

**Commission for Cultural Centers and Historic Preservation**  
**July 25, 2017 9:02 a.m.**  
**Meeting Minutes**

Teleconferenced from:

Mojave Conference Room  
Fifth Floor, Bryan Building  
901 South Stewart Street, Fifth Floor  
Carson City NV 89701

**1. Call to order by Chairman Robert Ostrovsky, (*the Chair*) at 9:02 am.**

**2. Roll Call:**

Commissioners:

Robert Ostrovsky, *The Chair* (Board of Museums and History, Governor's Appointee)

Robert Stoldal, *Vice Chair* (Board of Museums and History) **Present via Phone**

Gail Rappa (Nevada Arts Council) **Present Via Phone**

Patricia Olmstead **Present via Phone**

Jeffrey Kintop (State Council on Library and Literacy) **Present Via Phone**

Staff Present:

Rebecca Palmer, Historic Preservation Office **Present in Carson City**

Joshua Woodbury, Senior Deputy, Attorney General's Office **Present in Carson City**

Elyse Jolly, Historic Preservation Office **Present in Carson City**

Kristen Brown, Historic Preservation Office **Present in Carson City**

Robin Reed, Historic Preservation Office **Present in Carson City**

Susan Kastens, Historic Preservation Office **Present in Carson City**

**3. Public comment:**

*The Chair* asked for any public comment. He stated that if there are any members of the public that would like to make a comment this would be the appropriate time to do so. There were no comments.

**4. Acceptance of Minutes:**

a) April 14, 2016 Grant Hearing

**Motion to approve as submitted: Vice Chair.**

***The Chair* asked for a vote.**

**Motion passed unanimously.**

b) August 25, 2016

**Motion to approve as submitted: Vice Chair.**

***The Chair* asked for a vote.**

**Motion passed unanimously.**

*Woodbury* stated that he heard the motion to approve but asked if any Commissioner had seconded the motion made for Agenda item 4b.

*Kintop* stated that he would second the motion.

*The Chair* asked if he would second both motions.

*Kintop* stated that he would second both motions.

*The Chair* asked if *Kintop's* second was acceptable.

Woodbury stated that yes, the second is acceptable.

**5. Review and approval of draft documents required for the CCCHP grant cycle for fiscal year 2017-2018:**

*The Chair* explained that the two documents requiring review and approval are necessary for the next grant cycle. Over the years, Commissioners have request that items be added to the documents and occasionally items have been deleted as well.

**5a) Application form and instructions**

*The Chair* asked for any comments, changes, or correction from the Commissioners.

*The Vice Chair* stated that he had submitted comments prior to this meeting and he wondered how they would be incorporated into the motion.

*Palmer* stated that she has seen his comments but they were for agenda item 5b and didn't see any particular comment on agenda item 5a.

*The Vice Chair* stated that yes the comments were on item 5b.

*The Chair* asked if there were any other comments.

*Rappa* stated that she appreciated the thoroughness and clarity of the application having used it in the past. It is easy to read and follow. However, she did notice there wasn't an area of a total in the "Value of Donated Material" form. Was this omitted intentionally or was this an oversight?

*Palmer* stated that she believed that form was in agenda item 5b, the guidelines. The answer to your question is that we haven't had a total there before, but it can be added.

*Rappa* stated that she felt it would be easier if there were totals on those forms when compiling the information.

*The Chair* asked if staff could make that accommodation?

*Palmer* stated that yes, totals can be added.

*The Chair* asked if there were any other comments on agenda item 5a. *The Chair* asked if there were any members of the public who would like to make comments on the application form and instructions.

**There were no comments from the public.**

*The Chair* stated that the application was well written and that since it had to be filled out by small preservation groups with limited resources and larger organizations with more resources the application strikes a nice balance and he appreciates the effort that went into its creation.

***The Chair* stated he would take a motion to approve agenda item 5a with the changes as suggested.**

***The Vice Chair* made that motion with a statement that Clark County is now using some of the elements from the application in their grant program so it is now becoming a template for similar grant programs.**

***Rappa* seconded the motion.**

***The Chair* asked for a vote.**

**Motion passed unanimously.**

**5b) Grants Manual and General Administrative Guidelines Fiscal Year 2017-2018.**

*The Chair* asked *Palmer* to go over the *Vice Chair*'s comments previously submitted.

