

Joe Lombardo
Governor

STATE OF NEVADA



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Chairman
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ANTHONY TIMMONS

PATRICIA OLMSTEAD
E'SHA HOFERER
ANTOINETTE CAVANAUGH
MAGGIE FARRELL

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
COMMISSION FOR CULTURAL CENTERS AND HISTORIC PRESERVATION**

MEETING MINUTES
Tuesday, April 23, 2024, 10:00am

The Commission for Cultural Centers and Historic Preservation (CCCHP) meeting is open to the public and may be attended in person or via Zoom. Only the first floor of the Bryan Building is open to the public without an escort. If any member of the public plans to attend in person, they must arrive at least 10 minutes prior to the start of the meeting and wait in the lobby of the Bryan Building. A staff member will escort attendees to the meeting.

Location:

The Richard Bryan Building
Bristlecone Conference Room
901 S. Stewart Street, Suite 5004
Carson City, NV 89701

Please click the link below to join the webinar as an attendee:

<https://us06web.zoom.us/j/88248756949?pwd=d1Y1eGVrcmQvS0lxVmp6TGxPckpOQT09>

Passcode: gccB2c

NOTE: *This option does not require a computer with audio and video capabilities. The public may also join the meeting by dialing the following:*

Dial-in by phone
+1 775-321-6111 United States, Reno
Phone conference ID: 58830601#

Additionally, public comment or testimony can be submitted via email to ccloud@shpo.nv.gov or leaving a voice message at: (775) 684-3448. Voice messages received during the meeting will be transcribed and read to the Commissioners during the meeting. The Commission will make reasonable efforts to include all comments received by email and voicemail into the record. Please try to provide email or voicemail comments by 9:00am September 19, 2022. Comments are limited to 3 minutes per person.

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Items on this agenda may be taken in a different order than listed. Before any action or vote is taken, the Chairman will ask for public comment. Public comment will be allowed after Commission discussion of each action item on the agenda.

1. Call to order.
2. Roll call of Commissioners and determination of quorum.

Commissioners:

Anthony Timmons, **Present**
Patricia Olmstead, **Present**
Maggie Farrell, **Present**
Rochanne Downs, **Present**
Yale Yeandel, **Present**

Chair determined a quorum was present.

3. Public Comment
Public comment will be taken at the beginning and end of the meeting and may be taken at the discretion of the Chair on agenda items listed for possible action. Public comments may be limited to 3 minutes per person at the discretion of the Chair. Comment will not be restricted based on viewpoint. No action will be taken on any matters raised during the public comment period that are not already on the agenda. Persons making comment will be asked to begin by stating their name for the record.

There was no public comment.

4. Approval of minutes from previous meetings **(FOR POSSIBLE ACTION)**.
 - a) November 14, 2023

Motion to approve minutes as submitted: Commissioner Olmstead; second by Commissioner Farrell.

Motion passed unanimously.

- b) November 27, 2023

Motion to approve minutes as submitted: Commissioner Farrell; second by Commissioner Olmstead. Commissioner Downs abstained from the vote.

Motion Passed.

5. Staff summary on the status of Commissioner grants for the FY21-22 grant cycle **(FOR POSSIBLE ACTION)**.
 - a) CCCHP-21-12 - City of Boulder City review contractor invoice for activities completed without prior review and review request for an extension of time.

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Chair asked staff to give a brief summary.

Rebecca Palmer informed the Commission this grantee conducted work without seeking or receiving prior approval of the activity. Ms. Palmer indicated staff from her office made several attempts to get information concerning the activity prior to or during the action and received no information. Ms. Palmer noted the grantee is requesting reimbursement for the expense of the activity. Ms. Palmer directed attention to Kristen Brown for further information on what the activity is and to Carla Cloud for further information on the amount.

