**White Pine County Tourism and Recreation Board**

**Meeting Minutes**

**Date:** July 23, 2019

**Time:** 10:00 a.m.

**Location** Bristlecone Convention Center – White Pine Room

**Members Present:** Bryane Goeringer **Staff Present:** Kyle Horvath

Kurt Carson James Beecher

Marietta Henry

Caroline McIntosh – via phone

**Members Absent:** Ian Bullis

**Public Present:** George Chachas Geri Wopschall

Wayne Cameron Mark Bassett

Barbara Jirak

Chairman Goeringer called to order the meeting of the White Pine County Tourism and Recreation Board on July 23, 2019 in the White Pine Room at the Bristlecone Convention Center. Chairman Goeringer led in the Pledge of Allegiance.

**I.** **Public Comment:** George Chachas spoke to Item 7 – Develop Airbnb Policy – that are operating in the City and County. Local Airbnb’s that are operating now are in violation of the City and County codes. They are operating a commercial venture in a residential zone. They have not made any attempt whatsoever to apply for a Home Occupation, or variance, or a zone change. They need to be cited. You need to collect the proper business license fees, zoning or variance fees and penalties. Commercial businesses are paying big money and here these people are benefiting and yet they are not made to follow the requirements. I am requesting all those properties and their addresses that should not be conducting business. In previous meetings I have told former member Jolene Gardner of these concerns. Has she given you any information to date? In attending the Ely City Planning Commission meeting, the Ely City Council and the White Pine County Commission meetings I have not seen any applications. This Board’s concern is that these law breakers are renting by the day or week and not a dime is collected for room tax. They have not applied for a room tax license; they have not applied for State business license; they have not applied for a City business license. I just lost a $7,000 contract with a tenant because the City maintained I was not properly zoned. I am not just mad; I am on fire. People within one to three blocks of my property are living in their RVs, fifth wheels and motor homes with no ramifications. That needs to stop. I am not going to tolerate discrimination from anybody. When we have rules and regulations and this Board has an obligation to collect room tax on rental properties and it is not being done, we need to address it. The Nevada Northern Railroad is continuing to get additional grant money from the Board in addition to the $240,000 it receives from room tax. They are not operating under the Nevada Open Meeting Law; the citizen, the taxpayer, cannot see how that money is spent. They need to be cut off and held accountable. That is tax money. I don’t care if they are a private corporation, whatever their status is. When they get money from this Board and they can’t account for it, there is a problem. I will remind you that Mr. Basset is the manager and his wife is the bookkeeper. Nepotism. Can’t have that. You don’t want the money or if you do want the money, you must play by the rules. And part of the rules is showing how that money is spent under the Nevada Open Meeting Law. They can make a choice, or they can go elsewhere for their funding. The money of $4,300 that was given to the Community Choir for pigeon control needs to come back to this Board. NRS forbids this Board from supporting a private business. The building is not a public building; they do not meet minimum ADA requirements for the handicap. They have stated that they have a 501c status; again, where is the proof. What is the date it was granted? I see by your minutes of June 25, 2019 you are to grant them another $13,000. That needs to come back. I feel for them as well as others in this community; they are struggling. They need to go to a different source for funding. They do not qualify in any way, shape or form. They are a private club. Period. You can’t fund a private club. The public has no access to that unless they are part of that club. With all the money that this Board has given to the Golf Course, I would like to know what the increase in play has been for over the last three years. You have put a lot of money in there; what are the benefits. This Board needs to keep a closer eye on those using this facility for an event. That they have proper licensing and they have paid the proper fees. At the last City Council meeting, the Mayor approved an event for someone using someone else’s business license. You can’t do that. That practice needs to stop unless they are non-profit, a fraternal organization or a religious organization. But for a private individual – No. If they have a business outside of the area and they don’t have the proper City licensing, they need to apply for the City licensing first before they conduct business in the City of Ely. Lastly, I have not received any information regarding Mr. Spear who was a contractor with the White Pine Tour and Rec Board. Again, I want to know if he had a business license or a Home Occupation with the City. I don’t make the rules; he must be held accountable. He received bonuses of Fifty-Five and Fifty-Eight Thousand Dollars. A normal employee does not have that kind of luxury. He was a contractor. Under those rules, he needs a State business license, a City business license and a Home Occupation for a commercial location.

