



Commission on Off - Highway Vehicles

Full Commission Meeting

April 30, 2015

Meeting Minutes ****APPROVED****

Meeting Locations: Nevada Public Utilities Commission
1150 East Williams Street
Hearing Room B
Carson City, Nevada

Nevada Public Utilities Commission
9075 West Diablo Drive
Suite 250, Hearing Room B
Las Vegas, Nevada

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

1. CALL TO ORDER

Chair McKay called the meeting to order at 8:33am.
Sophia Long will be the representation for the Attorney General's office.

2. PLEDGE OF ALLEGIANCE

The pledge was recited.
8:35 am Commissioner Elmore arrived.

3. ROLL CALL OF THE COMMISSION MEMBERS

Commissioner Cox - Present, Las Vegas
Commissioner Elmore - Present, Carson City (arrived at 8:35am)
Commissioner Baker - Present, Las Vegas
Commissioner Gerow - Present, Carson City (arrived at 8:55am)
Commissioner Jackson - Present, Carson City
Commissioner Lambert - Present, Elko (via telephone)
Commissioner Lee - Present, Las Vegas
Chair McKay - Present, Carson City
There is a quorum.

4. PUBLIC COMMENT

No public comment.

5. COMMISSIONER BRIEFINGS

Commissioners may brief the NCOHV on any emerging issues of interest to the NCOHV arising after the agenda is set. No deliberation or action will be taken on any information presented until the matter itself has been specifically included on an agenda as an item upon which action may be taken.
None stated.

6. MEETING MINUTES

Commissioners may vote to approve, modify, or reject the minutes from the NCOHV meeting held on March 11, 2015.
MOTION: Commissioner Jackson makes a motion to approve the minutes from March 11, 2015. Seconded by Commissioner Elmore.
The motion passes unanimously.

7. UPDATE ON DETAILS RELATING TO A HOST AGENCY

The Chairman will present more details pertinent to the option of having the NCOHV being hosted by a state agency. Chair McKay is aware that the Commission does not want a host agency, but would like to provide updated information. As of now the Commission is limited to 5% of the administrative budget and cannot afford a full time position within the Parks Department. There is a possibility of a part time position, which the Commission may be able to afford in the future, but at present, cannot. The audit states that matter must be addressed somehow and the Commission can do what the host agency will do without the help of a host agency in regards to processing the grants. There is time to work on this issue since the Commission would not be ready to award grants until the end of the year. What is being proposed right now is to continue this conversation after the grant process is approved and the awards awarded. Commissioner Baker wanted to know the dollar amount to fund the position. Chair McKay stated a full time position with benefits was approximately \$80,000.00 and \$100,000.00. Commissioner Baker would like to know at what point the annual revenue would allow the 5% to cover the cost of that position. She likes the goal of a dedicated full time person and the goal of partnering with a government agency to help spur their component of OHV. Chair McKay states the Commission would need a \$2,000,000.00 balance and the half time position would be \$1,000,000.00 which is more in reach. Commissioner Baker would like to continue to explore the partnership with the Parks Department. Chair McKay states that for right now the Commission will be looking to do things within the Commission.

8. DRAFT REGULATIONS

The NCOHV will discuss the status of the draft regulations submitted by the NCOHV to the Legislative Counsel Bureau and discuss tentative, possible dates for a properly-noticed adoption hearing.

Chair McKay knows that people may not have had a chance to review them thoroughly but he feels they are 99% in line with what was sent to LCB. Not too much can be done today, it looks like the Public Hearing will be mid June and then the Commission can proceed.

9. PRESENTATION FROM THE NEVADA OFFICE OF GRANT PROCUREMENT, COORDINATION, AND MANAGEMENT ("NOGPCM") ON DEVELOPING THE GRANT GUIDELINES AND SCORESHEETS FOR THE GRANT AWARD PROCESS

Sheila Lambert, Chief of the NOGPCM, will discuss her agency's role and ability to assist the NCOHV in writing the grant guidelines and creating the scoring sheets. Commissioner's will also receive information about state and federal regulations pertaining to conflict of interest along with the mandated state financial disclosure forms. The disclosure forms must be completed before any grant scoring by Commissioners can occur. Motions to accept NOGPCM's assistance and acceptance of the conflict of interest conditions may be made by the NCOHV.

