

Commission for Cultural Centers and Historic Preservation
October 13, 2020 3:00 p.m.
Meeting Minutes

Zoom Video Conference & Conference Calling:

Department of Conservation and Natural Resources

1. Call to order by Chairman Robert Ostrovsky, (*the Chair*) at 3:00pm.

The Chair: This is the appointed time for the Commission for Cultural Centers and Historic Preservation.

2. Roll Call:

Commissioners:

Robert Ostrovsky, Chairman (Board of Museums and History, Governor's Appointee) Present **via Zoom**

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

Judy Michaels Simon (State Council on Library and Literacy) **Present via Zoom**

Patricia Olmstead (At-Large, Governor's Appointee) **Present via Zoom**

Bill Marion (Nevada Humanities) **Present via Zoom**

Gail Rappa (Nevada Arts Council) **Not Present**

E'sha Hoferer (Native American Representative) **Present via Zoom**

The Chair determined a quorum was present.

Staff Present:

Rebecca Palmer, Historic Preservation Office

Craig Burkett, Senior Deputy, Attorney General's Office

Anthony Walsh, Deputy, Attorney General's Office

Robin Reed, Historic Preservation Office

Kristen Brown, Historic Preservation Office

Carla Hitchcock, Historic Preservation Office

The Chair: Before we get started with public comment. Craig, did you have a couple of remarks you wanted to make to the Commission?

DAG Burkett: I do. Thank you. And I apologize. Looks like Tony Walsh is not yet dialed in yet. But I just wanted to advise this commission that due to my additional responsibilities, I'm taking on with another client at the attorney general's office, I will not be representing the Commission henceforth, other than for purposes of this Huntridge Theater, process, the litigation and seeing that through. We have retained an attorney that's been in office now with the attorney general's office. Tony Walsh. He's been here for I think around six months now. I was on the hiring committee to hire Mr. Walsh. And I can advise you that he's perfectly suited to represent this Commission. He has property litigation experience, real property litigation experience, was engaged in that, as an attorney prior to our retention of him as an attorney for the at the attorney general's office. I could also say that he's got a great attitude, great mind, great logical thinker. And he'll be well suited to represent this Commission in the future. And I just also

wanted to thank this Commission for the short time that I've had the opportunity to work with you. And I know you guys, I appreciate all the hard work you guys do for the citizens of this state in working on the system, the various issues you guys deal with, with historic properties, and so thank you for that.

The Chair: Thank you. When Tony does get on the line, we will let him introduce himself.

DAG Walsh: Thank you for the warm introduction. And yeah, I've been online. I just think I got moved over to the participant list here. So looks great here. Anyway, I've heard it for those of you haven't met yet. My name is Anthony Walsh. You can call me Tony. I think Robert you and I chatted once on the phone with *Palmer* and for those we haven't chatted with before, I'm excited to begin representing you guys and feel free in the future to keep me posted on any agendas and meeting materials going forward. So, thank you.

3. Public comment

The Chair: Okay, well, welcome onboard. We're glad to have you. This is the appropriate time for public comment. We will take public comment the beginning and end of the meeting and discretion of the chair. We may take it on action items. Public comment may be limited to three minutes by the Chair. Comments 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. Is there anyone either on zoom or by phone who would like to make public comment at this time would you please identify yourself?

Hitchcock: I have a hand raised from the Nevada Preservation Foundation. I can bring them on, oh their hand just went down.

Nevada Preservation Foundation: Thank you. This is...

Hitchcock: Sorry, we lost the audio there.

Nevada Preservation Foundation: I got kicked out and I'm back now. This is Heidi Swank with Nevada Preservation Foundation. We had made an inquiry with the State Historic Preservation Office about the status of the CCCHP grants that were given in the past to the Lear Theatre in Reno. And we were told this body was the correct place to ask for information regarding whether or not the Lear Theatre had kept to the covenants for those grants. And to get any information regarding whether or not those covenants have been adhered to by the Lear Theatre in Reno.