**II. New Business:**

1. **Approval of Agenda, Including Removal of Agenda Items-Chairman Goeringer:**

**Motion:** Kurt Carson made motion to approve agenda as presented.

**Motion seconded:** Marietta Henry. **Unanimously approved. Motion carried.**

1. **Approval of Minutes: a. June 25, 2019 10 am Regular Meeting**

**b. June 25, 2019 5:30 pm Special Grants Meeting**

Kurt Carson abstained since he was not here on June 25, 2019.

**Motion:**  Caroline McIntosh moved to approve the June 25, 2019 10 am Regular meeting minutes.

**Motion seconded:** Marietta Henry **Unanimously approved. Motion carried with one abstention/Kurt Carson.**

**Motion:**  Marietta Henry moved to approve the June 25, 2019 5:30 pm Special Grants Meeting minutes.

**Motion seconded:** Caroline McIntosh **Unanimously approved. Motion carried with one abstention/Kurt Carson.**

**3. Review of the Financial Report:**

Kyle went over the Room Tax Report for the month of June as well as the breakdown for the entities. The next report is the room tax revenues comparison report. He said this document has been kept since 2011-2012 to compare room tax at the eight percent level. The room tax rate has gone up since then. What this report shows is that we had a 4.8 percent increase in room tax collection versus this time last year. It shows a little bit of growth, but it is not accurate because it is calculating at 8 percent, not the 13.5 percent that it currently is. The next report is our new comparison since room tax has now stabilized. Starting for the month of July, you will start seeing comparisons to this time last year. George Chachas said he would like to see the 8 percent comparison report continued. Chairman Goeringer said what we are shooting for is a record to see how Kyle is doing and by adding it all up, it shows exactly what we are bringing in room tax wise. Kyle then went over the beginning of the fiscal year form. It shows the first month of activity in the fiscal year. The deficit shown is because we have not collected any room tax yet for this month. The next report is the actual end of year budget comparison. It shows that we had a $145,059.60 in operating surplus for last fiscal year.

**Motion:** Marietta Henry made motion to approve and accept financial reports.

**Motion seconded:** Kurt Carson. **Unanimously approved. Motion carried.**

**4. Ratify Bills:**

Caroline McIntosh disclosed that she has a small interest in Bath Lumber and will be abstaining from the vote.

**Motion:** Marietta Henry made motion to approve bills, minus the Bath Lumber bill, Check Nos. 24119 through 24172, in the amount of $340,586.89.

**Motion seconded:** Kurt Carson **Unanimously approved with one abstention/Caroline McIntosh. Motion carried.**

**5. Approval to Pay Bill to Bath Lumber:**

Caroline McIntosh disclosed that she has a small interest in Bath Lumber and will be abstaining from the vote.