Chair McKay states that everyone received the Grant Guidebook just the other day and may not have had a chance to review them thoroughly but please review them in detail in the near future. It mirrors the old Grant Guideline package but adds state and federal requirements to the grant process. Connie Lucido, Nevada Grants Office, this is just a draft for review and there are a few issues which have been brought to me by the Chair and we realize that there will be edits and updates. Ms. Lucido reviewed the Grant Guideline that she assembled for the Commission. For the process of scoring, they recommend that the application be submitted once to the grant committee, the scoring should occur using the matrix that is put out at the same time as the announcement; they then should be ranked according to what their score. Then in an open meeting each of those applicants would have an opportunity to present or answer questions on the application that was submitted. Each commissioner at the meeting would have a fund list and each commissioner would rank how they want to fund each application and then it is calculated and that is the list of projects to be funded. Each Commissioner has one chance to rank them and then it is combined for an overall ranking. Chair McKay, that in regards to a Grant Committee he assumes that all Commissioners would like to be involved in the scoring process. Commissioner Jackson, he would assume that it would be a committee of the whole. Discussion ensued in regards to different points of the guideline and score sheets. Commissioner Jackson would like for the meeting to be a meeting of the whole and in the same location. Commissioner Lambert strongly feels that the Commission needs to stay with the scoring criteria. Chair McKay, where there can be adjustment language inserted to provide some flexibility would greatly help. It will all boil down to the grant guidelines that will be developed that will refine the package and get it to what the Commission is looking for. Larry Caulkins, Nevada Four Wheel Drive Association, if it is required for the applicants to be at the meeting, he suggests that the meeting notice come via registered letter to the person who submitted the grant application; to provide as much notice as possible to ensure everyone can attend the meeting. Commissioner Elmore states for the meeting dates to be published with the Grant notice. Commissioner Jackson suggest for the meeting to be held on a Saturday. Commissioner Elmore suggests a 60 to 90 day notice.

10. DISCUSSION OF THE PUBLIC EDUCATION/ OUTREACH GUIDELINES THAT WILL THE GUIDE THE COMMISSIONS GRANT GUIDELINE PROCESS

Commissioner Darin Elmore, Head of the Public Education/ Outreach Committee, and the Commissioners will discuss what grant guidelines and scoring components must be developed to effectively guide and score grant applicants applying for Public Education/Outreach grants from the Commission. There is an attachment from Chairman Elmore titled "OHV Public Outreach Discussion" to help guide the discussion. There may be a motion to specify what grant guidelines/scoring components are to be included in the grant guideline process to give to the NOGPCM for further development. There may be a motion for a Commissioner to work directly with the NOGPCM on this process.

Commissioner Elmore is the Chair of the Public Education and Outreach Committee. He put together a rough outline of different channels that he feels would be effective; web, social media, radio, print and signage. Several of these areas have been addressed in the past. These are some of the area's that he would like to see addressed from a person looking for a grant in the area of education and outreach. He would like to prioritize this list so that the information can be passed along. Commissioner Jackson, has anyone looked into Facebook and can that be accomplished without going through the grant process? Chair McKay, if an applicant has a social media focus then the Commission can give them direction. Commissioner Jackson, can this be accomplished out of the administrative budget? Chair McKay states that it can be done out of the administrative budget in a competitive bidding situation although advertising is exempt under professional services. Commissioner Elmore, where does the world of administrative funds, no longer be administrative funds and it is a general pool of money. Commissioner Jackson, would like to get three companies to come into the next meeting with proposals. Commissioner Elmore agrees and would like to proceed with that sooner than later. Larry Caulkins, Nevada Four Wheel Drive Association, they have their website pinned to their Facebook page. People can read what is going on via their Facebook page and then all of the factual information is on the website. Constant Comment is a company that does social media postings. On the Commission's behalf, someone will need to be feeding the information to the company. Chair McKay, this can be placed on the next agenda for people to come in with proposals. Commissioner Elmore, who is the gate keeper for the website. Chair McKay states that Kim Miller is the gate keeper of the website. Commissioner Elmore, is there value in print and radio or should the focus be more on social media and web for the promotion of the program so that the list can be established for the grant process. 5% administrative will not be enough money. Chair McKay states the public outreach education money will be the better pot of money more than the administrative money but at least it can get started with the administrative money. Commissioner Elmore, asks each commissioner to think about what is the best way to reach the user groups they represent. Not all user groups are reached in the same way, we need to try and make sure we are reach our entire user group and not overlooking anyone. Larry Caulkins, Nevada Four Wheel Drive Association, in the long run the Commission would be well served to get a publicity director working directly for them. Someone who can put out public service announcements in news, print and television which is free. That person also would have the input for the information on the website and other social media outlets.

