

# MINUTES

## MEETING OF THE BOARD OF EXAMINERS

January 12, 2010

The Board of Examiners met on January 12, 2010, in the Annex on the second floor of the Capitol Building, 101 N. Carson St., Carson City, Nevada, at 10:00 a.m. Present were:

### **Members:**

Governor Jim Gibbons  
Secretary of State Ross Miller  
Attorney General Catherine Cortez Masto  
Clerk Andrew K. Clinger

### **Others Present:**

Billie Tucker – Department of Employment, Training and Rehabilitation  
Miles Celio – Office of Military  
Matthew Dillon – Department of Conservation and Natural Resources  
Evan Dale – Department of Administration  
Bob Cooper – Attorney General’s Office, Bureau of Consumer Protection  
Mark Winebarger – Treasurer’s Office  
Greg Weyland – Department of Personnel  
Anna Vickrey – Department of Business and Industry, Dairy Commission  
Margi Grein – State Contractors Board  
Deborah Lumbert – State Contractors Board  
Dave Stewart – Department of Health and Human Services, Division of Welfare and Supportive Services  
Edgar Roberts – Department of Motor Vehicles  
Tom Jacobs – Department of Motor Vehicles  
Bill Kirby – Department of Health and Human Services, Division of Mental Health and Developmental Services  
Sue Hohn – Department of Business and Industry, Director’s Office  
Jim DeProsse – Department of Business and Industry, Manufactured Housing Division  
Dawn Rosenberg – Nevada Department of Corrections  
Tammy Moffitt – Department of Employment, Training and Rehabilitation, Rehabilitation Division  
Helene Robinson – Attorney General’s Office, Bureau of Consumer Protection  
Rich Gilbert – Department of Public Safety,  
Mark Teska – Department of Public Safety  
Jason Holm – Department of Health and Human Services, Division of Welfare and Supportive Services  
Jacqueline Kennedy – Department of Health and Human Services, Division of Welfare and Supportive Services

Sue Smith – Department of Health and Human Services, Division of Welfare and Supportive Services

Dave McTeer – Department of Administration

**Press:**

David Schwartz – Las Vegas Sun

Anjeanette Damon – Reno Gazette Journal

Ed Vogel – Review Journal

**\*1. APPROVAL OF THE DECEMBER 8, 2009 BOARD OF EXAMINERS' MEETING MINUTES**

**Clerk's Recommendation: I recommend approval.**

**Motion By: Secretary of State                      Seconded By: Governor                      Vote: 3-0**

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**Comments:**

**Governor:** The Board of Examiners meeting scheduled for today, January 12, 2010, at 10:00 a.m., will come to order. We have a very typical agenda for today and we will begin with agenda item number 1, which is the approval of the December 8, 2009 Board of Examiners' meeting minutes, which have been provided in the books before us. Are there any comments or questions with regard to the Board of Examiners' meeting minutes?

**Secretary of State:** I move for approval.

**Governor:** It has been moved by the Secretary of State. I will second that, and we will wait for the Attorney General. Very briefly, for the record, note the presence of all Board members, and secondly we have started on the approval of agenda item number 1, which is the approval of the December 8, 2009 meeting minutes. Secretary of State moved for approval, I seconded, are there any questions?

**Attorney General:** No.

**Governor:** Comments? All those in favor of approval signify by saying aye. Let the record reflect that the minutes for the December meeting have been approved.

**\*2. APPROVAL OF THE DECEMBER 18, 2009 SPECIAL BOARD OF EXAMINERS' MEETING MINUTES**

**Clerk's Recommendation: I recommend approval.**

**Motion By: Secretary of State                      Seconded By: Attorney General                      Vote: 3-0**

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**Comments:**

**Governor:** We move to agenda item number 2, which is the approval of the December 18, 2009 special Board of Examiners' meeting minutes. Any comments or questions?

**Secretary of State:** Move for approval.

**Governor:** There is a move for approval, is there a second?

**Attorney General:** I will second the motion.

**Governor:** It has been moved and seconded. Any comments or questions with regard to the motion? Hearing none, all those in favor signify by saying aye. Let the record reflect that the minutes have been approved.

**\*3. POLICIES AND PROCEDURES**

**A. Nevada Commission on Tourism – Tourism Development**

Pursuant to the State Administrative Manual (SAM), Chapter 0200, the Commission on Tourism is requesting BOE approval of their internal travel policies and procedures as submitted. The Board of Examiners instructs all agencies to carefully review travel requirements and to adopt detailed policies that are consistent with the Board of Examiners’ statewide travel policy and within the legislatively approved travel budget authority. The agency’s submittal meets the requirement of the BOE in that the internal travel policies submitted are representative of the established BOE statewide travel policies, except one. The agency is requesting an exception to the BOE travel policy regarding the reimbursement of per diem and lodging for travel within 50 mile of the employee’s primary base of employment.