**Motion:** Marietta Henry made motion to approve Check No. 24144 to Bath Lumber in the amount of $475.01.

**Motion seconded:** Kurt Carson. **Unanimously approved with one abstention/Caroline McIntosh. Motion carried.**

**6. Clarification of Emergency Meeting Criteria – James Beecher:**

Mr. Beecher said there was a question at the last meeting about what if something catastrophic happened and it required approval of an expense beyond what is allowed by the Chair or the Executive Director. Mr. Beecher went over when an emergency meeting is allowed. Emergency is broadly defined. The way the Statute is written it says that, except in an emergency, you must do all these notices that we all adhere to and know about. What does that mean - except in an emergency. They define an emergency as included but not limited to and they list fire and other kinds of things that would impair the health and safety of individuals. But it is of any unforeseen event that requires immediate action. Those are the key criteria – *unforeseen* and *immediate action required*. If the Board thinks something is an emergency, contact me and we will go through what it is and set it up. There was a question at the last meeting as to whether there are any times limits on the emergency. Could you call a meeting in thirty minutes? The answer is there is no time limit. If it is an emergency and you must act now, then we get to act as soon as we can get everybody together. The longer it takes to act, the harder it is going to be to justify the emergency. The faster we act, the more it looks like an emergency. The item needs to be truly unforeseen. This can be calling a meeting that is not scheduled or adding an item to a scheduled meeting. So, if yesterday something happened that was truly an emergency, we could add that item today as an emergency item to the scheduled meeting. The AGs office has looked at a few cases of what is and isn’t an emergency. They will view it negatively if it looks like you are just trying to address something that is controversial, and you don’t want to post notice for. Obviously, we won’t be doing that. The AG also suggests that after the emergency meeting we give as much supplemental notice as possible. What I recommend to everybody is if we did have to have an emergency meeting, after that emergency meeting we would still write up an agenda, get the minutes done as fast as possible - we have to comply with all the other open meeting laws such as keeping minutes, recordings, staying on topic - and you would post the agenda and the minutes wherever you would; then generally I advise we take out a legal notice in the newspaper letting them know what we did and why. A couple of the requirements is in the emergency meeting at the very beginning we are going to identify this on the recording that this is an emergency meeting and it wasn’t posted; this was the emergency, and therefore we view this as an emergency. This is what the AG’s office will use when they evaluate if there is an Open Meeting Law complaint. We must make sure this is necessary; is this something that is such an emergency that we are willing to justify that to the community why we didn’t give them notice. We can’t have an emergency that is a true emergency and then tack on other things because we are having a meeting anyway. We can only have that emergency meeting on actual emergencies. Mr. Beecher then went over several examples of emergencies and not emergencies as noted in his handout. If we follow all the other Open Meeting Law requirements, we give that supplemental notice, it is all about good faith, showing that you are not trying to hide the ball from the public. The more we can show in good faith, the better off we are. If it is an emergency, obviously you can contact me any time of the day or night.

**7. Develop Airbnb Policy to Recommend to County and City:**

Kyle said we are not able to make policy for the City or County, but we are in the position to make recommendations towards policies that the City and County should adopt. When Kyle started a year ago, he found one Airbnb in White Pine County that was listed; we currently have eight Airbnbs listed. A top priority of driving tourism is to make sure we still preserve the integrity of the community that we are trying to invite people to. Clark County recently made a rule that you can Airbnb, but it cannot be a secondary or tertiary residence. It must be your primary residence. Kyle said he feels we should take what we decide and present it to the City and County for them to decide. Kyle said our current policy is that if you have three rooms or more that you rent on the individual, then you are required to pay room tax. Member McIntosh said she would like to discuss the issue that if we are going to be proposing something and moving forward, that the owners and/or managers of the Airbnb be residents within the County. Discussion ensued. Member McIntosh said whatever we are addressing needs to be addressed by the County and City. Chairman Goeringer summarized by saying we are looking for a primary residence or local manager, that has a business license, and that is paying room tax. It was suggested we rely on our legal counsel as far as what we propose. Mr. Beecher said he has not researched this specifically but said he can do so by our next meeting. He said if you want to approve the outline subject to his legal review, then he can give specific language and we can submit that to the City and County. Member McIntosh suggested verbiage: If the Airbnb offering was in a home, that be the primary residence of the owner and secondly, understanding that other offerings are whole houses, that they be locally managed in both cases and that they pay state and local business licenses and pay room taxes. Mr. Beecher said we can have a motion to adopt verbiage that Member McIntosh outlined in addition to language about putting it on the lodging website and then Kyle and I will work together. Mr. Beecher said the Board can approve today that Kyle and I work together and come up with specific language that encompasses what we just talked about and then we can present it because it has already been approved by the Board. If you want to double check exactly how it looks, then we have this information now, we can work on it and bring it back to the next meeting. Chairman Goeringer said he would like to table this item, have James and Kyle write it up and bring it to the next meeting for approval. Member McIntosh inquired of the Board as to their thoughts on local ownership. Discussion ensued. Chairman Goeringer felt that if we tossed this to the City and County about local ownership, that might not get passed. He would like to not have that written into it right now. Member McIntosh said perhaps it should be included as additional discussion pieces that should be addressed by the City and County. Chairman Goeringer suggested the verbiage for a motion that would allow Kyle and James come up with a plan based on our discussions today with the additional discussion points of locals owning the license for Airbnb, along with the primary residence, the business license, the room tax, and the ability to be listed on our web page. Mr. Beecher said a motion is not needed to have us work on this item. Chairman Goeringer agreed to Table this item and then reaffirm it at our next meeting.