Kristen Brown stated the work in question is the masonry repointing of the brick water filtration plant building, and the funding agreement that was executed had a clause of all details being ran past their office before beginning work. Ms. Brown noted it was not unusual to have some time lapse due to variants such as hiring and weather, etc, so there was no alarm when no information was received, even though reminders were sent via email for specifications. Ms. Brown went on to explain that masonry repointing is very technical, requiring a great attention to detail to ensure the mortar mix is correct by matching color, texture, aggregate, and selecting right hardness of mortar and ratio of mortar between the cement and other materials. Ms. Brown indicated failure to do so would force the point of failure into the softer surrounding material, meaning the bricks, which are historical and irreplaceable. Ms. Brown informed commission that when they received specifications after the fact, type S mortar was used, which the preference would be type N. Ms. Brown indicated that they had reached out the structural engineer used by SHPO, and he agreed that type N would have been his preference over type S. However, he also noted this building was a 20th century building with harder brick that would be able to withstand that mortar.

Rebecca Palmer noted that this was a two-part request, and asked Carla Cloud to explain the costs the grantee is seeking reimbursement for.

Carla Cloud informed the Commission that the reimbursement request was for labor and materials in the amount of \$24,000.

Rebecca Palmer went on to explain the second part of the request was seeking an extension of time. Ms. Palmer stated that generally funding agreements with commissions desire are made for an appropriate time frame for bond proceeds to be expended.

Carla Cloud stated the current completion date for this project is May 31, 2024, and the extension is for 6 months beginning June 1, 2024.

Michael Mays, Community Development Director, took full responsibility for the fact that it was not reviewed in advance by SHPO, stating a miscommunication between himself handling the grant and the public works department handling the project. Mr. Mays said he understands the impact and could understand the commission not wanting to reimburse for that project. Mr. Mays then moved on to the extension portion of the request, stating that currently abatement of asbestos and lead-based paint has taken valuable time, but that they would like to continue work on the building as it relates to the window restoration as they

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have been boarded up for years. Mr. Mays also assured the commission that they were in contact with SHPO about how to preserve those windows, but the remediation work under way has put that past the termination date previously established.

Rebecca Palmer informed the commission that the Office of the State Treasure had been consulted because they are responsible for all bond sales and ensuring that the sale and expenditure meet the requirements for tax exempt funds.

Carla Cloud stated that the Office of the State Treasure had informed her that the bonds must be expended 3 years from the date of deposit of funds into their account. Ms. Cloud noted the fall bonds were deposited in November of 2022, and must be fully expended by November of 2025, stating when money is on books it does accrue interest.

Rebecca Palmer stated that due to the significant management process, the funding agreements would not be extended to the three-year date in order to allow adequate opportunity to process the payments to avoid any arbitrage penalties.

Anthony Timmons asked for clarification if there were extra funds available or if the \$24,000 was considered part of the grant already awarded.

Carla Cloud replied that the funds were already awarded to Boulder City, but the work was completed prior to review, now being subject to the question of it can be reviewed. Ms. Cloud indicated that there are no funds left in the spring bond sale at the time, but there is a possibility of having interest. The fall bond sale ending in November 25 has \$20,000 in unobligated interest. But boulder city does not require additional funding.

Anthony Timmons questioned if the use of incorrect materials would jeopardize the possibility of the property being registered for national historic register process.

Kristen Brown said that designating the building in the historic register or applying for grants for such things would not be affected by this. Ms. Brown stated it could lead to damage in the future, however the climate in Boulder City and the harder brick would make that less likely. Ms. Brown indicated she thought it was already designated a historic building.

Michael Mays explained that the building was part of the national register nomination for all the properties in the historic district but not individually listed.

Kristen Brown added that the parks service does not differentiate between an individually listed resource and a contributing resource to a historic district.

Patricia Olmstead asked Mr. Mays if the work would be completed by the 6 month extension date.

Michael Mays stated the intent would be to complete it within 6 months, and he has been consulting with the public works department on the timeline for the window restoration.

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Rochanne Downs asked why the process was not followed and why the final approval was not conducted if requests were made, and no response was given. Ms. Downs expressed concern of grantees not following procedures.

Rebecca Palmer stated the Commission issues a grant handbook explaining granting and consulting requirements prior to application being received by the office. Ms. Palmer added that at every opportunity staff reminds the grantees of the requirements.

