



Elko Convention & Visitors Authority
BOARD OF DIRECTORS REGULAR MEETING MINUTES
Elko Convention Center, Cedar Room
700 Moren Way, Elko, NV 89801.
TUESDAY, FEBRUARY 28, 2023 8:30AM P.S.T

MINUTES

NOTICE: In accordance with NRS 241, the Board may: 1) Change the order of the agenda, 2) Combine two or more agenda items for consideration, 3) Remove an item from the agenda or delay discussion relating to an item on the agenda at any time, 4) If the agenda is not completed, recess the meeting, and continue on another specified date and time. The public can comment on any agenda item by being acknowledged by the Chair while the Board considers that agenda item.

This Agenda, for this meeting of the Elko Convention and Visitors Authority, has been properly posted for this date and time in accordance with NRS 241 requirements.

I. CALL TO ORDER

Board of Directors Chairman Chip Stone called the meeting to order at 8:32AM.

II. ROLL CALL

ECVA Board Members Present *Delmo Andreozzi*
Chip Stone
Pat Anderson
Marissa Lostra

ECVA Board Members Absent: *Dave Zornes*

ECVA Staff Present: *Annette Kerr, Executive Director*
Michelle Cromwell, Events & Marketing Coordinator
Selina Morales, Administrative Assistant
Rafael Jacobo, Facility Manager

Visitors: *Nelson Nunez*
Ken Van Gelder-Zoom
Nick Parkey-Zoom
Cathy Laughlin-Zoom
Doris Toothman

III. PLEDGE OF ALLEGIANCE

IV. COMMENTS BY THE GENERAL PUBLIC

Pursuant to NRS 241, this time is devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

NON-ACTION ITEM

No public comment was received.

V. APPROVAL OF MINUTES

- A. Approval of December 6, 2022 Minutes
- B. Approval of the January 24, 2023 Minutes
- C. Approval of February 16, 2023 Special Meeting Minutes

FOR POSSIBLE ACTION

Chairman Stone moved to approve December 6, 2022 Minutes, January 24, 2023 Minutes and February 16, 2023 Special Meeting Minutes. Board Member Anderson seconded. Motion carried (4-0)

No public comment was received.

VI. OLD BUISNESS

- A. Update, consideration, and possible action regarding Championship Rugby League, LLC and matters related thereto.

FOR POSSIBLE ACTION

Chairman Stone called Richard Fale via cellphone at 8:37AM and was left on speaker.

Director Kerr states that in December 2022 the Board opted to send a second letter, certified, requesting the refund of \$30,000 by January 31, 2023. The ECVA has not received that check and so in order to move forward, Director Kerr states she needs the Board to have a discussion as to where to direct staff. Director Kerr has had conversations with Tom Stevenson who is a partner to Mr. Fale in Championship Rugby League, LLC. Chairman Stone asked Mr. Fale if he would like to say something. Mr. Fale asked the Board if there is anything in particular that they would like him to address. Chairman Stone stated the Board is at a point where they just need the funds returned as a certified check sent back to the ECVA. Mr. Fale asked if this is where the relationship would end between the Championship Rugby League, LLC and the ECVA, parting ways from hereon. Chairman Stone responded that the decision would be up to Mr. Fale. The Board is not asking for the relationship to be severed but they are requesting for the funds to be returned because the agreement was that the funds were on a reimbursement bases. Chairman Stone told Mr. Fale that once he returned the funds, the Board and ECVA can start addressing how to move forward. Mr. Fale asked if the Board had a list of what is approved is not approved for reimbursement. Mr. Fale asked if ECVA would cut checks to Pakistan and India because that is where they order their supplies and asked if this type of expense would be covered under those funds. Chairman Stone said whatever expenses that were made for marketing, because those funds are under the marketing fund to get people to Elko, could be reimbursed. Chairman Stone told Mr. Fale that since the event never happened the funds need to be returned so that everything can get done right and their relationship can be continued. Mr. Fale responded that he could send over a list of expenses that would need to be covered including materials that are directly sourced from Pakistan and India. Mr. Fale stated that it is not as crystal as sending a bill and then ECVA send a reimbursement. Chairman Stone told Mr. Fale that all of that will need to be worked out going forward but right now the Board needs the funds returned. Chairman Stone told Mr. Fale the money was