*Palmer* started with the *Vice Chair*'s request to number all of the pages and to use bullet points infrequently. Those changes will be made. *Palmer* stated that *Vice Chair*'s request to use consistent titles throughout the document, such as for Appendix 2 and page ii will be made to

the draft document. Palmer stated that the Vice Chair requested that page 2 include a statement that the grant manual is valuable for both applicants and grant recipients. This change will be made. Palmer stated that the Vice Chair requested the NRS 332 and 383 be included. This change will be made to both the manual and the package sent to the applicants.

*Palmer* asked on page 3, item #1 if the Commission wanted to consider properties owned by religious organizations in accord with the National Park Service change to their guidance of 2017. She stated that the Vice Chair asked if there are any properties owned by religious organizations currently in the National Register. She stated that there were, such as the Episcopal Church in Virginia City. She stated that there were also such properties that could become cultural centers. She stated that the Vice Chair asked why the National Park Service had made such a change and were there any other requirements besides listing in the National Register. She stated that she called Seth Tinkham, the National Park Service reviewer and that he could only say that a solicitor's opinion after reevaluating court cases had been provided to them. She asked the Commission want to explicitly state that properties owned by religious organizations are eligible or continue with the 2016 grant manual that was silent on this issue.

*The Chair* asked if the National Park Service was now stating that funding properties owned by religious organizations was now allowable.

*Palmer* stated that yes that is correct.

*Rappa* stated that she felt adding properties owned by religious organizations if they were listed in the National Register would be helpful.

*The Vice Chair* concurred with this statement but that he tried to do some online research and that for the longest time it was against the rules due to the church and state issue. He asked how many properties owned by religious organizations were listed in the National Register.

*Palmer* stated that she knew of at least one resource that is listed that also functions as a community center and could be eligible and that one is the Episcopal Church in Virginia City.

*The Vice Chair* asked if a religious organization applied that the grant could not go to programming but for historic preservation.

*Palmer* stated that the mandate of the Commission is to fund historic preservation for historic buildings to be used as cultural centers and a religious organization that used the building for community activities open to all it would be eligible for the program.

*The Vice Chair* stated that he liked the suggestion to add the National Register to the guidelines.

*The Chair* asked if there were any other comments on the guidelines.

*Palmer* continued to read from the notes provided by the Vice Chair and she stated that the Vice Chair suggested adding at #6 on the same page, the statement about seeing the requirements for a final report. She also noted that on page 4, he suggested that the note about emergencies should be in the first paragraph as an important piece of the review process so this would highlight the issue. She noted that the Vice Chair also asked about the term "building" used on the page and the emphasis on other types of resources found in the NRS 383.520 that states that the Commission will promote or preserve some prehistoric feature, give priority to resources of statewide prehistorical or cultural significance. The Vice Chair asked where does the Commission address prehistoric features or resources of statewide prehistoric significance? She stated that his notes indicate that he couldn't remember a grant request for a prehistoric resource and he didn't know how a prehistoric resource would be turned into a cultural center without building a new building. Palmer asked if the Commission wanted to discuss a language change.

*The Chair* asked if the members felt a language change was necessary to address the statute.

*The Vice Chair* stated the language needed to be cleaned up in the statute and perhaps this should be done at the Legislature but for the present, the evaluation criteria should reflect the language in the statute.

*Rappa* stated that perhaps language could be added such as “the building or any related historical features” for example if there was a grotto on the grounds that needed repair or some accessory feature necessary for the cultural center could be eligible.

*The Chair* asked about a previous project in Washoe County funded by the Commission where you couldn’t actually enter the building?

*Palmer* stated that the project was before her time, but it was the Galena Fish Hatchery that Washoe County now uses and rents out for weddings and such. However, the adobe at Tule Springs is an example of a historically significant building that is not an occupied building and the other example is at Kiel Ranch.

*Rappa* asked if they were linked to cultural centers?

*Palmer* stated that no there were not and that they were the subject of the grant.

*The Vice Chair* stated that the Kiel Ranch adobe and the Tule Springs adobe are both part of larger cultural center complexes where other buildings are also being preserved.

*Palmer* stated that the Vice Chair was correct that they are larger cultural complexes. *Palmer* made a suggestion that under Evaluation Criteria, Historic Preservation Issues on that page at the second bullet point it could be reworded to state “the building, prehistoric feature, historical feature, or resource of cultural significance can be realistically saved”.

*The Vice Chair* stated that rather than add several paragraphs, the proposed edit would be sufficient to clean up the language compared to the statute, even if there hadn’t been applications of that nature.