The Chair: Heidi, let me ask you, the timing of this, we will have to ask staff to advise us and get information and I'd be happy to get you some response just on a timeliness basis. Is this something that you would consider? routine or emergency?

Nevada Preservation Foundation: Not emergency at all. We've been speaking with some of the folks in Reno about the theater and the potential uses for it. And we're reaching out to the developer who may be doing some work on the building and around the building. And we just want to get our ducks in a row in advance.

The Chair: Okay, well, I will ask staff to assist us in preparing some information for you. And you raise an important issue which I think the Commission may want to discuss at a future meeting when we can appropriately agendize it. So, are there any other public comment?

Hitchcock: I have no other indication.

The Chair: We did receive however public comment in the form of a written input. Is that correct from the Thunderbird lodge?

Hitchcock: Correct.

The Chair: Was that distributed to all of the members of the Commission?

Hitchcock: I would have to look here One moment.

The Chair: If not, I would ask you to read it into the record. Okay.

Commissioner Marion: I can tell you that I received it.

Commissioner Simon: And I received it.

Hitchcock: Yes.

The Chair: It was distributed. Well, then. Thank you. Mr. Stoldal, did you have a question or something you want?

Vice Chair Stoldal: Yes. I'm just wondering, is Rebecca online?

Hitchcock: She is on the phone. Ah. Okay. Yes. And everyone got it? Um, hold One moment, please.

Vice Chair Stoldal: As soon as public comment, I'm not sure this is the proper place where a comment or a question for myself, but the question would be, I'll let you go ahead. Are there no minutes from our last meeting? Do we want to approve those?

The Chair: They were not on the agenda for approval.

Hitchcock: No. We don't have the minutes from the June 9 meeting, sir. Is that what you're referring to? Or the 18th? We referring to the Huntridge?

Vice Chair Stoldal: Yes.

Hitchcock: Yes, we did do those meeting minutes. Rebecca is trying to get on the line. So as soon as she can get access, she will be on.

Vice Chair: The other question I had, I think for you Chairman, you said this would be an agenda item for another meeting. But it is this, I'm not sure that this Commission has to approve every request for documentation. I'm the wasn't why the data preservation foundation had to come before this board to request information out of the SHPO office. I am a bit confused on that, but there's not an agendized item. So,

The Chair: Yeah, that's one of the reasons I suggested we may want to make an agendized item in the future to discuss what our policy should be relative to release of information, who releases any information under what circumstances. You can always make a public records request, but I think we're trying to cooperate with the other folks in the community and so I think we need to pull discussion which we can't do under this agenda. I see staff has a comment

Hitchcock: I have the Huntridge Foundation is also raising their hand for comment. Oh, they just lowered.

The Chair: Well, they probably would like would you like...Would you like to bring them on?

Hitchcock: I can have it on moment.

Melissa Clary: Hi there. Can you hear us?

Commissioner Simon: Yes.

Melissa Clary: Okay. Hi, this is Melissa Clary, from the Huntridge Foundation....

Hitchcock: Did I remove your ability to talk? Sorry. Sorry, go right ahead.

Melissa Clary: There we go. I just wanted to be sure a written statement was submitted to the Commissioners as well, that we had sent in for public comment in the beginning.

The Chair: Is that a recent public comment or at the prior hearing?

Melissa Clary: Just before the meeting, it was probably 2:30. When we sent that in, we got a response back that it would go under agenda three for public comment.

Palmer: I'm unable to get on any way besides running over to Carla's computer. We did receive the public information you submitted. It is posted on our website and it was sent to the commissioners.

Commissioner Simon: I've got nothing.

Commissioner Marion: Yeah, I can tell you I have not seen it yet.

Commissioner Simon: Did you email it?

Palmer: It was emailed to the commissioners and it should be also posted on the website.

Vice Chair Stoldal: Mr. Chairman, I'm just pulling that up now.

Commissioner Olmstead: I just received it; it came it at 2:39pm.