14. 2015 LEGISLATIVE SESSION UPDATES AND ANY POSSIBLE CHANGES TO THE COMMISSION'S POSITION ON ANY BILL OR CHANGES TO AUTHORIZATION OF THE LEGISLATIVE INTERFACES

The NCOHV may discuss and change positions on any bill affecting them in the 2015 legislative session. The NCOHV may also discuss whether to make changes authorizing who may speak or act on legislative matters concerning the NCOHV.

Peter Kruger, Capital Partners, this session has 30 days to go and Will Adler will discuss what has been going on with issues regarding the Commission as he is the main person handling the Commission. Will Adler, Capital Partners, in the early day Dr. Titus declared the OHV Commission as a failure and that it needed to go away. There have been discussion with Dr. Titus at length, worked with her almost daily, and have reached some middle ground situations and compromises. Everyone seems happy except for a funding problem in regards to getting the police a \$5.00 for registering OHV's. As currently written it currently declares out of the \$20.00 registration fee, \$5.00 will then be taken and given to the police who register the OHV. Although there is no legal channel to do that as of now in the DMV and now there is a fiscal note attached to that. He suggested to Dr. Titus to do as the dealers do and apply a service fee on top of the registration fee. Currently dealers do a \$2.00 fee on top of the registration fee and they keep the excess. The plan is for the police to do a \$5.00 fee on top of the \$20.00 registration fee. He will not promise that it will go that way because there has been a lot of problems along the way. Dr. Titus wants to make AB217 work and making it a constructive bill for the Commission and the state of Nevada. The second bill is SB492, this is the general large license plate's for larger OHV's, where it allows for the transfer of money from the DMV to the Commission. This now gives a process for DMV to pass money along to the OHV Commission, this bill went unopposed and it is currently in full support right now. Peter Kruger, this is also the bill that allows DMV to take their operating costs out of the funds as opposed to a percentage as the current regulation requires. Will Adler, Dr. Titus want AB217 to be a positive bill for Nevada. There is momentum now but nothing is a done deal until the governor signs it. Commissioner Jackson asks for clarification on some of the amendments. Peter Kruger, this is fluid process and the late fee's are a perfect example of that. Yesterday there was a meeting between the director of DMV and Assemblywoman Titus, it was made very clear from DMV's point of view that should the late fee go away completely then it is not a registration fee, it is an operating permit. Will Adler, it started out with Assemblywoman Titus killing everything, removing all funding from the OHV Commission, making registrations a one time fee only; those issues were addressed. All OHV's still have to registered, large OHV's are now different from normal OHV's, and then they also tried to get the language of person for an application of a grant changed to applicant. Currently that is not in

