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STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
COMMISSION FOR CULTURAL CENTERS AND HISTORIC PRESERVATION
PUBLIC MEETING
TUESDAY, APRIL 23, 2024

YEANDEL: -- this commission. It's 10:00 Tuesday, April 23rd. And I'd like to call to order. Uh, let's do a role -- role call of Commission -- Commissioners.

CLOUD: I can do that for you, sir.

YEANDEL: Thank you.

CLOUD: Um, comm -- Commissioner Maggie Farrell?

FARRELL: Here.

CLOUD: Commissioner Rochanne Downs?

DOWNS: Here.

CLOUD: Commissioner Patricia Olmstead?

OLMSTEAD: Present.

CLOUD: Vice Chair Anthony Timmons? And Commissioner Yale Yeandel, Chair?

YEANDEL: Here.

CLOUD: We have a quorum, sir. We're just missing the Vice Chair Anthony Timmons, which he did accept the meeting, so. I'm sorry, sir, you're muted.

YEANDEL: I'm sorry. I just didn't wanna start without him. Um, is there any, uh, public comment, uh, that

1 has been recorded for this meeting?

2 CLOUD: Carla Cloud for the record. No, sir. I
3 have not received any, uh, emails or phone calls or any public
4 record today.

5 YEANDEL: Okay. Um, moving on, since we have a
6 quorum, um, I would like to move to number four, approval of
7 the minutes from previous meetings for possible action. Um,
8 4A, the November 14th, 2023 meeting?

9 OLMSTEAD: This is Commissioner Olmstead. I move to
10 approve for, uh, no -- the meeting -- the -- the minutes from
11 November 14th, 2023.

12 FARRELL: This is Commissioner Farrell, and I second
13 that motion.

14 YEANDEL: Thank you. Having a motion on the floor
15 and seconded, um, all those in favor say aye.

16 MULTIPLE: Aye.

17 YEANDEL: Moving along to the next approval of
18 minutes from previous meetings, uh, 4B, November 27th, 2023.
19 Do I have a motion?

20 FARRELL: This is Commissioner Farrell. I'll make a
21 motion to approve the minutes from November 27th, 2023.

22 OLMSTEAD: Commissioner Olmstead, I second.

23 YEANDEL: All right. Having a motion and seconded,
24 all say aye.

25 MULTIPLE: Aye.

1 YEANDEL: Thank you

2 CLOUD: Carla Cloud for the record, sir. I just
3 wanna make note that Anthony Timmons has joined the meeting.

4 YEANDEL: Oh, there he is. Hi, Anthony.

5 DOWNS: Oh, real quick, you guys. I just wanted
6 to, um, let you guys know that I'm -- I'm abstained on the
7 minutes just because I wasn't at those meetings being a new
8 member. I didn't feel comfortable voting yay or nay.

9 YEANDEL: Copy. Um, let's move on to number five,
10 staff summary of the status of Commission grants for the FY21-
11 22 cycle for possible action. 5A, the CCHP-21-12, City of
12 Boulder City, review contract -- contractor invoices for
13 activities completed without prior review and review request
14 for an extension of time.

15 PALMER: Uh, for the record, this is Rebecca
16 Palmer. Would you like me to, uh, give a brief summary?

17 YEANDEL: Yes, I'm sorry. Uh, and would staff give a
18 brief summary, please? Thank you.

19 PALMER: Thank you, sir. This is Rebecca Palmer for
20 the record. Uh, this, uh, uh, grantee, uh, conducted, uh,
21 work, um, without seeking or receiving prior approval, uh, of
22 the activity. Uh, in fact, uh, you'll, uh, see in your packet
23 of materials that, uh, the staff of my office made several
24 attempts, uh, to get information concerning the activity, we
25 believe, prior to or during the action and received no

1 information. Uh, at this point, the grantee is requesting
2 reimbursement, uh, for the expense of this activity. Um, for a
3 overview of exactly what the activity is, I'd like to turn to
4 Kristen Brown to explain what portion of this, um, award, uh,
5 the, uh, activity is. And then I will turn to Carla to discuss
6 the amount.

7 BROWN: Good morning, Commissioners. This is
8 Kristen Brown. Uh, yes, so the work in question is the masonry
9 repointing of the brick water filtration plant building in --
10 as you've seen in the -- in the staff notes, our funding
11 agreement that was executed with the grantee did have the
12 clause that they needed to run all, you know, details past our
13 office before beginning work. Um, and it's not unusual for
14 there -- for some time to elapse before that occurs because
15 people have to hire their contractors and develop their scope
16 and wait for the right weather and all sorts of things like
17 that. So we didn't, didn't get -- there was anything unusual
18 about it at first, and we hadn't heard anything. Um, but then
19 we did remind them a couple times, as you see in the notes,
20 with emailed reminders, that they needed to send us the
21 masonry repointing specifications. Um, unfortunately, uh, it
22 turned -- as it turned out, the brick was repointed without
23 our office having a chance to review and approve the
24 materials. Um, the reason that's important is that masonry
25 repointing is a very technical, um, thing that requires great

1 attention to detail to make sure that the mortar mix is
2 correct. Uh, it is crucial to not only match color and texture
3 and aggregate, but it's super important to, um, select the
4 right hardness of the mortar. Um, and the ratio of mortar, of
5 course, is created by an aggregate like sand, by lime, and by
6 the addition of Portland cement. And depending on the ratios
7 and how much Portland cement versus other materials, the
8 mortar becomes harder or softer. Um, and we always want to
9 review those because if the mortar is too hard, if it's harder
10 than the surrounding masonry material, it can, um, very
11 quickly lead to failure of the masonry units. Um, when you're
12 working with a very hard material like granite, it's okay for
13 the mortar to be much stronger, but if you're working with a
14 soft material like limestone or brick, then the mortar itself
15 has to be quite soft to be softer than the brick. Um, if the
16 mortar is too hard, it will force the point of failure into
17 the softer surrounding material. And we would rather have the
18 point of failure be in the mortar joints because that's easy
19 to replace, whereas all new, you know -- you can't replace
20 historic brick. Anyway, so that's kind of a quick summary of
21 why we needed -- why we always insist on reviewing mortar
22 mixes before work is done. Um, unfortunately the work was done
23 without our having a chance to do that this time. And when we
24 received the specifications after the fact, we saw that Type S
25 mortar was used, and that is not what we would've chosen for

1 this project. We would've chosen Type N, which is a softer
2 type of mortar. Um, so we reached out to the structural
3 engineer that, uh, this -- the SHPO uses, um, Mel Green, and
4 we asked him for his opinion on this, and he agreed, as you
5 see in the notes. He wrote back and he agreed that Type N
6 would've been his preference over Type S. Um, he also did
7 though say that luckily this building is -- is a 20th century
8 building. So the brick is going to -- is by nature a little
9 bit, um, harder and a little bit, um, I guess, better, for
10 lack of a better word, more able to withstand some of that
11 than a very old brick from the 1800s, for example. So it's
12 still not ideal. Luckily, um -- luckily this building is a
13 little bit newer, so we might be able to take some of that a
14 little bit better. Um, so that's basically the, uh -- the
15 background information on that. If anyone has any questions,
16 I'd be happy to answer them if I can.

