gerow, he thinks they do a good job but he does not think it would hurt to take it out to bid. AG Palmer, you only have the account which you administer, which is the off highway vehicle account. The statute speaks to being able to utilize 5% of that money for the accounting of those funds. Please caution that lobbying activities would be covered in the costs for administering the fund. There are also state purchasing rules that have to be followed, you may want to table this and see if this is something that the Commission can even do. Chair McKay, we can table this until the next meeting.

Chair McKay, the second part of this is for the Commission to discuss legislative priorities. He reviewed the notes and votes from last year and came up with a list of possible legislative priorities. The first was to allow the Commission to change the registration penalty. Second, to change the grant eligibility from a person to an applicant and the applicant would be defined as an individual, corporation, 501C3, legally recognized OHV club as well as any government entity, local, county, state or federal. Two changes from the audit were to change the statute to reflect a host agency relationship and to grant the Commission authority to sell out of state stickers. Allow tax credits for OHV trade ins to properly licensed OHV dealers. Have a seat on the commission for Jeeps or 4 wheel drives. Allow the executive secretary position to be changed to Program Director and change it from a classified position to an unclassified position, both of those issues need to be changed in the statute next year. Give the Commission authority to have committee's with decision making authority. The Commission currently does not have authority for committee's to make a decision, they have to bring it back to the full body. What brought it into question was having to pay bills within the new system. As it sits right now there would have to be a meeting to approve all bills for payment that could result in a lot more meetings then the Commission is used to. We tried to propose a system where there could be a bill committee that was approved by the Commission that could pre approve bills. Then at each regular commission meeting there would be a report stating the bills that have been approved for the state to pay. Commissioner Baker, what are the other commissioner's feelings with regards to the whole issue of the self VIN verification, trying to get more of the older vehicles registered. Commissioner Gerow, he loves the idea but in dealing with it every day, the VIN is so important he could see DMV cringing over people doing the self VIN verification. He stresses the fact of have a professional. They are creating titles out of thin air on the older vehicles and you could end up creating fake titles because no one would have to verify it. Commissioner Baker, she thought it was two separate processes. If you have an older vehicle and want to register it, you don't have to have it

titled or you may already have the title. For her vehicles when they first started this program she had titles for both of them and she only had to register them. The challenge for her is that her vehicles were not in an area where there was local law enforcement. The dealership let her take a picture of the VIN and bring her title in, the dealer matched the numbers up and helped her fill out the paperwork. A lot of people are not registering their vehicles because they cannot connect with law enforcement to get a VIN verification. She feels there are a ton of vehicle out there that don't have titles and are not registered because of the challenge of getting the verification. Commissioner McKay, he will work with DMV and see if there is something that can be done. Commissioner Lambert, one of the things you mention is that you took a picture, which is not legitimate and took it in for the dealer. During conversations that he has held with the DMV, there was discussion about being able to do that on the older vehicles. It would require a photograph validating the VIN that was legible in such a way that between the affidavit and the photograph the DMV could confirm it. DMV was not mortified by the conversation, they just did not know where the funding would come for that type of program. It has to be in some way tied to the VIN number and only the way we were able to come up with an early discussion was perhaps an application that worked on a smart phone. You could take a photograph that would show it was at a location and that would also show the VIN number and that would match up with the affidavit. He agrees and thinks there would be a lot more registrations if that program could be developed. Commissioner Baker, it does help and she understands the concept with regard the phone and the self-verification. We had a discussion about how many vehicles are getting VIN verified that are showing up stolen and it was so minimal that we are losing the registration revenue chasing after a concern that is not happening. Commissioner Jackson, we should set up a committee to take all of these suggestions put them together and return to the full Commission with a final list. Then the same committee writes a piece of legislation. This needs to be done quickly because this will come up on us fast. The legislation needs to be written and ready to go in September so that it can go into LCB early, it can get passed and we can move forward. Commissioner Gerow, on a separate issue he would like to revisit the funds we operate off of, as far as taking a January 1 bank balance and then that becomes what the percentages are based off of. An easy assessment of that, the way we currently operate, we have \$1,979,000.00 in the general fund. If on December 31st we wrote a check for \$1,500,000.00 but then January 1 you take the budget; that check you wrote has not cleared or posted. You don't take what you really have, you just take whatever that mysterious balance is. It should be based off revenue, which is how business is run. Commissioner Cox, once we become a state budget account, how will that change the situation? Are they going to have to operate under our current system or will they operate like they do today? Commissioner Gerow, he thinks they have to operate how they were set up which will go against the state system. We need to run more like a business which we kind of are, we have income and out go, we need to set budgets. Commissioner McKay, he will put the legislative committee on the next agenda. The list he read at the beginning of this discussion is a list of items that the discussion had agreed to previously and what the audit had suggested which we adopted also. The reason he is bring this up is the governor had a BDR list and suggested changes were due April 15th. He submitted this list to the governor's office for proposed changes to legislation. If the Commission has a problem with it he can call them this afternoon and ask them to remove it. He thought the opportunity to get some of these changes that were agreed to in the governor's bill would be a tremendous benefit. There is no guarantee that they will draft a bill with these but he did not want to miss the opportunity. Commissioner Cox, since we have previously agreed to this that if you wanted a motion he would make one to leave it as is. Commissioner Jackson, there is no reason that the commission cannot do both. If we set up a committee to decide if we want to put a bill together, if one of the governor's bills contains proposals that we have already agreed on and we say yes. We can leave those out of our bill. When we put a bill in, we can take things out and add things to a bill. Adding things to a bill is much more difficult. If the governor has it on his bill, we can copy the language and still keep it in our bill and whichever one passes it is all good. He suggests that we do both.

MOTION: Commissioner Jackson makes a motion that the suggestions previously forwarded to the governor's office by the Chair of this committee be approved; seconded by Commissioner Gerow.
The motion passes unanimously.

15. COMMISSIONER BRIEFINGS

Commissioners may brief the Commission on any emerging issues of interest to the Commission 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.

Chair McKay: he testified in front of the interim finance committee (IFC) last Thursday. He received an email from Legislative Council Bureau (LCB) yesterday and there are a couple of items that he has to provide them by May 4th, follow up information. Those items were a list of expenditures for 2014, 2015, and 2016. Commissioner Cox and the budget office are working on a 2017 budget, by statute the Commission is required to get that in by June.

16. PUBLIC COMMENT

No public comment.

17. NEXT SCHEDULED MEETING

Commissioner Jackson: could we do a conference call meeting quickly since some of the items are coming up soon, maybe within the next few weeks. Chair McKay: should we go for about a month from now? AG Palmer: as a reminder there needs to be a physical location with a telephone for the meeting. Chair McKay will send out an email with possible dates.

18. ADJOURNMENT

MOTION: Commissioner Jackson makes a motion to adjourn; seconded by Commissioner Lambert.

The motion passes unanimously.

The meeting is adjourned at 12:52pm