given to him in good faith, but the event did not happen and at this point the funds do not belong to him and he needs to return it so that the Board does not need to go further with this. Mr. Fale responded with "Okay, I think Chip maybe we do need to explore, because yeah let's um". Chairman Stone told Mr. Fale the Board needs to have the money returned and there is no options. Chairman Stone reminded Mr. Fale of what he had said to him over the phone stating "You said the money has not been spent and we will make good on it." he also thanked Mr. Fale for providing a picture of his bank account where it shows the funds. Chairman Stone asked Mr. Fale if there is a reason why he does not want to send the money back. Mr. Fale responded with "yes because we have incurred a number of causes. The check that you guys sent hasn't been spent, I sent you a picture of where it is currently sitting, now we would just make the deductions of the costs, I don't see our organization wanting to re-hash this so I think what we will do is we will deduct all of the costs we incurred and we can just end it there and we can reassess if there is any interest in reengaging or not." Chairman Stone responded that he has a couple of dilemmas with what Mr. Fale presented. Chairman Stone told Mr. Fale that according to Mr. Stevenson, who is on the LLC with Mr. Fale, absolutely no expenses have been made with the ECVA money. Chairman Stone stated no events have happened in Elko and there has been no advertising for said games to be played in Elko, therefore the money must be returned. Board Member Andreozzi told Mr. Fale if there is any reluctance to return the money there will be no further participation unless the money is returned, if it is not returned, legal action will be explored. Board Member Anderson asked Mr. Fale why he has failed to comply with returning the money before deadline that was set for January 31, 2023, stating he is already one month behind. Mr. Fale stated he was unable to get everybody together to decide on this matter because it is not as simple as just signing a letter due to not getting everyone to agree with how to proceed. Board Member Anderson asked Mr. Fale if he was familiar with NRS. 205.380 (Obtaining money, property, rent or labor by false pretenses). Mr. Fale responded that he is not specifically familiar with it. Board Member Anderson explained it to Mr. Fale and said to him "right now that is what it looks like you are doing." Mr. Fale then responded, "There was no false pretenses and I think we need to hold back because if we start throwing these accusations and if you want to jump into legal action and go that route that is not going to go well with anybody involved." Mr. Fale continued "Why are you sitting there talking about false pretenses when I can clearly demonstrate that its not, if you guys want to move forward with legal action on false pretenses then let's go that route, if you don't want to go that route, why are you bringing it up?" Chairman Stone responded to Mr. Fale "Because you are not agreeing to give us our money back like you did previously and now your going back on your word." Chairman Stone stated that he felt there was an ulterior motive because Mr. Fale is not willing to fulfil his agreement and return the money. Mr. Fale responded, "We had agreed to move event to end of March or beginning of April, you guys agreed to that as well." Chairman Stone responded, "Only if you gave us the money back, if you go back to the minutes, it was only if you gave us the money back." Mr. Fale responded "No, Chip you guys said if the money came back, you guys would commit to three (3) years of the event, that's what the agreement was. It was if we give the money back, Elko would automatically commit to three (3) years of supporting the event there, that's what the agreement was." Chairman Stone told Mr. Fale "If you read the letter it says, this support period is no less than three (3) years beginning July 01, 2022 through June 30.2025 but you didn't give the money back." Mr. Fale responded, "The commitment for the three (3) years is what I couldn't get everyone to agree on because we don't know what expenses you are not only willing to cover but able to cover." Board Member Andreozzi said "That doesn't have any bearing on this \$30,000 respectfully that's in the future, what were talking about is funds that we have given you." Mr. Fale responded "you guys agreed to move the events to the end of March or beginning of April, you guys agreed to that so now you guys are saying you're withdrawing that?" Executive Director Kerr responded "There was discussion about the fact that you postponed it and felt that perhaps maybe in March or April you could get another event but there was also