17 PALMER: For the record, this is Rebecca Palmer.
18 Uh, this is two parts, uh, request. Uh, it's the request for
19 reimbursement, one. So, Carla, can you, uh, explain exactly
20 what the costs that the grantee is seeking, uh, reimbursement
21 for?

22 CLOUD: Yes. Carla Cloud, for the record. We
23 received a reimbursement request from the City of Boulder City
24 to pay their contractor for the labor and materials to repair
25 the grout joints on the filtration building, um, for the

1 amount of \$24,000.

2 PALMER: Thank you, Carla. So that's, uh -- would
3 be -- if the Chair wishes, would be, uh, one part of any
4 action item. The second part of the action item is the ex --
5 request for an extension of time. Uh, generally when we, uh,
6 prepare funding agreements consistent with the Commission's,
7 uh, desire, uh, we establish a timeframe appropriate for the
8 bond proceeds, uh, to be expended. Uh, Carla, can you explain
9 the current time, um, uh, allotted for this funding agreement
10 or the -- the termination date for this funding agreement and
11 the requested extension date?

12 CLOUD: Yes. Thank you, Rebecca. Carla Cloud for
13 the record. Um, the current completion date for this project
14 is May 31, 2024. And the, uh, city is looking to get a six-
15 month extension, um, beginning June 1, 2024. Um, so it'd be
16 six months from June 1 is the request. And we do have Michael
17 May on the line if you'd like to hear from the grantee.

18 YEANDEL: Um, is he on right now? <inaudible>.

19 MAYS: Uh, Michael Mays, Community Development
20 Director for the record. I can respond to, uh, both parts of
21 the request if you'd like.

22 YEANDEL: Sure. Let's start with part one.

23 MAYS: Sure. Um, I will take, uh, full
24 responsibility for the fact that that was not reviewed in
25 advance by SHPO. It was a miscommunication between myself

1 managing the grant and our Public Works Department that is
2 handling -- handling the project. And I also think that it's
3 completely reasonable to, um, not proceed with the
4 reimbursement, uh, because of that fact, because I certainly
5 understand the importance in reviewing prior to any work, uh,
6 the, um, project and its impact on a, uh, property that's
7 historically significant and tied to the, uh, grant
8 requirements. Um, so that would be item one. Item two, um,
9 since that work has been done, we have been consulting with
10 SHPO staff on the other elements of this project. Um, most
11 recently, and what is currently underway is the abatement of
12 asbestos and lead-based paint within, uh, the, uh, building
13 and that project, uh, and the contract was reviewed by SHPO
14 and approved before work began. We would like to continue the
15 work of, uh, preserving the building specifically as it
16 relates to the window restoration. Uh, the windows, uh --
17 casement windows have been boarded up for many, many years,
18 and we have been consulting with SHPO staff on the appropriate
19 preservation of those windows. But unfortunately, with the
20 remediation work currently underway, we wouldn't be able to
21 begin that until after, and that's why we're requesting a six
22 month extension on that work.

23 YEANDEL: Uh, this is Yale Yeandel for the record.
24 Um, thank you for that, uh, response. And, uh, let me send it
25 back to Rebecca, uh, for her, um, um, consultation.

1 PALMER: Okay. For the record, this is Rebecca
2 Palmer. In order to determine the, uh, length in which we
3 could extend, uh, the di -- the determination date of this
4 funding agreement, we did seek the advice of the, um, Office
5 of the State Treasurer, um, because they're responsible for
6 all bond sales and ensuring that the bond sale and, uh,
7 expenditures meet the requirements for, um, tax exempt bonds.
8 Uh, Carla, can you provide a very brief overview of, uh, what
9 they indicated, uh, was an appropriate timeframe for extending
10 such an expenditure?

11 CLOUD: Thank you, Rebecca. Carla Cloud for the
12 record. Yes. I reached out to the Treasurer's Office to, uh,
13 ensure to have the clear understanding of when the bonds --
14 when we must have the bonds expended. Um, it is three years
15 from the date of -- of deposit -- of the deposit of funds into
16 our account. So these, um, fall bonds were deposited into our
17 account in November of 2022, and they must be fully expended
18 by November of 2022 -- I'm sorry, 2025. Thank you. Um, so we
19 give -- that's why we give grantees 18 months to ensure
20 completion of the project and to ensure that we can have those
21 funds expended in three years. Um, when there is money still
22 sitting on the books, we do incur interest, and then we need
23 to find a new place for that interest. So the sooner we can
24 spend the funds, then we do not keep accruing interest and it
25 doesn't keep continuing. But, um, we do need to have the funds

1 spent no later than November of 2025.

2 PALMER: So, uh, this is Rebecca for the record.
3 Um, thank you, Carla. I appreciate that. Uh, keeping in mind
4 that we have a significant management, uh, process that we
5 must go through, we would never consider extending any, um,
6 uh, funding agreement to that, uh, three-year date. It -- it -
7 - we simply have to have adequate opportunity to process all
8 of these, uh, uh, payments, uh, to avoid any arbitrage
9 penalties. Uh, so for that, um, uh, Chair, if you have any
10 other questions, we'd be happy to answer them.

11 YEANDEL: Uh, this is Yale Yeandel for the record.
12 Um, no other questions. Uh, um, I think we --

13 CLOUD: Carla Cloud for the record. Tony Timmons
14 had his hands raised. Go ahead, Tony.

15 TIMMONS: Hi, everyone. Anthony Timmons for the
16 record. Um, so I wanted to clarify a couple things. First of
17 all, I was, uh, looking at the funds that are look -- appear
18 to be available, maybe. It looks like there were some funds
19 available, but they may be committed to two other projects.
20 Um, I just wanted to clarify that with the staff to make sure
21 if there was additional funding available or is this 24,000
22 already considered part of a grant that was already, uh,
23 awarded to the City of Boulder City?

24 CLOUD: Carla Cloud for the record. Uh, yes. This,
25 uh, 24,000 has already been awarded to Boulder City. Uh, it's

1 just that the work was completed prior to our review, so now
2 it's subject to whether or not it can be reimbursed. Um, there
3 is, um, no funding available left in our spring bond sale that
4 we had at this point in time. It's possible that we can end up
5 with some interest. The fall bond sale that ends, um, in
6 November of 2025, right now, we have \$20,000 in unobligated
7 interest at the time. But that -- the Boulder City, uh,
8 project does not require additional funding.

9 TIMMONS: Perfect. Thank you. Anthony Timmons again
10 for the record. I appreciate that, Carla. Um, my other
11 question is for staff. Um, it sounds like different materials
12 were used for this project. Is that going to hinder or is it
13 going to jeopardize the possibility of this property being,
14 uh, approved for National Historic Register process or
15 anything such as that because of, uh, incorrect materials
16 being used?