Commissioner Marion: I just noticed that I just received it as well.

Melissa Clary: Okay, very good. Thank you.

The Chair: Is there any other public comment? We have the foundation's comment and we had comment from the foundation [Thunderbird Lodge Foundation].

Hitchcock: Well, no other hands are raised sir.

The Chair: If there are no more indicated ...I will then close the public comment and move on to item number four, which is discussion and decision to either accept or reject the terms of the settlement agreement and mutual release proposal among the Commission for Cultural Centers and Historic Preservation? Eli Mizrachi, ETC holdings, King George LLC, City of Las Vegas, J Dapper and Dapper LLC. And I would turn now to the attorney general's office to brief us a little bit on the history most of us know the history, but recent history on these negotiations and the status of this settlement agreement and whether it's been appropriately signed by the parties, other than ourselves, obviously.

DAG Burkett: Thank you, Chairman Ostrovsky. I'd like to talk address those issues with you all First, I want to thank you, and vice chairman Stoldal for the efforts that you have engaged in to help us get to this point where we can present an agreement, potential tentative agreement to you for consideration. This has been a long and winding road, a long process. I know this commission is well aware of how long this process has been. And I just want to thank you both for the assistance that you provided me. And the last few months in getting to this point. I guess I want to start with talking about sort of, I'm not going to go through the whole history of this building. You all know the whole history of this building. The last we met, there was a discussion there was a meeting with City of Las Vegas council Jerbec and Mr. Dapper a potential purchaser of the property in which this board engaged in some lengthy discussion about how that process would take place and what this board's role is in that process. We have taken your direction from that meeting. And we have engaged in some lengthy discussions both the city of Las Vegas, Mr. J Dapper through his counsel, Mr. Glendon, Andy Glendon. And with Mr. Mizrachi's counsel, Seagal Chattah. I can tell you at this point that we provided you an a final agreement will basically an agreement for you to execute, if you so deem proper, that has been approved by Mr. Mizrachi's Council, it has been approved by Mr. Dapper's Council. It has been approved by city of Las Vegas Council. And I know that the city of Las Vegas state Preservation Commission has not issued any objections to after review of this document. I am told that we will be getting signatures very soon, we were hoping to have them today or yesterday from Mizrachi and Dapper. But we didn't get them yet. But again, I think that's just a matter of timing, because we have been involved in negotiations with this agreement literally up to last Thursday, and before that, the day before that, in terms of just sort of final tinkering with some of the language. But I can advise you that, to my knowledge, there is not a single party who's engaged involved in this multiple piece litigation that has indicated they will not sign this agreement.

Let me put it that way. And I do have affirmative, as I indicated to you affirmative advisement from multiple parties. So, let me just talk quick if we can about this agreement, I know you have it, you've had a chance to review it. The central terms of this agreement are that immediately upon execution of the agreement, the supervision, for the transfer of the Huntridge property would go to the City of Las Vegas, and I understand through their historic preservation commission would then oversee the Huntridge. They have agreed through this agreement if they execute it, to engage in the same standards that this board engages in with respect to the supervision of the property, the Federal statutory authority that exists for the property for supervision of the property, again, that all of these processes, I should advise you took quite a bit a long time getting all the parties in line with these ideas. The lawsuit that has been filed by the state of Nevada will be dismissed with the execution of this agreement. That includes the judgment against Mr. Mizrachi, I should advise you that that judgment, I want to be very clear about what that judgment does and does not do.