a discussion of July. The Board came together and indicated that if you would return the funds on the \$30,000 we would support up to three (3) years with a reimbursement process, we never indicated that we would pay all of your expenses and we are also following under the same guidelines as we are a government agency as does Winnemucca so we are no way tied in to Winnemucca those were opportunities that you chose up and down I-80 and when in discussion with Mr. Stevenson he indicated that he's been trying to get a hold of you so that he can have that conversation, he never left the country and was available in December, this is from Mr. Stevenson coming to my office and having this discussion. Now as far as the Board opting to go out into April and June that was up for discussion if you returned the funds, the funds did not get returned therefore the agreements are null and void." Mr. Fale responded "Okay then I guess we have a difference in understanding, my understanding was that the events would be moved from December to either end of March or beginning of April and that the return of the funds was only because, the first meeting that we had, was we had a discussion to a three (3) year commitment, this was mid last year and Matt said you guys were going to check into the ability of Elko to commit future Boards to that kind of funding and there was no kind of follow up on that until that December meeting where there was going to be a commitment to three (3) years to the events." Chairman Stone responded, "This is where we are at Richard to get to the chase here, we want our money back and that's where we are going if we are going to have any chance to continue this relationship with the Championship Rugby League. Will you send us our money, yes or no?" Mr. Fale responded, "Can we have a conversation of itemizing how this is going to proceed?" Chairman Stone responded "No. We need our money back." Mr. Fale responded "If you guys can't guarantee how you're going to handle expenses that we send you then there's going to be no.." Chairman Stone said to Fale "This is not your money, it needs to come back to us and moving forward we can have all the conversation you want on future meetings but these funds must come back immediately in a cashiers check then in our next meeting we can open up discussion about going forward three (3) years, helping the program, the college thing all of that." Mr. Fale asked, "Can we make the deductions of the expenses we have incurred so far?" Board Member Andreozzi responded "You haven't had any expenses related to a game in Elko." Mr. Fale responded, "yes we have done video production and everything else we had to cancel because of whether related events." Chairman Stone responded "Here is the easy way to do it, send us the funds because you have not spent a dime of it you told us, along with the receipts and the product, copies of the video and that kind of thing and we will look at those and we will do everything we can to reimburse what is possible to reimburse because those funds have to be used the correct way." Mr. Fale responded "You're going to have to commit on your end that you will cover those costs." Chairman Stone responded, "Until we see those costs and know that they follow all of our guidelines we can't say that." Board Member Anderson guided Mr. Fale to read the said received Letter of Support which states the following "This support is conditioned upon repayment of the previously advance \$30,000 for the fiscal year 22/23. Receipt of said \$30,000 must be received no later than January 31, 2023." Chairman Stone asked Mr. Fale if he had any further questions. Mr. Fale responded with "Just to be clear, signing for the letter does not authorize me to agree to the terms of the letter. As far as we are concerned, the understanding is that there was an agreement to postpone the event, if we agreed to the terms of the letter, what that did agree to was that there was going to be a three (3) year commitment from Elko supporting these events." Chairman Stone responded to Mr. Fale "Richard the minutes will show otherwise, I guess we will agree to disagree. We very much would like to make this happen, to keep this going but those funds have to come back."

Board Member Andreozzi moved to demand the \$30,000 that ECVA gave to Championship Rugby League be returned immediately, failure to do so will result in direction to staff to examine legal rights. If the money is returned and Mr. Fale can provide receipts and documentation of expenses that are legally

eligible for reimbursement, ECVA will reimburse those fees. Board Member Lostra seconded. Motion carries (4-0)

No public comment was received.

Chairman Stone thanked Mr. Fale. Chairman Stone told Mr. Fale that ECVA will be sending copies of minutes for his personal records. Mr. Fale ended the call at 9:09AM.

- B. Review, consideration, and possible award of the bid relating to the capital improvements involving new stage and theater lighting and matters related thereto.

FOR POSSIBLE ACTION

Director Kerr presented information on two (2) bids that were received. Director Kerr explained the project has been on the capital improvement projects list for 11 years at the budget amount of \$150,000. In December 2022, the Board rejected all bids due to all bids exceeding the budgeted amount by nearly \$100,000+. The Board directed staff to rebid the project and augmented the budget for new stage lighting and theater lighting up to \$350,000. The two (2) received bids are Moon Lighting & Sound for \$140,403.05 and NN Electric (NNE) for \$325,000.