**8. Determine Board’s Meeting Dates/Times for next six months:**

Kyle said at our last meeting we moved the Board’s meeting day to the fourth Tuesday of every month. We now need to determine the time. Member Carson said it would be handier for him to have it a little earlier in the morning or a little later in the afternoon. After a short discussion, it was determined 4 pm is a convenient time. Member McIntosh said the date for the December meeting needs to be addressed since it currently falls on the 24th. It was determined the date of December 19, 2019 at 4pm will be the December meeting date. Kyle will get the dates published in the newspaper.

**Motion:** Kurt Carson made motion to approve the fourth Tuesday of the month at 4 pm for the Board meeting except for the December meeting which will be held on Thursday, December 19, 2019 at 4pm.

**Motion seconded:** Marietta Henry **Unanimously approved. Motion carried.**

**9. Annual Review of Executive Director – Goeringer:**

Chairman Goeringer handed out copies of the Employee Performance Review that was conducted by three Board members on Executive Director Horvath. There were eight performance categories with a total rating of 15 for each category. The rating scale was one through five with one being unacceptable and five being significantly above target. Chairman Goeringer went through each category with the rating received. An overall rating of 112 out of a possible 120 was received. Chairman Goeringer said that the Board is very pleased with Director Horvath. The Chairman said previous Chairman Stork had implicated a yearly review with a six percent wage increase for the first year. Chairman Goeringer said he would be open to discussing this six percent. Mr. Beecher interrupted saying the wage increase is not on the agenda. He said that is something that would need to be noticed. On the next agenda the wage increase discussion could be listed. Kyle expressed his appreciation for the good review. He thanked the Board for being so supportive. Mr. Beecher said some people might be wondering why this was not done in a closed session. NRS 241.031 prohibits closed sessions for persons who are appointed public officer or serve at the pleasure of a public body as chief executive or administrative officer or in a comparable position.

**Motion:** Marietta Henry made motion to accept annual review as presented.

**Motion seconded:**  Kurt Carson **Unanimously approved. Motion carried.**

**10. Executive Director’s Report:**

**a. Marketing**

**b. Events**

**c. Facilities**

Kyle gave a brief report on the status of our social media which includes Facebook, Instagram, Twitter and YouTube. He then gave a brief report on targeted digital, YouTube, Geofence, Horse Race ad and Las Vegas ad. The website broke the 10,000 monthly users bounce rate. For the print pieces, our goal was to create all new content – new pictures, new video, new brochures, posters for events, etc. The new Visitors’ Guide is at the printer and should be delivered by the end of the week. All the grants for FY 18/19 have been closed out. We are actively working towards the grants we just received. He told of the ads that have just gone out. He spoke on the upcoming events for the next several months. Member McIntosh asked the Director to create a template and populate it with the basic information of calendar events and things like that so that it is in our agenda packet. Kyle said he most certainly can have something prepared for the packets from this point on.