17 BROWN: This is Kristen Brown. Uh, this great
18 question. Um, no, if your -- if your question it pertains to
19 specifically to, uh, the ability to designate this building on
20 any type of historic register or to apply for grant money from
21 some other organization in the future. Uh, no, I don't believe
22 that that type of thing would -- would hinder that. Um, what
23 really it might do is it might lead to damage in the future.
24 Luckily, Boulder City doesn't -- isn't subject to the same
25 freeze thaw cycles that we are in northern Nevada. So -- and

1 like -- like I said earlier, the brick is -- is 20th century
2 brick, so it's a little bit, you know, stouter. Um, so let's
3 hope that doesn't happen. But that is the danger of putting in
4 a mortar that's too hard is that it can lead to brick damage
5 in the future, especially long term. Um, but I don't believe
6 that it would -- it would hinder the building's ability to be
7 listed. But, um, I believe it's already de -- a designated
8 building. And perhaps, um, Mr. Mays can clarify that.

9 MAYS: It is part of the National Register
10 nomination for all the properties in the Historic District,
11 but it's not individually listed.

12 BROWN: This is Kristen Brown. So, um, any
13 building in a Historic District that is considered
14 contributing to that district is also considered to be listed
15 in the National Register. Um, we -- we do not, and the Park
16 service does not, differentiate between an individually listed
17 resource and a contributing resource to a Historic District.
18 Both are considered equally listed in the National Register.

19 TIMMONS: Excellent. Thank you very much. Anthony
20 Timmons again for the record. Um, Chair Yeandel, um, I'm gonna
21 go ahead and make a motion to approve that \$24,000 in funding,
22 and I'll just give a stern look to Mayor Hardy when I talk to
23 him next.

24 YEANDEL: Uh, this is Yale Yeandel for the record.
25 Um, yes, the, the floor recognizes the, uh, mention. Um,

1 let's, uh, hear a second for the motion.

2 FARRELL: This is Commissioner Farrell. We have a
3 hand raised by Commissioner Olmstead. And before we, uh,
4 consider the motion, um, maybe have Patricia give her
5 comments.

6 CLOUD: Commissioner Olmstead --

7 FARRELL: It might influence --

8 YEANDEL: Chair recognizes Patricia Olmstead.

9 OLMSTEAD: Uh, my question was actually for the
10 second motion on the six-month extension, so I can wait for
11 that, or I can ask it now. It's just, Mr. Mays, will the, uh,
12 work be done by that six-month extension date?

13 MAYS: Sorry, was that, uh, question, uh, uh,
14 toward me? I -- unfortunately, it's -- it's, um -- the video
15 is kind of garbled. I think the question was -- and again, for
16 the record, Michael Mays, uh, with the City of Boulder City.
17 Our, uh, intent is to complete everything within six months.
18 I've been consulting with, uh, the Public Works Department on
19 the timeline needed to do the window restoration, and we can
20 get it done within that timeframe.

21 OLMSTEAD: Thank you very much.

22 CLOUD: Carla Cloud for the record. Uh,
23 Commissioner Rochanne Downs has her hand raised.

24 YEANDEL: Yeah, the floor recognizes Commissioner
25 Downs.

1 DOWNS: Uh, Rochanne Downs for the record. Uh,
2 just a question. I mean, this is my first meeting here, so,
3 you know, trying to play catch up and, you know, understand
4 what's going on. But my question would be, you know, in
5 looking at this, uh, \$24,000 extension, um, understanding that
6 the work was already completed. I guess my question is, why
7 was the process not followed and why wasn't the final
8 approvals, you know, conducted if -- if, um, requests were
9 made and, um, we didn't get a response? I guess I-I just need
10 to understand where that lapses. Because as we look at these
11 processes and require these -- these processes of -- of any,
12 um, entity or any grantee, um, I guess my question would be,
13 um, is this common practice and do we, you know, approve
14 those? Because it is a government agency, um, because the
15 rules are the rules and those agreements are -- are signed,
16 um, with those acknowledgements. And so, you know, as I'm
17 hearing that -- that, you know, those didn't happen, um, it's
18 -- it's concerning.

19 PALMER: For -- for the record, uh, Chair, would
20 you like us to provide information related to that question?

21 YEANDEL: Yes, please, staff. Uh, Rebecca, if you
22 could respond to that.

23 PALMER: Okay. Uh, for the record, this is Rebecca
24 Palmer. Um, the, uh, Commission issues a, um, grant, uh,
25 handbook that explains all of the requirements of the grant

1 and the reporting requirements and the consultation
2 requirements prior to any application being received by the
3 office. In addition, um, at every opportunity, staff will
4 remind, uh, grantees of the requirements of this grant
5 program, that it adhere to the Secretary of the Interior
6 Standards for Rehabilitation. Um, so the information, the
7 guidance is in the, uh, manual and handbook.

8 YEANDEL: Uh, thank you, Rebecca. Uh, this is Yale
9 Yeandel for the record. Again, we do still have a motion on
10 the floor. Um, is there a second for the motion?

11 TIMMONS: Sir, Anthony Timmons for the record. The
12 motion fails.

13 YEANDEL: The motion fails? All right. The motion
14 fails. Um, moving on to 5B CCHP-21-18, update on the City of
15 Carlin additional award of \$21,766.42 cents to cover increased
16 architectural and engineering costs approved by the SHPO.

17 CLOUD: I'm sorry, sir. Carla Cloud for the
18 record. We still have not completed the second portion of 5A -
19 -

20 YEANDEL: Oh --

21 CLOUD: -- for the extension of time.

22 YEANDEL: -- the extension section for 5A. I'm
23 sorry. Uh, my apologies. Um, yes, uh --

24 OLMSTEAD: This is Commissioner Olmstead.

25 YEANDEL: Yes.

1 OLMSTEAD: Commissioner Olmsted. I'd like to move to
2 approve the extension of time for the City of Boulder.

3 DOWNS: Rochanne Downs for the record. I'll second
4 the motion.

5 YEANDEL: Okay. Hearing, um --

6 CLOUD: Sir, you're muted.

7 YEANDEL: I apologize. Um, having a-a motion and
8 seconded, uh, let's take a vote. Um, all those in favor say
9 aye.

10 MULTIPLE: Aye.

11 YEANDEL: All those not in favor, say nay. Hearing
12 only ayes and no nays, uh, passing the second portion of CCHP-
13 21-12. Moving on --

14 TIMMONS: Chair, this, this is Anthony Timmons. I'm
15 sorry. For the record, do we need to formally deny the 24,000
16 reimbursement? Uh, maybe staff can answer that one.

17 YEANDEL: Thank you. Yes. Uh, Rebecca Palmer?

18 PALMER: For the record this -- this is Rebecca
19 Palmer. Sorry about that, Chair. Um, I'd like to turn to, uh,
20 our, uh, Deputy Attorney General to answer that question. If a
21 motion has failed, uh, is a public body required to then make
22 an alternative motion in the, um -- with an opposite, um, uh,
23 decision?