Board Member Andreozzi stated a disclosure. Board Member Andreozzi stated that he works with Mr. Nunez's mom at Century 21, but they are both independent contractors, there is no pecuniary interest and feels he can make a fair and impartial decision and will be voting.

Chairman Stone asked Ken Van Gelder with Moon Lighting & Sound questions regarding presented bid for new stage and theater lighting. Chairman Stone proceeded to ask if training and assistance would be provided, type of offered warranty and brands of equipment that would be used. Mr. Gelder answered all of Chairman Stone's questions.

Nelson Nunez with NN Electric introduced himself. Mr. Nunez stated he is more of a general contractor and has reached out to Voltstar Production for help with the stage lighting. Chairman Stone asked Mr. Nunez questions regarding presented bid for new stage and theater lighting. Mr. Nunez answered all of Chairman Stone's questions. Board Member Andreozzi thanked both Moon Lighting & Sound & NN Electric for bidding.

Board Member Andreozzi moved to reject all bids and direct staff to break this bid in to two (2) separate standalone bids, one being the stage lighting and the second bid being the audience lighting. Including giving Executive Director authorization to get any required temporary lighting for use of the stage. Including making a special meeting to make a decision. Board Member Lostra seconded. Motion carries (4-0)

No public comment was received.

VII. NEW BUSINESS

- A. Discussion, and consideration of approval of the corrective action plan for the findings in the fiscal year 2021-22 financial audit report.

FOR POSSIBLE ACTION

Director Kerr explains the corrective action plan for the fiscal year 2021-2022 financial audit.

Board Member Andreozzi moved to approve the corrective action plan as presented for the findings in the fiscal year 2021-22 financial audit report. Board Member Anderson seconded. Motion carries (4-0)

No public comment was received.

Board Member Anderson thanked Director Kerr and staff for all of the work and research done with the audit team.

- B. Discussion, consideration, and possible action regarding the marketing and sponsorship funding recommendations by the ECVA Marketing Committee for the second cycle of the FY 2022/23 and increasing the budgeted amount by \$20,000. The budgeted amount for FY 2022/23 second cycle is \$46,250. The Marketing Committee recommended funding amount is \$66,250.

Recommendations are as follows:

Silver State Stampede Assoc.	\$10,000	Ruby Mt. Race Series	\$ 4,000
Silver State Stampede		NV Marathon/Half/SK, Color Chase	
Haunted Elko, LLC	\$ 6,000	Benavides Bucking Bulls	\$ 5,000
Haunted/Holiday Commercial Hotel		Gold Rush Challenge	
Elko Basque Club	\$ 5,000	Ruby Mtn. Hot Air, Inc.	\$ 4,750
Annual Basque Festival		Ruby Mountain Balloon Festival	
Rotary Club of Elko	\$ 5,000	John Ellison	\$ 1,500
Robin Hood Renaissance Faire		Elko Fourth of July Fireworks	
Elko County Fair Board	\$10,000	2SX Productions	\$ 4,000
Elko County Fair 2023		Barrel Races	
Rides & Rods, Inc.	\$ 5,000	NV Stock Dog Trial	\$ 4,000
Elko Classic Car Show	\$ 1,000 F/R	Nevada Stock Dog Shootout	
Friends of Life	\$ 1,000		
Mission			

FOR POSSIBLE ACTION

Director Kerr presented the Board with the marketing and sponsorship funding recommendations by the ECVA Marketing Committee for the second cycle of the FY 2022/23 and increasing the budgeted amount by \$20,000. Director Kerr stated that the Board should take under consideration whether they want to augment the budget by the \$20,000. If so, the numbers presented are what has been recommended by the Marketing Committee, if not the Board can make adjustments as they see fit.

Board Member Anderson stated that Friends for Life is a great organization that does a lot for the community, but she is concerned that it is not fitting into the criteria for the marketing and sponsorship funding.