there yet but they are trying to get that through. The late fee being more than the registration fee gave the Commission a bad reputation in the public view. It looked like excess punishment if you are not up to speed on your registration. They got the late fee to be removed from the program, if one does not renew one year then the next year they can re-register it the next year when the OHV is used again. As Peter brought up, that changes the language and state statute in DMV's eyes that it is no longer a registration it is an operations permit. It is being looked into to see if there would still be reciprocity with other states due to it being an operations permit and not a registration. If there is no reciprocity with other states the Commission may want to look into lowering the late fee. Chair McKay, a sticker is a sticker and if it is valid in the state that it is issued then it is recognized in other states but he is not sure. Leo Drumm, BLM, he heard back from Colorado and it does not matter to them because they require out of state stickers. Idaho and Arizona stated as long as there was a sticker they were okay with that. Peter Kruger, in discussions with DMV, without that source of revenue they will continue a fiscal note on that bill. Heather Hawkins Fancher, DMV, the DMV is putting together another fiscal note on the request of LCB but not only does that fiscal note include the late fee's but the decal's being issues at the sheriff's office and at the dealers. It is not only the \$5.00 fee that is a concern and how they will collect monies from sheriff's but if the sheriff's and dealer are going to hand out the decals there will need to be printers at those locations. That will increase the cost of a registration form by \$0.50 from the form they currently work with; that is where the increased fiscal note will come from. Peter Kruger, here is what has been proposed as an alternative, it would be a three part form and the concept is that dealers and law enforcement that chose to would have this book of temporary registration forms, they would purchase them in advance. A person comes in, they fill out all the information on a three part form, the owner takes one part (which is their temporary operating permit), the dealer keeps one copy and the third part is sent to DMV. DMV would then process it like they do now. The customer walks away with a temporary permit and is able to operate right away. This is something that is being discussed. If this idea becomes more solid Capital Partners will let the Commission know. Commissioner Jackson, they are trying to make it so that stickers are readily available to the public. Commissioner Gerow states that if a person from another state comes into Nevada and is not registered in their home states there is currently not a process. Chair McKay, a suggestion from the audit was to get an out of state decal program going and that is something to work on in the future. Presently there is no plan to do that but it is on the to do list in the future. The DMV has indicated no interest in an out of state decal program. Larry Calkins, Nevada Four Wheel Drive Association, where is the priority of putting a four wheel drive representative on the Commission. Chair McKay, that idea was presented to Dr. Titus along with several other ideas, the idea that took traction where the late fee's and increasing the ease of registration. The rest of the idea's fell to the side. Peter Kruger, all of the idea's on the list are important to Capital Partners and when they see an opportunity they will try put those idea's back in. Larry Caulkins, would like to point out that the largest group of users of OHV recreation are four wheel drive. If you want the four wheel drive community to be involved they think it is important for these issues to be addressed. Commissioner Jackson states that the issue was brought up but since your user group does not purchase a sticker that is an issue.

11. DISCUSSION OF THE GRANT GUIDELINES AND SCORING PROCESSES IN THE COMMISSIONS GRANT PROCESS

Commissioner Cox, Head of the Regulation/Grant Guidebook Committee and the Commissioners will discuss and decide what grant guidelines and scoring components must be developed to effectively guide and score grant applicants for NCOHV Grants. There is an attachment by Chairman Cox entitled "Ideas for Grant Scoring" to help with the discussion. There may be a motion to specify what grant guidelines and scoring components are to be included in the grant process to give the NOGPCM for further development. There may be a motion for a Commissioner to work directly with the NOGPCM on this process.

Commissioner Cox, the office of grant procurement has looked at what was suggested in the past and implemented it in their matrix. Based on the discussion of education and public outreach, does the scoring criteria need to have some questions pertain to all the areas of interest? There are some area's they may be overlooked and that they should be concentrated on before the next meeting. It goes along with the funding announcement on page 3 and 4, where as a Commission need to determine a list of priorities. There needs to be a list of priorities for this grant funding cycle and then narrow the matrix and the way things will be scored. Chair McKay, the next meeting agenda was going to include how to make sure the grant guideline and priorities are developed to there can be further development with the grant's office and the grant application guide. Chair McKay would like to encourage all the Commissioners to go back after today and really think about their priorities in each area and craft some grant guidelines that reflect those priorities and bring them to the next meeting.

12. DISCUSSION OF NCOHV STATE AUDIT DRAFT REPORT

The NCOHV will discuss the report done by the Chairman identifying the progress on the audit's recommendations indicating the status of each recommendation as either "fully implemented," "partially implemented" or "no action taken" There may a motion to accept the draft or a modification generated by the Commission to be submitted May 1, 2015.