24 TING: Um, Nicole Ting for the record, Attorney
25 General's office. So it's really the, uh kind of purview of

1 the Commission. So, if the Commission wishes to formally, uh,
2 deny that application, um, they can. Um, it's not -- not
3 required, but if -- if you, um -- Chair, if -- if you would
4 like to entertain a motion to deny that would be fine, or with
5 the motion failing, the -- the application is -- is not
6 approved.

7 YEANDEL: Yes. As Chair, um, Yale Yeandel, I would
8 like to, um, formally, um, ask for a vote for denial of the
9 CCHP-21-12 Boulder City grant. Do we have a second on the
10 motion?

11 OLMSTEAD: Uh, Chair Yeandel, this is Commissioner
12 Olmstead. I would like to make a motion to go with staff's
13 denial of the 24,000 due to the City of Boulder City not
14 getting review on the appropriate, uh, mortar for the brick

15 DOWNS: Rochanne Downs for the record. I second
16 that motion.

17 YEANDEL: Having a motion and seconded, uh, the
18 Commissioners give a yay for the approval of denial.

19 MULTIPLE: Aye.

20 YEANDEL: And those opposed, say nay.

21 TIMMONS: Anthony Timmons for the record. Nay.

22 YEANDEL: Nay? All right. Um, staff, I'm a little
23 bit, uh, perplexed here on the next step.

24 CLOUD: Carla Cloud for the record. Your next item
25 would be item 5B, City of CCHP-21-18.

1 YEANDEL: Yes. Next item 5B CCHP-21-18, update for
2 on the City of Carlin, additional award of \$21,766.42 to cover
3 increased architectural and engineering costs approved by the
4 SHPO staff. Do you have recommendations?

5 PALMER: For the record this is Rebecca Palmer.
6 The, uh, Commission can make this an action item or a, uh,
7 informational item depending on their preference. Commission
8 had, uh, authorized SHPO staff to award remaining grant
9 proceeds to grantees to cover cost, uh, uh, overruns or
10 increases. Um, we did that in this case for the City of Carlin
11 in the amount of \$21,766.42. Um, perhaps, uh, staff, Kristen
12 Brown can explain exactly what, um -- what the reason for this
13 additional award, uh, was and what it will go to pay for.

14 BROWN: Of course. This is Kristen Brown. Um, the
15 brief summary is that originally this grantee hired an
16 architect who was to be doing both the, sort of, condition
17 assessment and historic recommendation -- you know, historic
18 preservation recommendations in the report, as well as the
19 architectural analysis and architectural drawings.
20 Unfortunately, that architect was unable to complete the
21 project and had to withdraw. So the city was, uh -- it was
22 required for them to hustle and find another consultant that
23 could pick up the thread quickly before the grant cycle ended.
24 They found a consultant to do the historic structures report,
25 but that consultant was a, um -- a -- really a preservation

1 consultant, not an architect. So that consultant then needed
2 to subcontract with an architect to do the drawing portion of
3 that report. Um, and because of the lateness, um, and because
4 there was a lot of back-background work that needed to be
5 redone, um, that that first person had already done, they had
6 to go and do site visits and travel and document and
7 everything, um, and then produced this report with a
8 subcontractor. The cost simply went up. Um, they are on track
9 now. They're -- they're cruising along. They're doing the
10 work, and I-I expect it'll be a good, uh, deliverable in the
11 end. It just ended up costing more.

12 OLMSTEAD: This is Commissioner Olmstead. I think we
13 go with staff, um, and make this just an informational. And
14 staff has the ability to, um, assign the, uh, additional fees,
15 and I-I think we're good to go.

16 YEANDEL: Yes, agreed. Um, so let's put the
17 recommendation up for staff, um, on item 5B. We won't make
18 that an actionable vote. Number 5C is the CCHP-21-23 update on
19 the Carlin Historical Society additional award of \$33,729 and
20 no cents to cover increased architectural engineering costs
21 approved by the SHPO. Rebecca?

22 BROWN: This is -- yeah, this is Kristen Brown
23 again. This was the same circumstance. Um, this -- Carlin
24 Historical Society, uh, due to the collaboration, of course,
25 and familiarity with the city staff, the Historical Society

1 had hired that same architect who had to withdraw from this
2 project as well. And they were able to regroup and -- and hire
3 new folks in the same manner. So it's the same exact set of
4 circumstances.

5 YEANDEL: Thank you. Thank you. Um, okay, I -- uh,
6 Rebecca, if there's any other comment from staff?

7 PALMER: Uh, for the record this is Rebecca Palmer.
8 Um, again, using the authority given to us by the Commission,
9 we, um, awarded this additional, uh, uh, bond proceeds to
10 support cost, uh, increases, uh, for the City of Carlin, as
11 explained by, uh, Kristen Brown. Um, again, the Commission may
12 decide to make this an action item, uh, to determine whether
13 or not those, uh, proceeds should be awarded, uh, to this
14 grantee. Uh, that is certainly within your, um, uh, authority
15 to make that final decision.

16 DOWNS: Rochanne Downs for the record, I believe
17 that we should proceed as we did with 5B, that, um,
18 maintained, um, the staff's recommendation.

19 YEANDEL: Yes, agreed. Uh, this is Yale Yeandel for
20 the record. Um, let's go with staff recommendation on that
21 item 5C. Number six, the discussion and decision to request
22 the sale of bonds in accordance with NRS 383.530.1. In
23 November of calendar year of 2024, the request of the general
24 obligation bond sale will not exceed \$3 million. The proceeds
25 of the bond sale will be deposited with the State Treasurer to

1 be credited to the Fund for Preservation and Promotion of
2 Cultural Resources, and will be granted to successful
3 applicants and support the administration of the grant program
4 for the 2023-2024 grant cycle. Um, and I have note here for
5 possible action.

6 PALMER: For the record, um, this is Rebecca
7 Palmer. The, uh, statute requires the Commission to determine
8 exactly how much, uh -- uh, about how many bond proceeds will
9 be awarded in any grant cycle. Uh, they can award up to \$3
10 million in any one, uh, year. However, it should be noted for
11 the record that the biennial budget for FY24-25, as approved
12 by the legislature, uh, uh, envisioned a maximum of \$3 million
13 to be sold to support this Commission's grant program. So,
14 although in statute it says 3 million per year, uh, there is,
15 in reality, uh, 3 million for the biennium. Uh, the question
16 that, uh, needs to be answered is how much the Commission
17 wishes to make available for this grant cycle.

18 OLMSTEAD: This is Commissioner Olmstead. I think we
19 go with the 1.5 million, so that we keep it even from each
20 year in the biennium.