That judgment does not give the state any authority to execute upon that \$389,000 it never had that authority. And it doesn't have that authority today. That was simply an agreement to reduce that amount for the timeframe that Mr. Mizrachi was complying with rehabilitation of the building. So there never was an ability. I should be very clear about that. Because I understand that somebody out there has taken has a different understanding that this board did not have the ability ever to execute upon that judgment and get \$389,000 that was not the judgment that existed in the record, and you all have that in front of you. So, the that lawsuit would be dismissed, but then we would have a new encumbrance that would be executed by Mr. Dapper. We would have a new 10-year covenant that would extend from the date of execution of the agreement. And there's essentially two components of that sort of two timeframes for that new 10-year covenant. The first timeframe would be the pre-rehabilitation timeframe. And that is the timeframe from where Mr. Dapper takes over the property and engages in rehabilitation of the property until that's been completed. During that timeframe, under this Agreement, Mr. Dapper would report to the city of Las Vegas quarterly with respect to the undertakings he's engaged in during that timeframe to rehabilitate the property. There's a standard that exists for his conduct, which is reasonable diligence, towards substantial progress or substantial rehabilitation of the property. So, he would report them to the city advising them during that time quarterly, of what he's done to cause rehabilitation to be completed.

If he fails to complete that process, or engage in that process, or timely provide the information or achieve the rehabilitation requirement, then the city of Las Vegas would have two options, they could add an additional year onto the covenant, as one option or two could take as liquidated damages the \$389,000 that is owed under the new covenant under this Agreement. I should say not the covenant under this Agreement. And they could collect upon that money immediately. Actually, there's a 60-day cure provision that allows him to cure whatever problem there was, where the city had a problem. But if they if he did not achieve the rehabilitation task required, he would then be they would have those options of either adding another year on or collecting on the \$389,000 liquidated damages provision. So that that was an important concept in this agreement because that did not exist with respect to the Mizrachi agreement. As you all know, there was nothing to compel Mr. Mizrachi, the prior owner I should say, to do these things with the property, no enforcement provisions, I should say. The second period is after the covenant after the rehabilitation, after the rehabilitation, and actually before the rehabilitation, he has to comply with the terms of the covenant, but afterwards, he would then simply have to comply with the terms of the covenant. Of course, after

rehabilitation, you would think that he would want to keep this building open, because you've invested all of this money in rehabilitation, you would assume that there's not going to be a problem at that point. But at any rate, after rehabilitation, there's going to be the requirement, that same requirement that exists with respect to this present owner, which is yes to keep it open the prescribed number of days a year, and that he asked to allow for the semiannual inspections by the supervising agency. And again, all of that takes place within this time 10-year timeframe or hopefully we get the rehabilitation conducted sooner than that. That's the pre-rehabilitation and post-rehabilitation terms. The Covenant itself is this the same as the prior owner, there's no changes with respect to the covenant itself. That would exist with respect to Mr. Dapper, of course. The other part of this agreement is that all parties must execute it by October 31. So, we I believe we're going to have very shortly Mr. Mizrachi and Mr. Dapper executed, this entity would have to execute it, the city of Las Vegas would as well as the Las Vegas Historic Preservation Commission, I believe. So that is the sum and total of the essence of the agreement. I'm happy that we've got to this point with you all. It's been a long and winding road. And I want to thank you again for your participation and helping to get here. And I'm ready to answer any questions you may have. And thank you for your time.

The Chair: Let me ask the first question that is the timing of this. I understand if we approve it today, it will go before the city council very quickly, is that correct?

DAG Burkett: Correct. That's my understanding is the city of Las Vegas committed in the last Special Master's meeting last week, that they will get it on their agenda quickly.

The Chair: I would open it to individual commissioners who may have any questions. Mr. Stoldal?

Vice Chair Stoldal: I have a couple of comments. Or Judith, go ahead.

Commissioner Simon: Oh, this was just a quick question with Nevada Day being a holiday and the 31st. I think I just looked at my calendar. So, is that 31st a firm date? I mean, how does that work when it's not a business day?

DAG Burkett: That is a very good question. I mean, the hope would be that it'd be all be done before then that was just simply the last day that it could be executed. I should say this. Of course, we want everybody to be there by October 31. But if this entity, this board is interested in this agreement, we hope this doesn't occur, but we could all move these dates and get you to approve another agreement. But the reason why we put this date on, I think you understand is we would like this thing to be done as soon as possible.