Chair McKay, their first recommendation was to consider seeking legislation that would allow the DMV to transfer the OHV revenue in excess of its expenses. Status is partially implemented. Completion date is hopefully June or July of 2015; this is SB492 which would enable the DMV to transfer excess revenue over expenses on a quarterly basis of anything over \$150,000.00. The second recommendation was to consider coordinating with the DMV to obtain better program revenue and expense data. This is fully implemented. The completion date was April 2015. The third recommendation was to consider developing and implementing procedures to ensure funds are expended for OHV enforcement and public outreach. Status is

partially implemented. Estimated completion date for OHV enforcement June or July of 2015; public outreach is August of 2015. Number four, consider implementing a program where decal's are required for out of state OHV's located in Nevada for more than 15 days or not registered in another state. Status is no action. Completion date is unknown. Commissioner Jackson, it is his understanding that it is not legislative and it is regulatory and the Commission can move to have it changed fairly easily. Number five was to consider seeking legislation to have the Commission hosted by a state agency. Status is no action. Completion date is unknown. Number six is to consider seeking other funding sources to defray the cost of the host agency. Status is no action. Completion date unknown.

MOTION: Commissioner Elmore moves to accept the letter with the recommended changes for forwarding to the audit's office. Seconded by Commissioner Gerow. Leo Drumm, in regards to the host agency, it is recreation trails program. The motion passes unanimously.

13. PRESENTATION FROM THE OFFICE OF CRIMINAL JUSTICE ASSISTANCE

The Commission will hear a report on the progress being made by the Nevada Office of Criminal Justice Assistance ("NOCJA") towards making a recommendation to the NCOHV for disbursing 20 percent of the NCOHV account funds for law enforcement purposes, pursuant to NRS 490.069.

Chair McKay, the office of Criminal Justice could not be here today because their committee is going through the grant proposals that were submitted for the OHV program. They sent over information and a report on today's finding will be sent out soon. There were 9 applicants for the grants that totaled \$216,678.00. There was one state agency, the Nevada Department of Wildlife for \$29,135.00. The other eight were all county sheriffs in Nevada. In regards to funding, if you take the January 1, 2014 balance, which was \$404,699.00, 20% was allocated for law enforcement which totaled \$80,939.00; January 1, 2015 balance was \$1,025,130.00 after subtracting the 2014 20% of \$80,939.00 the basis for 2015 would be \$944,191.62. 20% of that is \$188,838.00 so the total available is \$269,877.00. There is adequate funding for these grants. Larry Caulkins, Nevada Four Wheel Drive Association, can you list the eight county sheriffs' that applied? Chair McKay, Mineral County, Washoe County, Douglas County, Mesquite Police Department, White Pine Sheriff, Lincoln County, Humboldt County, Lion County and Nevada Department of Wildlife.

15. PRESENTATION FROM THE DEPARTMENT OF MOTOR VEHICLES

The Commission will receive a report from a representative of the DMV on the status of NCOHV state registrations, and will review the new reporting instrument that satisfies the state audit recommendation for better transparency between the DMV and the NCOHV. There is an attachment titled "March 2015 DMV Commission Report" showing that report. There may be a motion to accept or modify the March 2015 report.

Heather Hawkins Fancher, DMV, everyone has the report. Is there any questions on the numbers. Commissioner Elmore, in regards to the salaries what is the percent allocations? Heather Hawkins Fancher, there is three full time positions which are paid on those salaries, there are three management positions that allocate 5% of their time as well. Commissioner Elmore states that those three positions and the 5% gives you the \$99,000.00 and is that through February 11th. Heather Hawkins Fancher, they work off the fiscal year which is July 2014 through February 11, 2015. Commissioner Elmore, it shows you received 12,000 phone calls and 2600 mail, is that in total for three years or just this year? Also it seems very high, what are the people calling about? Mindy Pierson, DMV, a lot of the phone calls are transferred back to DMV but there is no way of tracking which one's are for OHV and which are not. Commissioner Elmore, is it tracked when it is a legitimate OHV question? Mindy Pierson, DMV, not currently. Chair McKay, is there any type of gut feel to the percentage of the call are OHV calls? Mindy Pierson, DMV, out of 100 phone calls a day many 20 of those calls are transferred back to the DMV. There are all kinds of questions, how to register, how to get a title, where they can ride with large ATV's. Commissioner Elmore, would it be possible to track the questions for a short period of time so that the right information is on the website.