21 YEANDEL: Okay. Uh, thank you. Yes. Um, if that's a
22 motion on the floor, uh, is there a second for that motion?

23 OLMSTEAD: I was just putting out for discussion in
24 case any other Commissioner --

25 YEANDEL: Just for discussion, sure.

1 OLMSTEAD: Yeah. In case any other Commission has any
2 questions for staff or if staff has any, um, comments.

3 DOWNS: Uh, Rochanne Downs for the -- for, uh, the
4 record. Um, I guess just to follow up to see, is that what is
5 standard? Is that how we've been doing it? Um, just as the
6 first, um, introduction to this, I'm -- I wanna make sure that
7 I'm understanding, you know, past practices or -- or -- or is
8 there -- or is there an established budget already of what is
9 requested? I didn't hear if there has been anything that has
10 been requested that would exceed that 1.5 million.

11 PALMER: For the record this is Rebecca Palmer.
12 Thank you, uh, commissioner Downs. Would you like me to answer
13 that question, Chair?

14 YEANDEL: Yes, please, uh, Rebecca. I'd appreciate
15 if you would answer the question. Thank you.

16 PALMER: Thank you. Uh, in the past, um, uh, the
17 Commission had, uh, first established the grant cycle, held a
18 grant hearing to award grant funds, and then requested a sale
19 of bonds to support the awarded, uh, projects in the amount
20 equal to those projects, plus, uh, administrative, uh,
21 expenses. However, uh, during the last grant cycle, it was
22 clear that that's not exactly the process outlined in the
23 statute. In the statute, it reverses the order of those
24 actions and requires the Commission to decide how much will be
25 available in any grant cycle, and then the grant hearing will

1 be held to award within that amount. Um, so what staff has
2 done is return to the, uh, original intent of the statute so
3 that the Commission decides how much to award before the grant
4 hearing is held, so that they can determine, uh, that maximum
5 threshold. Once the grant hearing is held, which will occur in
6 August, I believe, um, then the letter will be sent to the
7 Board of Finance requesting the sale to support the amount the
8 Commission previously determined was available to be granted
9 to a -- to, um, qualified applicants, um, reviewed at that
10 grant hearing. So, it reverses the order in which it had been
11 traditionally, um, uh, the process had occurred, uh, to
12 reflect more accurately what the statute requires. So the
13 action today would be to decide exactly how much in the grant
14 cycle, and the grant cycle is two fiscal years. Um, and so if
15 it's 1.5, or whatever the Commission decides, per fiscal year,
16 then the total would be 3 million requested for sale after the
17 grant hearing is held in August.

18 DOWNS: Oh, Ro -- thank you, Rebecca. Uh, Rochanne
19 Downs for the record. One additional question is, based on,
20 you know, historic, what is the amount, you know -- is this
21 1.5 adequate within the grant re -- um, requests? I mean, is
22 that covering or is that too low, too high, average, just a,
23 uh, understanding, I guess, of -- of the need.

24 PALMER: Thank you, uh, Commissioner Downs through
25 you -- through Chair Yeandel to Commissioner Downs. The answer

1 to that question is there is never enough money. Um, the, uh,
2 total available is 3 million, but, um, I would, um, probably
3 be accurate in, uh, assuming that the amount of requests --
4 the total request of all the grant, uh, applicants is going to
5 be considerably higher than 3 million. Um, that has been
6 traditionally the case. In fact, um, only -- in only one
7 instance has there been -- have there been sufficient grant
8 funds to support all of the requests, um, since 1993. Um, so
9 yes, there will probably be far more, uh, uh, funds requested
10 than available. Staff anticipated that would occur. And in the
11 grant manual and in all guidance provided to applicants, we
12 encourage them to phase their projects so that they can
13 accomplish a reasonable part of their project if they are not
14 fully funded in their request.

15 DOWNS: One more question, sorry. Uh, Rochanne
16 Downs, for the question. Um, what is the maximum amount
17 allowed per grant?

18 PALMER: For the record this is --

19 DOWNS: Is there -- is there -- is there a maximum
20 or a, you know -- is there a maximum? I-I know that there's
21 never gonna be enough money. I-I understand that. Um, but just
22 wondering, what is the max for, um, each applicant? Is there -
23 - is there a ceiling?

24 PALMER: For the record --

25 DOWNS: Or we -- or we could do one grant for 1.5

1 million technically, if -- is -- is that a possibility or is
2 there -- as -- as -- as we're looking at, you know, all of the
3 needs and -- and all of the grants that come in. I just didn't
4 know if there's like a maximum. So, one applicant could
5 technically receive 1.5 million, or however many grants of
6 50,000 or whatever.

7 PALMER: For the record this is Rebecca Palmer.
8 There is no maximum, uh, request amount for any one applicant.
9 There is also no, uh, specific requirement of how that --
10 those, uh, grant proceeds can or should be awarded. The
11 Commission has full discretion to decide those, um, two items.
12 For this grant cycle, the Commission did not determine that
13 there should be a maximum, uh, ceiling for any one applicant
14 request.

15 DOWNS: Okay, sorry. Uh, Rochanne Downs. One more
16 question it just brought up. Are -- is there any type of a
17 match? So is there a match to those, um, funding whether it's
18 an in kind or a cash match for any of the awards?

19 PALMER: For the record, this is Rebecca Palmer.
20 The commission has never required match. However, it is
21 strongly encouraged. The purpose of a match would be to show
22 community support for this project or their proposed project.
23 So it has always been strongly encouraged, but has never been
24 a formal requirement of any grantee. And the reason for that
25 is, when the Commission was established as the Commission for

1 Cultural Affairs in 1993, the -- was established because there
2 was a recognition that certain regions within the state had
3 limited access to funding or, uh, potential donors. And those
4 were most likely to be rural, um, uh, communities. So the
5 requirement for match has never been established.

6 DOWNS: Thank you.

7 CLOUD: Carla Cloud for the record. Commissioner
8 Farrell has her hand raised.

9 FARRELL: Uh, for the record Commissioner Farrell.
10 That, uh, overview was excellent. Thank you. It answered, I
11 think, some of the same questions that Commissioner Downs has.
12 Um, if -- if we approve, um, the sale of 3 million, do we also
13 need to specify 1.5 for each year, or can we specify perhaps 2
14 million for one year, 1 million for another. Um, being fairly
15 new, I wanna make sure I understand our options as well. Thank
16 you.

17 PALMER: For the record, this is Rebecca Palmer.
18 Uh, to Commissioner Farrell through Chair Yeandel. The
19 Commission determined that this grant cycle, which we are, uh,
20 currently accepting applications on behalf of the Commission
21 for, was to be a two-year grant cycle. So, while it could be
22 designated as 1.5 per year, uh, the com -- the cycle is a two-
23 year cycle. Uh, so the Commission would want, for future grant
24 cycles, uh, if they chose, to determine it's a one-year grant
25 cycle and request the sale of 1.5 in each year, assuming that

1 the next leg -- legislatively approved budget included, uh, a
2 potential sale for -- of, uh, bonds to support this
3 Commission. The Commission is at liberty to make that
4 decision, according to statute, how they're going to award
5 proceeds and what that grant cycle looks like. The current
6 grant cycle is, again, as I said, a two-year cycle. So the
7 agenda item is the decision as to how much, up to a maximum of
8 3 million as identified in the legislatively approved budget
9 for this cycle. Up to 3 million. It could be anything from
10 zero, uh, in other words, no, uh, bond proceeds sold to
11 support this Commission, to 3 million or anything -- any
12 number within that range.