Vice Chair Stoldal: My question, well, two points. One is that the city of Las Vegas Historic Preservation Commission meets the fourth Wednesday of every month. So, I think that's the 28th. So that would fit as far as the city council. That's something that would have to be called. My second point is, I'd like to personally thank Craig, and the Attorney General's Office for all the work. We're now in October, through the COVID. And through all of that communication has still been very solid. Patience on Craig's part has been very solid, at times. Some of the questions by myself. I almost feel like they were law school questions. But Craig walked through all of these things. And the key things were the judgment and whether or not we could take that money right now. And we've talked

about that. And so there's just been a lot of wonderful, great work by Craig, as well as the last couple of months, some really what I would consider and a couple of phrases that I've learned "abundance of caution". That's become a catchphrase and "good faith negotiation" between Craig and Mr. Dapper's attorneys. Things have moved along very quickly in the last the last couple of months. That said, Mr. Chairman, I'd like to make **a motion at this point to approve the agreement as it stands.** I know we can have further discussion. I would like to make that motion.

Vice Chair Stoldal made a motion to approve the agreement as written.

The Chair: I accept that motion. I need a second, please.

Commissioner Simon seconded the motion.

The Chair: I have a second by Judith Simon. Further discussion? Do commissioners have any concerns or questions that they would like to pose to the attorney general's office? I would ask is there any member of the public on the phone who would make a comment before I call for a vote? I hear none. All those in ...sorry. Go ahead.

Hitchcock: The Huntridge Foundation just popped up with a hand.

The Chair: I'd be happy to get a lot of them three minutes of time. Please.

Hitchcock: Go right ahead. You have three minutes.

Daniel Roberts: Hello, this is Daniel Roberts with the Huntridge Foundation. Thank you, all of you guys for your time on this. We've been on this for better part of a decade. I'm still, I just had a couple concerns and I expressed them in that document that we released to you guys before the meeting. I'm still unclear as to how the these violated covenants that have been this was already determined in court. I guess I don't understand what the process would be to collect on these documents in the future in a future situation like this with another building in another place, but within the same jurisdiction. Do the covenants actually have any teeth moving forward? If we if we find ourselves in the same situation, hopefully we won't. But if we find ourselves in the same situation with the city of Las Vegas, supposing to enforce this, and there's maybe there was new grant monies attached, or might understand this correctly, that the grant monies could never be reobtained by the granting entity, or at least, that's the way it was written. In the original grants with the original covenants, it's just confusing to me because they were found guilty and violation in the court of law. And the judge specifically directed from my recollections specifically directed the state to go ahead and collect.

Vice Chair Stoldal: Craig, let me jump in there, because I think there's some history before you got on board, Mr. Chairman. What occurred was the state of Nevada took the I'm still a little bit confused on who the existing owner is, but the previous the owner that was of record last year, took them to court for violations of the covenant. And the court, in fact, said yes, you are guilty. The issue was the agreement that was made between and accepted by the courts accepted by this commission, accepted by Mizrachi's attorneys, there was a judgment in place. But all Mizrachi\$ had to do with one or two things, he could either follow and adhere to the covenants every year, at which point 30,000 plus

would be wiped off, or the way it was written, he can wait till the end of the 10 years, and in the ninth year, restore everything. And then the covenant would go away. The way it was written was this was just a way for him, Mizrachi, to encourage him to follow the covenants. In essence, I didn't agree with that agreement and voted against it. But it was passed. So there really wasn't any in this particular case. And I think your question is valid as we go forward. What can we do in the future to make sure if somebody violates these covenants, that we've got a way to, to get back some of the money that the taxpayers have given? Craig, that's kind of my take on it.

The Chair: Well, Bob, that's the reason I mentioned early on that I think we need an agenda item on the next meeting to talk about covenants, and enforcement. And we've had such discussions in the past we will need to do it again. Thank you for your comments. Any other public comment? Hearing none, all those commissioners in favor of Mr. Stoldal's motion to accept this agreement say Aye.