*The Chair* asked if that was agreeable to everyone?

*Rappa* and *Olmstead* stated yes.

*The Chair* asked how many more items were left to discuss?

*Palmer* stated that there were five more items.

*The Chair* stated that there was some urgency to going through the items as they were going to lose their quorum soon.

*Palmer* discussed formatting issue on page seven and six for consistency. She stated that on page 7, the Vice Chair had asked about the second bullet point about new covenants if the applicant gets separate grants under \$99,999 dollars but cumulative are more than \$100,000 or even more than \$175,000 does that move the covenant length from 20 years to 30 or 40 years? In addition, do covenant lengths run concurrently or consecutively? In addition, are these questions decided by the Commission or the National Park Service? *Palmer* stated that the covenant lengths run concurrently unless they are specifically identified as consecutive and there are a few in the manual that are so identified. When a new grant is awarded, a new covenant is prepared for that cycle, and it not attached to the prior covenant, each covenant is unique, so that a building that received several grants could have several grants attached to it.

*The Vice Chair* asked if the Commission had any appetite to change the policy to make the covenants consecutive. He stated that perhaps the Commission could leave the current process in place for this grant round but discuss the issue at a future meeting.

*The Chair* stated that this issue could be added to a future agenda and that there have been applicants that have turned down money because they didn’t want covenants on the property so there needs to be a balance. He asked that the discussion be agendaized for a future meeting.

*Palmer* stated that she would add it to the agenda for the next Commission meeting.

*The Chair* stated that this manual would go as written and the subject discussed later.

*Palmer* stated that the next question from the Vice Chair was on Page 8, first paragraph, Funding Agreements, does the appendix list the possible outcomes of not completing a funding agreement in the first 180 days? She stated it does not but this will be added.

*The Chair* asked if the failure to do so would result in the reversion of funds back to the Commission, yes?

*Palmer* stated that what is in the funding agreement is reflected in Appendix 1 as well. The next question from the Vice Chair was on page 11, first paragraph, 4<sup>th</sup> sentence, and the word

- “effectively” to “well”. That change will be made. Page 12, second bullet, regarding minimum wage the Vice Chair asked if it must be the federal minimum wage as currently stated in the manual or could it be changed to Nevada minimum wage?
- Rappa* asked what is the difference between the federal and the Nevada minimum wage?
- The Chair* stated that the Nevada minimum wage is higher than the federal minimum wage by constitutional amendment. He asked what does the National Park Service use?
- Palmer* stated that they use the federal minimum wage.
- Jolly* stated that unless they don’t provide health coverage. In that case, it would revert to Nevada minimum wage of \$8.25.
- The Chair* stated that this section discusses the value of volunteer work rather than the actual wage paid. This would affect the value of the contribution of the volunteers to the project. He asked if the Vice Chair had significant concerns about this amount?
- The Vice Chair* stated that it is really an accounting issue, and that he was fine with the current document.
- The Chair* stated that by using the federal minimum wage, it would be consistent and the issue of balance in calculating this contribution would be achieved.
- The Vice Chair* stated that if the Commission were to use Nevada’s minimum wage, this would give the applicant a little larger volunteer contribution, correct?
- The Chair* stated that yes that is correct.
- The Vice Chair* stated that the change to Nevada minimum wage would give the applicants a little larger volunteer share and that he would like that change.
- The Chair* asked if there would be any objections if this change was made? No objections were heard. He directed staff to move forward with the change from federal to Nevada minimum wage.
- Palmer* stated she would and then continued with Vice Chair’s comments. On Page 18, issue D, rights in data and copyrights. If a product, data, or document is produced with public money (state GO bond funds) is that document, product, or data then in the public domain? She stated that she believed the answer is that it remains in the public domain for public use. Last question, on page 21, last bullet point, about photographs can be submitted via CD or disk, the Vice Chair asked if that should include flash drives? She stated that this section could be edited to indicate that CD, disk, or flash drive.
- The Vice Chair* stated that it was a minor point and that he would be fine with the proposed language of CD/disk or flash drive.
- Kintop* stated that the CD/disk technology is going away and new computers don’t have drives for CDs or disks. The flash drive is replacing this technology. For this grant round the best wording would be CD/DVD or flash drive would be the best wording.
- The Vice Chair* stated that this proposed language would be good.
- Rappa* stated that if the Commission preferred receiving flash drives that the wording should begin with them so the wording should be “flash drives or CD/DVD”.
- The Chair* agreed and asked if *Rappa* had any other comments on the document since the Vice Chair’s list of edits had been completed.
- Rappa* asked if there were hyperlinks for all of the organizations? For example on page 2, is the Secretary of Interior’s Standards a hyperlink?
- Palmer* stated that is wasn’t now but can be changed to a hyperlink. The intent was to make the application both a hard copy and an electronic version so that the applicants could either receive and complete a hard copy or print it out and fill it in.
- Rappa* stated that a link would be helpful for the applicant from her own experience.
- The Chair* asked if there were any other suggested changes? No comments were heard.