13 YEANDEL: Thank you, Rebecca. I appreciate that. Uh,
14 that does clear things up quite a bit. Um, so, uh, do we need
15 to put a possible action on this? Um, what is staff
16 recommendation? Do the biennial, uh, separate to \$1.5 million
17 per year? What -- what is the recommendation by staff?

18 PALMER: For the record this is Rebecca Palmer. Uh,
19 if the Commission wishes to follow precedent, uh, from
20 previous grant cycles, it would be a, uh, cumulative request
21 of 3 million for the biennium since the grant cycle was
22 identified as a two-year grant cycle.

23 YEANDEL: Okay. Um, any other comments from any
24 Commissioners on this?

25 TIMMONS: Chair Yeandel --

1 YEANDEL: Go.

2 TIMMONS: I'm sorry. Chair Yandell, this is Anthony
3 Timmons. For the record, I would like to go with staff's
4 recommendation and request \$3 million bond sale for the
5 biennium to support the Commission.

6 OLMSTEAD: Commissioner Olmstead, I second.

7 YEANDEL: All right. Getting a, uh, motion and
8 seconded, can I get a vote from the Commission? Um, all those
9 in favor, say aye.

10 MULTIPLE: Aye.

11 YEANDEL: All those not in favor, say nay. Hearing
12 no nays, the action passes with staff recommendation. Number
13 seven, Commissioner training. Um, staff, do you have, uh -- we
14 have a, um, guest on this?

15 TING: Hi, Chair. Yes, um, if it's okay with you,
16 I can -- I can take over from here.

17 YEANDEL: Thank you.

18 TING: Okay. Thanks again, Chair, and thanks,
19 Commissioners. Again, Nicole Ting still, from the Attorney
20 General's Office. Um, I'm going to, uh, provide you some
21 training on the, uh, riveting and important world of open
22 meeting law. And I have a presentation for you. And after it's
23 up, I'm just gonna make sure everybody can see it. Everybody's
24 good to go? Great. Okay.

25 YEANDEL: Yes.

1 TING: Okay. Thank you so much, Chair. Uh, so
2 again, I'm gonna provide you some training on, um, open
3 meeting law. Uh, we're gonna discuss five main things. One,
4 uh, what is open meeting law in general? Number two, uh, when
5 does open meeting law apply? Three, how do I, and, uh, as a
6 Commissioner and then as a Commission as a group, comply with
7 open meeting law? Four, uh, what happens when open meeting law
8 is violated? And number five, uh, gonna give you some updates
9 from the 2023 latest legislative session. Um, if I could
10 request, um, any questions at the end, uh, that would be
11 great. I have a feeling that there's probably a slide that --
12 that answers the question, but of course, questions are, uh,
13 welcome and, um, um, good, so -- but, um, I'll take those at
14 at the end, if that's okay. So, uh, going forward to number
15 one. So in general, so what is open meeting law? Uh, so if you
16 look at Chapter 241 of the NRS, um, you can read this, so I
17 won't read the whole thing. Uh, but basically the intent of
18 open meeting law is that, um, actions of public bodies be
19 taken openly and that their deliberations be -- be conducted
20 openly. So it's basically kind of public trans -- uh,
21 transparency for the public in, uh, government settings. All
22 right. Moving on. So, when does open meeting law apply? Um, so
23 kind of two main things. So, open meeting law applies, uh,
24 during meetings of public bodies. Uh, so first, uh, what is a
25 public body? Um, so public bodies, um, uh, generally applies

1 to all meetings of public bodies in the State of Nevada, uh,
2 so this includes subcommittees. So this is a question I get
3 asked a lot. They say, well, if -- if -- can two Commissioners
4 meet and kind of figure this out? Um, and it -- unfortunately,
5 this would be a subcommittee, and subcommittees are subject to
6 open meeting law. Um, exceptions, which we will be discussing,
7 are strictly construed. Uh, so open meeting law, uh, favors
8 everything being discussed out in the open. So that's the
9 public body portion. Uh, so what is a meeting? Uh, so under
10 open meeting law, a meeting, uh, requires, uh, first what's
11 known as a quorum plus deliberative action. Uh, so importantly
12 to discuss what a quorum means. Um, so under open meeting law
13 in general, um -- not for your Commission, but under open
14 meeting law in general -- for your Commission also, but a
15 quorum means a simple majority of the total body or other
16 proportion established by law. Now, let's go to this other
17 proportion established by law. So, specifically for your
18 Commission, under NRS 383500 Subsection 3, four members of
19 your Commission constitute a quorum. Uh, there's a, but. Uh,
20 but a majority of the members of the Commission is necessary
21 to consider a particular -- not particulate, a particular
22 business before it. Um, so I think the best way to -- to
23 explain this would be an example. Um, so there's seven members
24 of the Commission. Um, now say every, um, every slot is
25 filled, right? So there's seven members of the Commission.

1 Every slot is filled. So four members are needed to take any
2 action on something. So four -- so four members vote in favor
3 of something, then an action is valid and -- and the
4 Commission can go forward with that. However, um, five members
5 are necessary to consider any business before it. So -- so,
6 seven members total, uh, five is a -- is a majority of all the
7 Commission is necessary to consider any action to have a
8 meeting, uh, but four members are necessary, um, for a quorum
9 to per -- to -- to vote in favor of anything. So, a little bit
10 tricky, but, um -- oh, and again, I'll make sure that all
11 these slides are provided to you, too. Um, so, uh -- so that's
12 a quorum. Uh, so to deliberate, uh, means to examine, weigh,
13 and reflect on any reasons for or against an action. And, uh,
14 that deliberate, um, definition is 241015 Subsection 2. A
15 definition of action means the majority vote of all members
16 present -- all members for elected bodies. And again, that's -
17 - that's the -- the main open meeting law. And then for yours,
18 it's under 33500 Subsection 3. And moving on. Okay, so how do
19 I comply with open meeting law? Um, so there's some things in
20 this presentation that I think it's important that the
21 Commissioners are aware of, but it's not something that you'll
22 necessarily kind of touch. So, this is one of those things. So
23 I'm gonna go through it a little fast 'cause it's, I think,
24 again, important for you to be aware of it, but it's something
25 more that staff kind of handle -- staff and myself. So, um,

1 talking about a meeting notice and the agenda for the
2 meetings. So, uh, um, the meeting notice and agenda must
3 include time, place, and location of the meeting, including
4 information about the Zoom meeting or other remote technology
5 system. The agenda must include a name, uh, the contact and
6 business address for any supporting material, uh, plus the
7 location, and again, either physical or electronic, and that
8 needs to have a clear and complete statement of the topics
9 that are gonna be discussed at the meeting. So, um, as you've
10 probably seen and know, action items are supposed to be
11 denoted as for possible action. So this lets the public know
12 that, uh, this is something that the, uh, Commission, um, is
13 gonna be actually deciding. Um, so public comment periods and
14 then restrictions on public comments also need to be noted in
15 the notice and agenda. These requirements can be found in
16 241.020. So the posting requirements for the agenda, so this
17 is how -- and, uh, the requirements for how the agenda
18 actually needs to be posted so the public knows about it. So
19 it needs to be at the office of the pub-public body or at the
20 location of the meeting, where the meeting's taking place if
21 it's physical, at the public body website, and there's also
22 something called the Nevada Notice Website that the agenda
23 needs to be posted to. So, timing for the posting, uh, is no
24 later than 9:00 a.m. of the third working day before the
25 meeting. So this -- these are like weekdays and non holidays.