A Vote was held on the Motion to approve the agreement as written.

Motion passed 6 Aye, 0 Nay

The Chair: The chairman votes Aye. It's a unanimous decision. Craig, we would ask you to go forward with the steps required to I guess I have to execute it. I'm not sure who, who or the state are you on my behalf and then keep the commission obviously informed that all the parties have followed through and, and hopefully, the end result of all this will be a Huntridge theater that gets restored and open to the public, which has always been the goal of this commission. Prior to my arrival here, and I'm sure going forward it's an historic building. It deserves to be open to the public and restored, restored with the appropriate standard. So, thank you.

Vice Chair Stoldal: Chairman, one last thought. I really think we need to thank the Huntridge foundation. They have been there day in and day out. month in and month out year in and year out of more than a decade keeping the light on, the attention and the focus on the Huntridge. And I think without them I don't think we would really be here today moving forward as we are. So, thanks to the Huntridge foundation for all of their dedication and work. Thank you, Mr. Chairman.

The Chair: Thank you. That completes Agenda Item number four.

5. Discussion and decision on the reallocation of the entire \$135,000.00 CCCHP FY19-20 award made to the Dayton Historical Society and Lyon County for the rehabilitation of the Carson and Colorado Depot. The entirety of the eligible building was destroyed due to an arson fire on June 17, 2020.

The Chair: As we all know that building was destroyed by fire. There is some history here, I think staff needs to advise us and remind us of what position this commission took at the close of the last cycle. Rebecca, are you still on with us?

Palmer apologized for the technical issues. In your September 9, 2019 meeting, you had some additional funds in the FY17 grant cycle. The final awards from that September 9, 2019 meeting resulted in Historic Forth Ward School Foundation receiving whatever was left of reverted funds in the FY 17

grant cycle. You should know at all of the reimbursement requests for FY17 have been completed. My apologies, this was a meeting that needed to be set very quickly so we would normally provide you with an end of grant cycle report and two sets of meeting minutes, which are currently incomplete and we were not able to provide that. However, because of your request at the September meeting, the Fourth Ward School ultimately received \$78,743 in reverted funds. They are bringing their total award in FY17 to \$194,993.27. That is posted on our website under the FY17-18 grant cycle. Today, we have \$135,00 that was granted to the Dayton Depot that does need to be reallocated. The Commission has used multiple methods of reallocation or regranting those funds. Everything from a single page supplement to their original application that explains why they might need additional funding to focusing on individual requests that seem to be emergencies.

The Chair asked if we had made any outreach to the folks in this grant cycle, is that correct?

Palmer stated that yes, we have been making outreach. They have been working on their revised scopes of work and budgets since the grant hearing as occurred. The grant funds should be available during or by the middle of next month. There is some urgency to get their revised scope of work and budget to us. They have been working on that diligently. The revisions are for what was actually awarded by the Commission.

The Chair stated that he raised this issue because, if you had read the letter from the Thunderbird, and I have had conversations about the Thunderbird. If you recall, at the end of the grant hearing, we put additional funds into the Dayton Depot and we reduced the award to the Thunderbird by \$35,000 to give the Dayton Depot a complete project. Unfortunately, that didn't happen and the folks at the Thunderbird are asking us to reconsider this decision and restore that \$35,000. The question is, is this the appropriate thing to do, or should we look at the entire \$135,000 and look at all of the grantees? Do the commissioners have any opinions about how to treat the Thunderbird?

Vice Chair Stoldal stated that he did remember that meeting and that was almost one of the last things that we did. It was a passionate, logical, reasonable request from Dayton and the Commission felt that we needed to move forward and finalize that project. We took \$35,000 from the Thunderbird at the last moment and they didn't have an opportunity to discuss the decision. The fair, or appropriate thing to do would be to restore the \$35,000 to the Thunderbird and then we are left with the challenge or opportunity to decide how the remaining \$100,000 should be distributed. We could leave that up to staff, or we could have another special meeting in 30 days or when Palmer and the SHPO would be able to come back with recommendations. He doesn't know if the Chair wants a motion at this time, but he **made a motion to take \$35,000 from the remaining funds and restore that to the Thunderbird.**

The Chair asked for a second.