***The Vice Chair* made a motion to approve agenda item 5b with the changes as recommended. *Olmstead* seconded the motion.**

***The Chair* asked for public comment, no comment was made. The Chair called for a vote on the motion.**

**Motion passed unanimously.**

**6. Discussion and Scheduling of application submission deadline and grant hearing for CCHP grants for fiscal years 2017 and 2018.**

*The Chair* asked Palmer to discuss the schedule for applications and the grant hearing.

*Palmer* stated that agenda items 5a and 5b just approved would be ready in the next two weeks. The application would be available the second week in August. The Commission usually give applicants about two months to prepare an application that would be October or November. The Commission then has given staff from all four of the participating agencies two months to review the applications that would be January. Then the applications are sent to the Commission for review and they have given themselves between one and two months, that would be March. Is that general outline acceptable?

*The Chair* asked if Monday, August 18 for the release of the applications would be agreeable. Then they would be due Wednesday, November 1 which give potential applicants two months.

*Rappa* stated that August 18 was a Friday.

*Palmer* stated that August 18 was a good day.

*The Chair* stated that a Monday would be better and that the August 21 is the next Monday.

*Palmer* stated that either day would work since they will have two months to prepare.

*The Chair* stated that a few extra days for staff was helpful so August 21 would be a better day with a potential for a grant hearing in March to review the applications.

***The Chair* asked for a motion to approve the date for application availability with a grant hearing in March.**

***Rappa* made that motion to approve the proposed calendar schedule with a comment about a NAC meeting in Las Vegas in November.**

***Olmstead* seconded the motion.**

***The Chair* asked for comments from the public. There were none.**

*The Chair* stated that the November 1 date was for sending in applications to the SHPO office, correct?

*Palmer* stated that yes that was the date that applications were due in her office in hard copy (no electronic submission have been allowed) hand-delivered or post-marked by that date.

***The Chair* asked for a vote on the motion.**

**Motion passed unanimously.**

**Next item taken out of order:**

**8. Election of Chair and Vice Chair consistent with NRS 383.502(a).**

*Stoldal* nominated Ostrovsky for the position of Chair of the Commission.

*Ostrovsky* asked if there were any other nominations. He asked if there was any public comment on a nomination. There were no comments.

***Ostrovsky* stated he would take a motion on the topic.**

***Stoldal* made a motion to elect Ostrovsky to the position of Chair of the Commission.**

***Rappa* seconded the motion.**

***Ostrovsky* asked if there were any comments from the public. There were none.**

***Ostrovsky asked for a vote.***

**Motion passed unanimously.**

*The Chair* stated that he was happy to serve and that work on the Commission was satisfying.

***Olmstead made motion to elect Stoldal for the position of Vice Chair of the Commission. Rappa seconded the motion.***

*The Chair* asked if there were any other nominations. He asked if there was any public comment on a nomination. There were no comments.

***The Chair called for a vote on the motion.***

**Motion passed unanimously.**

## **7. Discussion of visit to the Huntridge Theater on October 11, 2016 and Staff report.**

*The Chair* asked Palmer to discuss this agenda item as she had led the visit.

*Palmer* stated that the site visit was arranged at a prior public meeting on August 25, 2016 and included Commissioner Verela, Vice Chair Stoldal, the property owner Eli Mizrachi, and Kristen Brown. Palmer stated that the property owner opened the building, guided the group to the Lobby, Auditorium, Stage, Back Stage, and the sound studio as requested by the group. This visit was not a site inspection, a condition of the settlement, but an informal visit. She stated that since the visit in October of 2016 the office has not received any communication from the property owner.

*The Chair* asked the Commission if they wanted to instruct staff to initiate the fourth quarter inspection for 2017 to begin that process outlined in the settlement agreement.