Motion to approve contractor invoice for activities completed without prior review: Commissioner Timmons.

Motion Fails.

Motion to approve request for an extension of time for the City of Boulder: Commissioner Olmstead; second by Commissioner Downs.

Motion passed unanimously.

Motion to deny the \$24,000 due to Boulder City not getting review on the appropriate mortar for the brick: Commissioner Olmstead; second by Commissioner Downs.

Motion passed.

- b) CCCHP-21-18 - Update on the City of Carlin additional award of \$21,766.42 to cover increased Architectural and Engineering costs approved by the SHPO.

Rebecca Palmer explained that this can be an action item or informational item depending on the commission's preference. Ms. Palmer stated that the commission had authorized SHPO staff to award remaining grant proceeds to grantees to cover cost increases, as was done in this case.

Kristen Brown informed the commission that originally the grantee had hired an architect to do the condition assessment and historic preservation recommendations, as well as the architectural analysis and architectural drawings. Ms. Brown noted the architect was unable to complete this and had to withdraw, leaving the city to find a consultant to take over before the grant cycle ended. Ms. Brown stated that the consultant found to do historic structures report was a preservationist and had to subcontract an architect to complete and incurred more costs.

Commissioner Olmstead suggested it be an informational item only.

- c) CCCHP-21-23 - Update on the Carlin Historical Society additional award of \$33,729.00 to cover increased Architectural and Engineering costs approved by the SHPO.

Kristen Brown explained that this was the same circumstance as the previous item because the city staff had hired the same architect that had to withdraw from this project as well and needed to hire new staff.

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6. Discussion and decision to request the sale of bonds in accordance with NRS 383.530.1 in November of calendar year 2024. The request for the general obligation bond sale will not exceed \$3 million dollars. The proceeds of the bond sales will be deposited with the State Treasurer to be credited to the Fund for Preservation and Promotion of Cultural Resources and will be granted to successful applicants and support the administration of the grant program for the 2023-2024 grant cycle. **(FOR POSSIBLE ACTION)**

Rebecca Palmer informed the Commission that the statute requires the commission to determine how many bond proceeds will be awarded in any grant cycle and can award up to \$3 million in any one year. Ms. Palmer stated it should be noted that the biennial budget for FY24-25, as approved by the legislature, envisioned a maximum of \$3 million to be sold to support this commission's grant program. Ms. Palmer also noted that in statute it says \$3 million per year, when it has been \$3 million for the biennium, and the question to be answered is how much the commission wishes to be made available for this grant cycle.

Olmstead suggested 1.5 million to be even in each year in the biennium.

Rochanne Downs asked if Commissioner Olmstead's suggestion had been standard in the past or if there was already an established budget.

Rebecca Palmer stated that the past commission had first established a grant cycle, held grant hearing to award grant funds, and requested sale of bonds to support awarded projects in the amount equal to the project plus administrative expenses. Ms. Palmer noted that last grant cycle, it was clear that was not exactly the process in statute. Ms. Palmer informed the commission that the statute reverses order of the actions and requires the commission to decide how much will be available in any grant cycle and then a hearing will be held to award within that amount, so staff has returned to the original intent of the statute where the commission decides how much to award before the grant hearing to determine the max threshold. Ms. Palmer stated that once the hearing is held in August, the letter will be sent to the board of finance requesting the sale to support the amount the commission determined was available to qualified applicants awarded at that grant hearing. Ms. Palmer noted that the action today would be to decide how much in the grant cycle of two fiscal years.

Rochanne Downs asked if the 1.5 million is adequate within the grant requests.

Rebecca Palmer noted that with the total available being \$3 million, the requests from the grant applicant will be much higher. Ms. Palmer clarified that due to this, applicants are encouraged in the grant manual and guidance provided to phase the project to accomplish reasonable parts when not fully funded in their requests.

Rochanne Downs asked if there is a maximum allowed per grant, and how much.

Rebecca Palmer informed the commission there is no maximum request amount for any one applicant, and no specific requirement of how those grant proceeds can or should be awarded. Ms. Palmer continued that the commission has full discretion on these two items, and decided this grant cycle there should not be a maximum ceiling for any one applicant request.