DAG Walsh stated that he has some concern about the item as agendized. The way it written now, it is the \$135,000 awarded to the Dayton Depot. If a portion is to be returned to the Thunderbird, it brings up a concept that is not necessarily on the agenda.

Commissioner Marion asked if the commission could make a motion to reallocate the \$135,000, with \$35,000 be allocated to the Thunderbird at this meeting and the remaining \$100,000 to be reallocated at a different meeting?

The Chair: Or reallocated by staff?

Commissioner Marion: Right.

Commissioner Simon stated she was uncomfortable with that, not just because of the attorney's comments, but because the staff is already in process and the Commission should look at all the other grantees as we cut everybody's budget. I realize the Thunderbird was the last minute, but she is still uncomfortable with it.

The Chair asked DAG Walsh, can the Commission authorize staff to make this decision, we have done this in the past, would that be legitimate for this agenda item?

DAG Walsh stated that he is reading it as you are authorizing staff to allocate the \$135,000 on an internal basis. He would read that as complying with the agenda item as the Commission is deciding on the entire \$135,000.

Vice Chair Stoldal stated that the agenda item states discussion and decision on the reallocation of the \$135,000. That is what the Commission is doing. We are having a discussion and we will decide how to reallocate.

DAG Walsh stated that he read the item as a reallocation of the Dayton Depot grant of \$135,000 but they want to reallocate the grant and have that discussion; it should be more specific. Exactly where the money will go to and have the be commented on.

Commissioner Marion asked if the agenda should have the specific amounts that the Commission wants to allocate to specific entities? That isn't how the allocations happen. The allocations happen with significant discussions and those numbers change as we deliberate. So, it would be, in his mind, inappropriate to have an agenda item that specifically states where the funds are going.

Commissioner Simon stated that we don't have anything to work from about the other entities and the money they might need.

Commissioner Marion stated that is why he was proposing that we reallocate the \$35,000 now and then we could have another deliberation about what other entities that received cuts could benefit from the remaining \$100,000.

Vice Chair Stoldal stated that there was a motion, but it didn't look like there would be a second at this point. He stated that he thought in the letter that there was a timing issue related to the funding.

The Chair stated that yes, they have an opportunity for a 100% match, and he was trying to take some advantage of that. Invest \$35,000 and get an additional \$70,000.

Vice Chair Stoldal stated that the agenda states to make a decision. He stated there are two parts, the Commission doesn't have enough information to make a decision about the remaining \$100,000 if the \$35,000 is returned to the Thunderbird. The second part is there a time certain by which the Commission needs to have this money allocated? No deadline. How long would it take staff to come back with recommendations for the remaining \$100,000?

Palmer stated that staff could come back in about two months. What we would want to do is reach out again to the grantees to inquire about changes to their scope of work that they may need or emergencies that they have identified since their application. In the past, we have requested a letter, a single page letter, from them with information about what amount of money they might need to accomplish whatever additional work their scope of work might need. This would be about one month for them to provide this information and another month for us to review it and come back. A far as timing goes, the proceeds have not been deposited into the account yet. This will occur likely next month. We would then have two years, depending on how we write the funding agreements, to reallocate the funds. So, there is some time for staff to come back to the Commission with some recommendations that the Commission can review and deliberate on.

Vice Chair Stoldal stated that his last point. This was a public meeting, this item was agendized and available to the public. Only one request was made, other grantee could have made requests, but only one entity made a request. He has a motion that the Commission reallocate the \$35,000 to the Thunderbird Lodge.

The Chair stated that before he asked for a second, he has one more question for staff. Sometimes in the past, hasn't the Commission granted staff the authority to reallocate reverted funds?