Chairman Stone disclosed that he has done work for seven of these organizations; Rides & Rods, Inc., Elko County Fair Board, Boys & Girls Club, Friends for Life, Ruby Mtn. Hot Air Balloon, Inc., Silver State Stampede, and Elko Basque Club but can vote very independently.

Board Member Anderson stated she read in the Elko Daily Free Press about the Silver State Stampede donating \$80,000 to another organization while requesting \$10,000 from the ECVA Marketing and Sponsorship Funds. Board Member Anderson stated her concerns about not wanting ECVA's Marketing and Sponsorship funds to be used as a "passthrough".

Cathy Laughlin with the Silver State Stampede responded via Zoom that the \$80,000 is ARPA Funding from the Elko County Funding and it is not funding Silver State Stampede has made and it is not from their revenues since they are a non-profit organization. Board Member Anderson and Chairman Stone thanked Mrs. Laughlin for her clarification. Board Member Anderson recommended that Friends for Life not receive funding at this time given the definition of how this money should be spent. Chairman Stone asked the Board how they felt about taking the \$1,000 recommended by the Marketing Committee for Friends for Life be given to the Elko Fourth of July Fireworks.

Board Member Andreozzi moved to increase the budgeted amount by \$20,000 making the total amount \$66,250 for FY 2022/23 second cycle and approve the list as presented with the exception of changing the requested \$1,000 by Friends for Life and moving that to the Elko Fourth of July Fireworks. Board Member Anderson seconded. Motion carries (4-0).

No public comment was received.

BREAK – Resumed meeting at 10:34AM

- C. Discussion, consideration, and possible selection of dates in March for the ECVA Strategic Planning Session.

FOR POSSIBLE ACTION

Director Kerr and the Board discussed about when they will be meeting for the ECVA Strategic Planning Session.

Board Member Lostra moved to have the ECVA Strategic Planning meeting on Monday March 20, 2023 from 9:00AM-3:00PM. Board Member Anderson Seconded. Motion carries (4-0)

No public comment was received.

VIII. REPORTS

- A. Marketing, Convention & Tourism: Review of the Marketing & Sales Report.

NON-ACTION ITEM

Director Kerr presented the Review of the Marketing & Sales Report.

No public comment was received.

B. Events and Catering: Update on current events and meeting reservations for January 2023.

NON-ACTION ITEM

Director Kerr presented a report showing an update on current events and meeting reservations for January 2023.

No public comment was received.

C. Facilities: Update on facility projects and work.

NON-ACTION ITEM

Director Kerr presented a report showing an update on facility projects and work.

No public comment was received.

IX. ECVA BOARD AND STAFF COMMENTS:

This time is devoted to comments by the Elko Convention and Visitors Authority Board of Directors/and or Staff for general information or update purposes. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

NON-ACTION ITEM

Board Member Andreozzi stated he wanted to formally welcome new Board Members Pat Anderson and Marissa Lostra and thanked them for their service.

No public comment was received.

X. COMMENTS BY THE GENERAL PUBLIC

Pursuant to NRS 241, this time is devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

NON-ACTION ITEM

No public comment was received.

X1. MEETING SCHEDULE

The next Board of Directors meeting is scheduled for March 28, 2023 at 8:30am.

FOR POSSIBLE ACTION

No public comment was received.

XII. ADJOURNMENT

FOR POSSIBLE ACTION

Chairman Stone adjourned meeting at 11:09AM

ELKO CONVENTION AND VISITORS AUTHORITY IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER.

Mission

The Elko Convention & Visitors Authorities mission as a public asset will provide safe and quality facilities, marketing of the community and partners for community events and activities that improve the community's overall quality of life and adds to economic development and vitality.

Vision

In the continued advancement of the organization's mission, the Elko Convention and Visitors Authority commits itself to the further development of competitive facilities, the positive marketing of our community and area, and events serving current and future community needs. The Elko Convention and Visitors Authority is dedicated to building a positive community identity, creating quality future employment opportunities, wealth creation and economic vitality, and future value for everyone the Elko Convention and Visitors Authority serves.