*Palmer* stated that the covenants were extended until 2028 and give the office the right to enter the property, with reasonable notice, whenever it is deemed necessary. The settlement is a separate process and the property owner is required to give the office notice that they believe they are in compliance with the covenants and then the office will begin inspections on the first and third quarter of every year following that notice. She thought that DAG Chesney had stated in a prior meeting that the office was to wait until the property owner believes they are in compliance with the covenants.

*The Vice Chair* stated that there is a requirement by the Commission to make sure that the property owner is keeping the property in a good condition. Rather than wait for the property owner to notify the Commission that he believes he has meet the conditions of the covenant, which is required by the settlement, the Commission needs to be inspecting the building using the visual record already produced at least once a year. He would like to hear from the DAG concerning the inspections.

*DAG Woodbury* stated that the first and fourth quarter visits do occur after the property owner has notified the office that he believes that he is in compliance with the terms of the covenants, but that shouldn't prevent the Commission from conducting site visits at other times.

*The Chair* stated that he felt that the Commission should instruct staff to conduct a visit on or around October 11, 2017 since there is now a baseline from the October 11, 2016 visit.

*The Vice Chair* stated that a year from the last site visit is appropriate to determine if he was in compliance and the community is aware that he is trying to sell the property that makes him worry that the property won't be kept in good condition. The property owner bought the property and knew that the covenants were attached and then he reaffirmed the covenants in the consent judgment so the covenants are unknown to him. He thinks that the Commission should

continue to conduct inspections as part of the Commission's due diligence on or before October 11, 2017.

*The Chair* agreed that the Commission needed to direct staff to conduct an inspection and exercise its authority under the covenants to visit and ensure that the property owner understands that the office isn't coming for a settlement review but a covenant review and ask for entry into the building. He asked Palmer if the process started with a letter and some reasonable dates?

*Palmer* stated that yes, the letter was sent after the date was established by speaking with his attorney. She stated that yes; she would approach the property owner with the date of Oct. 9 as she had staff down in Las Vegas then. She stated that the property owner is not now in compliance with the covenants for the reason stated by Vice Chair Stoldal that the property is not open to the public. She has no record of any opportunity for the public to enter the property, not once a month or at any time during the year.

*The Vice Chair* asked what is the process for notifying a grantee that they are in violation of the covenants? Is there a letter from the AGs office?

*Palmer* stated that she didn't believe a letter was necessary as the property owner is already out of compliance. She would be willing to prepare a letter that states that he is out of compliance with the covenants in regards to the requirement to provide public access.

*The Vice Chair* stated that the Commission needs to be on record and a letter would help. The opening of the theater doesn't need to be theatrical presentation, a letter is needed.

***The Vice Chair would like to make a motion that the Commission send a letter stating that the property owner is not in compliance the terms of the covenants.***

*DAG Woodbury* stated that the settlement itself contains a statement that the defendants have denied the Commission's allegations of wrongdoing and the breach of the covenants. The settlement doesn't explicitly reinforce the Commission's belief that the property owner is still in violation of the covenants. A letter stating that the Commission believes that the property owner is in violation would be good.

***The Chair stated that this statement supported the Vice Chair's motion. He asked for a second. Rappa seconded the motion.***

***The Chair asked if there was any public comment. There was none. The Chair called for a vote.***

**Motion passed unanimously.**

*The Chair* stated that Palmer was directed to write a letter to the property owner of the Huntridge Theater stating that the Commission believes that the property owner is still out of compliance with the covenants using the AG's office assistance and to schedule a visit to the Huntridge Theater. He also asked that a report be agendized as an action item for the next meeting as the visit would have been held and the letter would have been sent and the Commission would like to discuss next steps.

*Rappa* asked for a copy of the covenants as she didn't have them in her package.

*Palmer* stated that she will send the documents although they were in an email sent to the Commissioners this morning.

*The Chair* reminded the commissioners that all requests for documents needed to go through Palmer in order to ensure that all discussions of the Commission were fully transparent and consistent with open meeting law as she provides information to the commissioners as they request it. He asked if there was any other issues to discuss under item #7.

No comments were heard.

## **9. Public Comment.**



*The Chair* asked if there was anyone who would like to make any public comment. No comments were heard. He thanked everyone for their attendance this morning and that Palmer has clear guidance and the applicants will have good guidance moving forward. He stated that he would take a motion to adjourn the meeting

***Olmstead* made a motion to adjourn the meeting.**

***Kintop* seconded the motion.**

***The Chair* asked for a vote.**

**Motion passed unanimously. The meeting was adjourned at 10:13am.**