Palmer stated that yes, that is correct. The approach we have taken in those cases was to equitably allocate the funds to every grantee. Divide the remaining amount by the number of grantees and award equally an additional amount.

Vice Chair Stoldal stated that he wasn't comfortable with that last time and it doesn't really satisfy. It sounds nice on paper, everyone gets a little, but...

The Chair stated that this amount is less than 3% of the total amount given to grantees in this cycle.

Commissioner Simon stated that her recollection was that when we took this approach, it was a lesser amount of money.

Palmer stated that the "proportional additional award" in FY17 was \$56,000. It was divided amongst the grantees and awarded proportionally. As a staff member, that is the limit of what I would feel comfortable doing. Anything else, is really a Commission decision. That is why we choose this path as it was a decision, I could make without requiring a judgement or value decision about individual projects by grantees. That really is the Commission's purview.

The Chair asked Vice Chair Stoldal if his motion was to grant \$35,000 to the Thunderbird and then seek staff recommendations on the remaining \$100,000 based on the grantee's request. Is that correct?

Vice Chair Stoldal stated that yes, that was his motion, but with Palmer describing how they did it last time, he is still not comfortable with everyone getting a dime. There are likely projects out there that if they received \$15,000, it would put them over a threshold. He would request that we get input from the grantees and then this body, n will make the challenging decisions about who gets an award.

The Chair asked if the Commission asks staff to go back to the grantees for information about additional needs then in 45 to 60 days have a meeting, would that work?

Palmer stated that yes, that is feasible. She still has the email language from a prior grant cycle. Send us your ideas about what you would do with the additional funding and why that would be worthwhile expenditure of grant monies. She can send that out to the grantees and then copy in the Commissioners so that they will know what the grantees received. Then staff will review and make recommendations. Staff will send the additional requests to the Commission so that you can make decisions based on the documentation received. Keeping in mind that the last time we did this, not all of the grantees applied. Some enjoyed what the originally received and were not interested in applying for additional funding. It likely won't be the entire pool of the grantees. Some of which received all the funding they were asking for already. It may be a much smaller proportion of the total number of grantees to look at.

The Chair stated that he recalled they tried to limit the requests by stating that the Commission did not want to rehear their grant proposals again. These were changes or emergency items that came up, to limit having another grant hearing. Bob, will that work for you?

The Vice Chair said yes.

The Chair stated that the Commission will just direct staff to reach out and asked the grantees to give a short description of what they need and why it is needed. We obviously have a request for \$35,000 now from Thunderbird Lodge.

The Vice Chair stated that he has a motion, and he will restate his motion, that because this was a public meeting with a publicly posted agenda, and because the Commission received one request from the Thunderbird Lodge to reinstate the \$35,000, they have, it appears based on the request, a time issue, **his motion is to approve the \$35,000 for Thunderbird and for the remaining amount of \$100,000 that staff comes back in 60 days and we hold another meeting where the Commission makes a decision to allocate the funds based on requests from the grant applications.**

Commissioner Marion seconded the Motion.

DAG Walsh stated that he was comfortable with that approach as it encompasses the entirety of the funds and adheres to the agendized item properly. Thank you for that discussion.

The Chair thanked DAG Walsh and asked for a discussion on the motion. No comments were heard. The Chair asked for any public comment on the motion.

Hitchcock stated that there was one hand raised from the Nevada Preservation Foundation.

The Chair asked to hear from the Nevada Preservation Foundation.

Heidi Swank stated that they represent the Western Missionary Foundation and that they do have an additional request for funds should those be reallocated. They will be responding to SHPO's request.

The Chair called for a vote.

A vote was held: 5 Ayes, 1 No (Simon) Motion passed.

6. Public Comment:

The Chair called for comment. None were heard.

The Chair welcomed DAG Walsh and thanked DAG Burkett for all of his work on the Huntridge litigation and settlement over the years on behalf of the Commission. DAG Burkett put in many hours of effort into the final settlement and they should be congratulated.

7. Adjournment at 4:06pm.