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Rochanne Downs asked if there was any kind of match to the fundings.

Rebecca Palmer stated the commission has never required match, but it is strongly encouraged because the purpose of a match would be to show community support in the project. Ms. Palmer noted that the commission was established because of recognition of certain regions within the state having access to limited funding or donors, therefore not requiring match.

Maggie Farrell asked if the sale of \$3 million was approved, does the commission also need to specify for each year equally or can each year be different.

Rebecca Palmer noted the commission determined that the current grant cycle was a two-year cycle, but the commission can choose the length of the grant cycle as long as the legislatively approved budget included potential sales of bonds to supports the commission. Ms. Palmer stated that if the commission would like to follow precedent from previous grant cycles, it would be a cumulative request for \$3 million for the biennium since the grant cycle was identified as a two-year grant cycle.

Motion to request \$3 million bond sales for the biennium to support the commission: Anthony Timmons; second by Commissioner Olmstead.

Motion passes unanimously.

7. Commissioner Training

Nicole Tamesdale from the Office of the Attorney General informed the commission on open meeting law, discussing five main points including what open meeting law is in general, when it applies, how the commission complies, what happens if open meeting law is violated, and updates from the 2023 latest legislative session. Ms. Tamesdale stated that Chapter 241 of the NRS states that the intent of open meeting law is that actions of public bodies be taken openly, and deliberations be taken openly. Ms. Tamesdale noted that open meeting law applies to meetings of a public body, which generally applies to all meetings of all public bodies in Nevada, including subcommittees. Ms. Tamesdale stated that open meeting law requires a quorum, meaning a majority of the total body or other proportion established by law, plus deliberative action, meaning to examine, weigh, and reflect on any reasons for or against an action. Ms. Tamesdale noted that the agenda and notice must include time, place, and location of the meeting and include information about the zoom meeting or any other technology system. Ms. Tamesdale added that the agenda must contain the contacts and business address for any supporting materials plus the location, either physical or electronic, and a clear and complete statement of the topics to be discussed with possible action for those action items. Ms. Tamesdale also noted that public comment periods and restrictions need to be noted in the agenda or the notice, and these need to be posted at the office of the public body or the location of the meeting, at the public body website, and the Nevada notice website no later than 9:00 a.m. of the third working day before the meeting, and notice must be sent to persons requesting notice. Ms. Tamesdale stated meetings must be recorded or transcribed, minutes of the meeting must be kept in conformance with 241.035, and supporting materials are required to be available to the public at the time it's provided to members. Ms. Tamesdale noted that updates in 2023 included the use of remote technology system must telephonic public comment. Ms. Tamesdale discussed exceptions to the open meeting law, including closed sessions and attorney/client privilege. Ms. Tamesdale also recommended not allowing the chat

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feature to be used in virtual meetings. Ms. Tamesdale reminded the commission that any decisions violating open meeting law would be voided, and there could be potential for criminal charges or corrective action. Ms. Tamesdale updated the commission on legislative changes including calculating quorum, administrative issues, and multi-day agendas.

8. Public Comment:

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There was no public comment.

9. Adjournment **(FOR POSSIBLE ACTION)**.

Motion to adjourn the meeting: Commissioner Farrell; second by Commissioner Olmstead.

Motion passed unanimously.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the State Historic Preservation Office in writing at 901 South Stewart Street, suite 5004 Carson City, Nevada 89701, or by calling (775) 684-3441 no later than **5:00 pm April 22, 2024**.

Supporting documents for agenda items will be available on **April 17, 2024**. Please call Carla Cloud if you wish to obtain copies prior to the meeting at (775) 684-3441 or email her at ccloud@shpo.nv.gov.

This notice will be posted on or before 9:00 am on the third working day before the meeting at:

- <https://notice.nv.gov>; and
- <http://shpo.nv.gov/services/commission-for-cultural-centers-and-historic-preservation-ccchp>; and the Department of Conservation and Natural Resources, 901 South Stewart Street, Richard H. Bryan Building, First Floor, Carson City

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