1 A notice must be sent to persons who have requested notice of
2 the meetings. Um, so public sometimes will say, hey, can --
3 whenever there's a notice, can -- can you please send it to
4 me? So we're supposed to send it out to those people, so. So
5 these are, um, some additional requirements. And again, I'm
6 just gonna go through these kind of fast 'cause it's something
7 to be aware of, but not so -- necessarily -- necessarily
8 something that -- that you'll kind of touch. Uh, so public
9 bodies need to make reasonable efforts to assist and
10 accommodate persons with physical disabilities desiring to
11 attend. Additional notice required for consideration of a
12 person's character, misconduct or competence to take
13 administrative action against a person. Um, so this is, um,
14 something that's kind of -- kind of specific and esoteric. Um,
15 if the Commission is gonna be, um -- if there's any
16 wrongdoing, like of a Commissioner member, and, um, if their
17 character misconduct is gonna be talked about, there's some
18 additional notice requirements, including letting that person
19 know in a certain time period. Uh, meetings must be recorded
20 or transcribed. Minutes of the meetings must be, uh, kept in
21 conformance with 241035. The supporting material, and that's
22 like your Commissioner packets and things like that, uh --
23 supporting materials required to be available to the public at
24 the time it is provided to members of the public body. Uh, now
25 an emergency meeting, uh, may only be called where the need to

1 act upon a matter is truly unforeseen and circum-circumstances
2 dictate that a meeting action is required. Uh, so
3 unfortunately this doesn't mean we didn't have, um, time to
4 post it. I get this question a lot. Like we -- we didn't have
5 time to post it. Um, so unfortunately that's not necessarily
6 an emergency. It's kind of not -- not a good circumstance, but
7 it's -- unfortunately it's not an emergency. This is really
8 more designed for like floods and, um, things like that. All
9 right. Moving on. Okay, so, uh, public comment. Um, so
10 there's, um, the minimum requirements for public comment. So
11 this is the minimum thing the public body has to do. So a
12 public body kind of has two options of how they take public
13 comment. So they can either do, um, what's on your guys'
14 agenda, is they have public comment at the beginning, and then
15 all the action items and all the informational items are
16 discussed and voted upon, and then there's a public comment at
17 the end. So that's -- that's one way to do it, and that's
18 totally fine. That's great. Um, another way to do it, uh, that
19 some public bodies do is they'll take public comment after
20 each item. Um, and then another requirement is there always
21 needs to be at least one, uh, public comment period that's
22 devoted to general public comment. Um, so this is, uh -- gives
23 the public an opportunity to give public comment, um, on
24 anything within the jurisdiction and purview of the public
25 body. So there just needs to be at least one public comment

1 period that takes a general public comment. And again, that's
2 -- they're able to give public comment about anything that the
3 Commission or public body has jurisdiction over. Uh, so, um,
4 something that -- that the Chairs, uh -- Chairs and, uh,
5 Commission members will, um -- will -- will see is, uh,
6 sometimes they want to, um, do restriction on public comment.
7 So restrictions must be reasonable to time, place, and manner
8 restrictions. So this means that, um, public bodies aren't
9 allowed to restrict by point of view. So it's like we can't
10 receive public comment on this point of view. However, there
11 can be restrictions as far as, uh, we're gonna limit each
12 public comment period to five minutes. And what I recommend
13 is, if you limit one person to five minutes, I would limit
14 everybody to five minutes. Um, some public bodies allow five
15 minutes for individuals and seven minutes for organizations.
16 So, um, as long as -- as long as everything is reasonable to
17 time, place, and manner, uh, then restrictions on public
18 comment are allowed. Uh, something that I kind of mentioned
19 is, um, the open meeting law does not prevent the removal of
20 any person who willfully disrupts a meeting to the extent that
21 its orderly conduct is made impractical. Um, so again, if
22 someone is disrupting a meeting so that its orderly conduct is
23 made impractical and prac -- impractical, um, the, uh -- the
24 public body is able to kind of remove that person. Um, so new
25 in 2023, if using a remote technology system, um, must offer

1 at least telephonic public comment. Okay. Uh, continuing on
2 with how do I comply with the OML? Um, so there's, um -- so
3 again, open meeting law favors, um, open sessions, so it
4 really favors o things being discussed in public. However,
5 there are some limited exceptions, um, which are called closed
6 sessions. Uh, so closed sessions may be held by public body to
7 consider the character, alleged misconduct, professional
8 competence, or physical or mental health of a person. That's
9 under 241030, and it's very, uh -- very limited, kind of
10 esoteric, um, for certain public bodies. It may also be to --
11 held to great examinations. Um, exceptions are -- exceptions
12 are that the -- these things must be held out and open, um,
13 and this is appointment of a member of a public body, or --
14 and/or to consider the Chief Officer of the public bo --
15 public body agency -- public body or agency. So if the Chief
16 Officer of the public body -- you are considering the -- the
17 character, alleged misconduct, professional competence, et
18 cetera, and it's of the Chief Officer, that -- that can't be
19 in a closed session. That needs to be open. Um, so these
20 closed sessions and the -- the exceptions that I just
21 discussed, um, deliberation can be during the closed session,
22 um, but, uh, the public body needs to go to an open public
23 meeting to take action. So, you can deliberate at closed, and
24 then you go back to the open meeting, uh, to take action, to
25 take a motion and to vote yay or nay. Uh, so moving on to

1 virtual attendance. Uh, so members of the public body may
2 attend virtually whether or not there's a physical location
3 for the public to attend. Now, if there is no physical --
4 physical location for the public, uh, virtual attendance
5 options must be provided. So during these virtual attendance
6 meetings, the public must be able to hear and observe to the
7 same level as the members. Um, so pitfall. So the chat
8 function and remote technology system. So this is something I
9 just kind of wanted to emphasize. So, uh, right -- my
10 recommendation, uh, for public bodies is to not use the chat
11 feature. Um, this is kind of a-a two-prong. Um, the first
12 reason is that it makes, um, uh, doing the minutes and the
13 record of the meeting very difficult. Um, and then the second
14 is that the -- a lot of pe -- a lot of members from the public
15 especially will call in. So if you're calling in, you can't
16 see anything in the chat feature. So this is one of my, uh,
17 kind of strongest recommendations for these virtual meetings
18 is -- is to not use the chat feature. All right. So what
19 happens if OML is violated? Um, so if any action is taken, and
20 it's an -- and it's kind of violating OML, uh, for instance,
21 if three, uh, Commissioners get together at the grocery store
22 and they say, hey, we're gonna -- we wanna approve this grant,
23 um, any actions taken in violation of OML are automatically
24 void. Um, the AGs office has the authority to investigate and
25 to prosecute violations. Um, if things get serious, there is a