**III. OLD BUSINESS:**

**1. Parking Lot Subcommittee Report-Goeringer:** Chairman Goeringer said we are waiting for the Reck Bros. to start work. Kyle said the deposit has been paid.

**2. White Pine Golf Course Update-McIntosh:** Member McIntosh said on behalf of the Golf Course Advisory Board they wanted to show our gratitude for the $20,000 for the tractor and also for the priority we did under outdoor recreation. She wanted to express their appreciation for the donation and how much it will help.

**3. White Pine Trails Update-Goeringer:** Chairman Goeringer said two miles of trail was finished two days ago. You can go from Ward campground all the way to Ely on a trail that is marked non-motorized and a very nice walking and biking trail. We have the okay with BLM for the new SNIPLMA fund; we are looking at 1.4 million dollars for fifty miles of trail. They are talking of opening it up this September and looking for our assessment of what we need.

**4. Nevada Northern RR Director’s Report-Bassett:** Mark Bassett told of several emails he has received. One from Spain; one from CBS Sunday Morning; and one from Today Sunday. They all want to do list on websites or do a feature story on the star train. All star trains in 2019 and 2020 are sold out. Mark will meet with the Park to try to add additional trains in 2020. We will also look at hiring an astronomy intern. Discussion ensued about how Ely should continue to strive to make it a destination point for night sky viewing. Mark said another movie was shot here by a Mexican production company.

**5. White Pine Museum Update-Jirak:** Barbara Jirak was present. She gave comparative figures of income for June 2017 of $1,567.74; June 2018 of $1,351.90; and June 2019 of $2,467. We are gradually increasing. We had volunteer hours of 201.5. We had 258 people that stayed overnight in Ely. We had seven out-of-country visitors. We have started work on the re-construction of our wall. We were able to raise some money towards the restoration of our caboose from our fund raiser. We found the water tower that came with the depot from Cherry Creek; it will be assembled as an added attraction. Our exhibits are changing monthly. She thanked the Board for its financial assistance.

**6. Board Member Reports:** None.

**IV. Public Comment:** George said he would like a list of the Airbnbs that have been identified. Also, regarding brothels, they are where they’re at because it is a specialized zoning. You can’t put a brothel in a commercial zone; you can’t put a motel in a brothel zone. In the past, brothel owners said they would be willing to pay room tax on the rooms they were renting out to the working people, but you never collected a dime. You need to do some research on that. George said he has a concern about the OHV signs that are being put up. They are not ADA compliant. You can’t block a sidewalk. Let’s do the project one time and not have to do it more than once. They are doing a good job, but you can’t block access ways. George asked that when the new parking lot is done that they consider a new bonnet so that we are dark sky friendly and the light is shown downward and not reflected upwards. The other thing we need to do reference housing and growth, get rid of the Building Inspector. Stop the discriminatory selection and enforcement of local rules and regulations. We’re killing our own community. This needs to stop. I happen to be one of the victims and I am not going to stop complaining until it changes. Change needs to be for everybody and no selective enforcement. I am not going to be quiet about it at all. And I don’t mean to be negative to you folks, but I have been here a lot longer than any of you and I have heard the talk, but I have not seen the progress. You have a concern again with the North end of town. Twelve-million-dollar project where we are showcasing two junkyards. Give me a break. You folks need to address that in some manner. We are doing Main Street America. What the heck for. You are going to spend money for a hick town. No folks. Let’s take their money and improve it. If you don’t know how to do it, I will be glad to give you ideas. I don’t like what is going on. I don’t want to see additional employment that more people are saying we have to do this. You folks are bright enough to know what needs to be done.

**V. Adjournment:**

**Motion:** Marietta Henry made motion to adjourn.

**Motion seconded:** Kurt Carson. **Unanimously approved. Motion carried.**

**Minutes submitted by: Judi Bourbeau**

**Minutes approved by:**

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**Name Date**