16. DISCUSSION AND POSSIBLE ACTION ON CONGRESSMAN'S MARK AMODEI HR 1484

The NCOHV will discuss and possibly draft a letter concerning HR-1484 terms for the transfer of federally held lands back to the State of Nevada. There is an attachment titled "Bills-114h1484.pdf" that outlines the language of the "Nevada Statehood Enabling Act." The NCOHV may authorize the Chairman to send a letter to Congressman Amodei.

Commissioner Elmore, this came onto his radar two weeks ago when he was invited to a casual sit down with some of Congressman Amodei's staff with a number of sportsman and conservation groups. It was an open forum, they wanted to hear discussion on several public lands issues and this popped up on the radar. Almost every western state is having a discussion about public lands, how much there is, and how the states can gain control. The state of Utah is on the forefront of this issue, they actually passed legislation in 2012 urging Congress to transfer all of the public lands to state control, the governor signed it and the federal government said nothing. Now Utah is returning to their original statehood documents, which Nevada's are very similar and reminding the federal government it was in the statehood documents that the intent was to hand it over. The federal government did hand over the lands in several east coast states but it has yet to happen here in the west. Commissioner Jackson, it should be noted that these lands will still be public land but just managed by the state as opposed to the federal government. Commissioner Elmore, that is still to be determined. The question becomes who will pay for it and also the sale of the land is a component. Chair McKay, would you like this to be something to bring back to the table if there are

any moves or would you like a letter with basic concerns as a process moves forward. Commissioner Elmore, he is not sure if there needs to be a formal letter at this time but would like to revisit it and watch it. Karen Boger, Back Country Hunters and Anglers, she was at the same meeting with Commissioner Elmore. She understands where this is coming from and the frustrations that people are feeling with the slowness of federal decisions. Even though there is a lot of giving voice of giving fact that they will stay public land; first of all the state does not have the resources to put in to manage the lands, so some of them will have to be sold. Secondly, there is not a democratic process for the public to participate in land management decisions. She has been going through the BLM RNP document and it is very complex. If she does not participate in the process she does not have a legal handle to complain. There is no such process with the state and in addition to that there is no multiple use sustain yield act in the state to guarantee that all different uses of the land will have opportunities to use that land. Lastly, no direction to look at all the resources when a decision is made and analyze the impact to each of those areas with the decision. She would recommend a letter of concern. Commissioner Jackson, the concerns can be addressed by legislative changes in the state but the main thing is that he does not feel there is consensus to write a letter. Andrew Zanihavich, Nevada Conservation League, they are at the forefront of this issue. If the Commission would like, he offers help with clarifying some of the problems to help with clarity. Commissioner Elmore, my main intent of bringing this forward was to make everyone aware. He does not feel anything should be done right now. There will be more discussion down the road and there will be a large impact on OHV. Larry Caulkins, Nevada Four Wheel Drive Association, this is an ongoing agenda item for their group. Their position at this particular time is to wait and see. There is federal over site on these lands now and although it is not perfect, it is not an evil as what it thought when they start selling off public lands. As stated there is nothing in state law like the safe guards that are in place at this time through the federal process. The federal process is not perfect but it is a process and until they see something better they will remain opposed.

17. TREASURER'S REPORT

The Commission Treasurer will report on the NCOHV's account activity, including income and expenses and current bank balances. There is an attachment outlining March 2015 financial activity and a computation for the 2014 and 2015 law enforcement award funding.

Chair McKay, the March 2015 account activity, there was a beginning balance of \$1,077,471.50; there was three credits from DMV, on March 3rd \$21,352.00, March 18th \$19,975.00, March 23rd \$22,678.00 for total credits of \$64,005.00. No check written. Ending balance of \$1,141,476.50.

Chair McKay, there was a conflict of interest information form and conflict of interest disclosure form. Please read these and get them into Kim Miller and myself they will be turned into the Grants office. Any potential conflicts of interest need to be listed here. Please turn one in even if you have not conflicts of interest to report.

18. PUBLIC COMMENT

No public comment.

19. NEXT SCHEDULED MEETING

Chair McKay states that May 20th was open for most people however due to having to provide 30 day notice for the workshop; the meeting may be pushed out to early June. He will email the Commissioners with several available dates.

20. ADJOURNMENT

MOTION: Commissioner Elmore makes a motion to adjourn the meeting, seconded by Commissioner Jackson.

The motion passes unanimously.