1 potential, uh, criminal violation, um, like, statute. Again,
2 that's pretty -- usually for, like, very serious type things.
3 Um, so corrective action is recommended. Um, and while it
4 might not eliminate the violation, it can however, uh,
5 mitigate the severity and further ensure that the business of
6 government is accomplished in the open. So say for -- if for
7 some reason the Commission did some sort of OML violation, a
8 corrective act-action is recommended, although it might not
9 eliminate the violation that occurred. All right. So we're
10 almost done. You guys are doing a good job. Um, so updates,
11 uh, from the 2023 legislative session. Uh, so some things that
12 recently changed is the definition of -- of quorum. So, um --
13 so for appointed bodies, and this is where, um, all members of
14 the public body are appointed, uh, the vacancies don't --
15 don't count in the -- in the quorum, um, calculation. So if
16 there's a seven member public body and there's two vacancies,
17 those -- those vacancies don't count to-towards, uh,
18 calculating the -- the -- the quorum or the m --a or the
19 majority. Um, so only voting members count. Uh, meeting
20 definition changed a little bit. It changed to clarify the
21 existing meeting. Um, so the -- so really the only true
22 exception, um, to the open meeting law is the attorney-client
23 conference. Uh, so what open meeting law does is it allows an
24 exception for public bodies to meet with their attorney, and
25 then, uh, this exception is, um -- is a little bit limited.

1 Uh, so, um, if the public body wanted to meet with their
2 attorney kind of about any sort of subject, um, it would need
3 to be done during a public meeting. However, the public body
4 can have an open meeting law exception to meet with their
5 attorney if we are discussing any potential or existing
6 litigation. Um, so fortunately, the potential litigation does
7 allow a little bit of wiggle room. So if there's any type of
8 lawsuit, any type of litigation, either potential or existing,
9 uh, we could meet in a closed session. It doesn't have to be
10 agendized, doesn't have to be, um, recorded. The public is not
11 there. Uh, so another update in 2023, administrative action
12 against a person. So this definition is now an action that is
13 uniquely personal to the person and includes the potential for
14 a negative change in circumstances. Uh, then there's some
15 other, uh, notice requirements that were changed in 2023. Uh,
16 so if an individual is facing administrative action, um,
17 personal service to this individual needs to be seven calendar
18 days, if you're gonna notice them via certified mail, 14
19 calendar days, um, and then <inaudible> attorney, and then the
20 emergency exception. So emergency exception, so if -- if some
21 sort of exigent circumstances happen, there's an exception to
22 the -- to the notices. Um, all elected bodies may now take
23 advantage of the 281A420 form re -- quorum reduction, so --
24 again, so vacancies don't -- don't count when you're cal-
25 calculating the quorum number. All right. I think this is the

1 -- we're almost done. Um, so public comment during multi-day
2 meetings. So say there's, um -- there's a big agenda and that
3 it -- it, um -- so big that it's gonna require not just one
4 day of meetings, but two days of meetings. Um, so even though
5 we're having day two of the meeting, um, there needs to be at
6 least two periods of public comment for each day of the
7 meeting. So even though it's one long meeting each day of the
8 meeting, there needs to be those two public comment periods,
9 and that's the minimum public comment requirement. Uh, for
10 agenda posting, the location of a meeting is alternative --
11 location of a meeting is alternative posting location if there
12 is a physical location. So that's -- so again, that's the
13 alternative posting if there's a physical. Uh, so meetings to
14 consider regulations -- Uh, so that's the -- during the
15 regulation promulgation process or contested cases, and this
16 is more for kind of like other administrative, uh, agencies,
17 under NRS 223B must have -- must have a physical location for
18 the public. So during regulation meetings or contested cases,
19 um, it can't, can't, can't be just virtual. There has to be a
20 physical location. Um, so a couple, um, things about public
21 comment during these virtual meetings. So entirely virtual
22 meetings must have clear and complete instructions on the
23 agenda for how to call in for public comment. So this needs to
24 include things like the cl -- things like the phone number or
25 the email of how to submit public comment before the meeting.

1 Uh, so, if offering virtual public comment, um, must read
2 instructions for the comment -- public comment prior to first
3 public comment period. Um, so this is kind of more for the
4 Chair. So if -- if you guys are gonna offer virtual public
5 comment, like -- like we are here, um, the instructions for
6 the public comment must be -- must be, um, read first -- must
7 be read prior to the first public comment period. Uh, must
8 offer at least, uh, telephonic public comment if meeting is
9 being conducted via remote technology system. So public -- so
10 members from the public must be allowed to give public
11 comments over the phone. They -- they don't have to have like,
12 sign in via the, um -- the Zoom -- the Zoom video feature. Uh,
13 so, geez, there's a couple helpful links. Um, and, uh, thanks
14 so much for all of your time. I hope this was helpful. And,
15 um, please let me know any questions that you have. Again, we
16 -- we're gonna provide this, um, presentation and slides to
17 you guys.

18 YEANDEL: Thank you, Nicole. That was very
19 informative. Really appreciate that. Thank you. Um, moving on
20 to, uh, public comment. Uh, public comment will be taken at
21 the beginning and end of e -- of the meeting and may be taken
22 at the discretion of the Chair on agenda items listed for
23 possible action. Public comments may be limited to three
24 minutes per person at the discretion of the Chair. Comment
25 will not be restricted based on viewpoint. No action will be

1 taken on any matters raised during the public comment. So
2 staff, has there been any other public comment listed?
3 Rebecca?

4 CLOUD: Carla Cloud for the record. No, sir. I
5 have not received any further -- or any com -- public comment
6 via email or phone, and there's no one who attended the
7 meeting, virtual or live, here today.

8 YEANDEL: Thank you, Carla. Appreciate all your
9 time, uh, in this meeting. And thanks again for the training.
10 Uh, really appreciate your time and efforts. Uh, this is very
11 important work where we do. And, um, thank you for your
12 patience and understanding and your time. Um, number nine, uh,
13 I would like to adjourn the meeting if, uh, anyone would like
14 to make a motion or second a motion.

15 FARRELL: This is Commissioner Farrell. I make a
16 motion to adjourn the meeting.

17 OLMSTEAD: Commissioner Olmstead, I second.

18 YEANDEL: Thank you, motion has been seconded. And
19 all those in favor, say aye.

20 MULTIPLE: Aye.

21 YEANDEL: Uh, all those, uh, not in favor, say nay.
22 Hearing no nays, I move to adjourn the meeting. Thank you,
23 everyone.

24 MULTIPLE: Thank you.

25 [end of meeting]

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