**Clerk’s Recommendation: I recommend approval.**

**Motion By:** \_\_\_\_\_ **Seconded By:** \_\_\_\_\_ **Vote:** \_\_\_\_\_

**Comments:**

**Governor:** We move now to agenda item number 3, which is policies and procedures for the State of Nevada Administrative Manual. 3A is the Nevada Commission on Tourism, Mr. Clerk.

**Clerk:** Thank you Governor. Item 3A on the agenda this morning is a request to the Board to approve travel policies for the Commission on Tourism. This is pursuant to the State Administrative Manual, Chapter 0200. I will note for the Board that what the Commission on Tourism is asking for, if you look at tab 3A on page 7 in the middle of the page, the State Administrative Manual currently does not allow reimbursement for lodging or for per diem if you are within less than fifty miles. What the Commission on Tourism is asking for in their travel policies is an exception to that, and you will see that in the middle of page 7. What they are stating are some examples of why they need that exception. An example would be inclement weather conditions, late official meetings, or number three is conference hosting duties which require on-site presence. Then they are also asking for an exception for meals but they must have prior approval by the director. In both cases they need justification approved by the director of the commission to get this exception. So the options for the Board, is to approve their policies and procedures as stated, or obviously not approve them or make some change to what they are recommending.

**Governor:** Is there anyone from the Commission on Tourism that can answer a question for us?

**Clerk:** I did not see anyone from the Commission on Tourism here.

**Governor:** Well let me ask you the question, maybe you have an answer if you have talked to them on this. I would like to know why the Commission on Tourism's staff should be treated differently than other state workers' who have the same restrictions about fifty miles. What makes the Commission on Tourism so different?

**Clerk:** Governor, good question, the only difference perhaps that the Board could consider is because they host a lot of conferences. With the number 3 under the overnight lodging where they are hosting a conference and they are required to be on-site, my recommendation would be to tie that specifically, that requirement must be met, in order to have an exception. The way that the policy is written currently that is not the case, so if the Board wanted to make an exception for them I would tie it specifically to conference hosting duties and eliminate the other conditions, because as you stated Governor, obviously other state agencies could run into inclement weather, or late official meetings.

**Governor:** That is exactly the point I was trying to make, and I think that if you make any exception it has to be in connection with a conference hosting duty at some point in time.

**Clerk:** That is the only condition that it would make sense to make.

**Governor:** I don't know what the pleasure of the Board is or if there are any other questions out there, but I would like to have that reworded and brought back to us.

**Clerk:** Governor, would you like it reworded with the conference hosting being the single exception?

**Governor:** Being the basis by which an exception can be requested, as long as it is in an official meeting regarding conference hosting.

**Clerk:** We will do that.

**Governor:** Any other questions? So we will postpone this decision until we bring it back to the next meeting.

**Clerk:** Yes, we do not need to take action on it today. We will bring it back to the next Board of Examiners' meeting with the changes.

**Governor:** Maybe they can then answer the questions. Alright, so we will bypass any action on agenda item number 3 until the next Board of Examiners meeting.

**\*4. STATE LAND LEASE**

**A. Department of Conservation and Natural Resources – Division of State Lands**

Pursuant to NRS 284.173 this is a request for the approval of the extension of a lease agreement between the Nevada National Guard and Cheyenne Air Center for a 13,750 square foot hanger at the North Las Vegas Airport to allow the Nevada National Guard Civil Support Team (CST) to continue to occupy Hanger #7.

**Clerk’s Recommendation: I recommend approval.**

**Motion By:** \_\_\_\_\_ **Seconded By:** \_\_\_\_\_ **Vote:** \_\_\_\_\_

**Comments:**

**Governor:** We move on to agenda item number 4 and 5. It is my understanding Mr. Clerk that you are pulling those two?

**Clerk:** That is correct Governor. Items 4 and 5; I request withdrawal from the agenda.

**\*5. FURLOUGH EXCEPTION**

Pursuant to Senate Bill 433, Section 5.2 (a) of the 2009 Legislative Session, the State Board of Examiners shall determine positions within the Executive Branch of State Government that cannot be subject to furlough leave.

**A. Office of the Military**

The Office of the Military requests discontinuance of furlough exceptions for six Military Security Officers budgeted in the Military budget account 3650. In August of 2009, the Board of Examiners approved exceptions for these Reno positions through June of 2011 based on the mandated minimum staffing levels required for public safety. In December of 2009, the Office of the Military relocated six officers from Carson City to Reno, providing sufficient staffing to participate in the furlough program while providing improved public safety coverage. With this discontinuance, the positions will be required to participate in the furlough program effective January of 2010.

**Clerk’s Recommendation: I recommend approval.**

**Motion By:** \_\_\_\_\_ **Seconded By:** \_\_\_\_\_ **Vote:** \_\_\_\_\_

**Comments:**

**\*6. TORT CLAIM**

Approval of tort claim pursuant to NRS 41.037

**A. Matthew Henderson – TC14217  
Amount of Claim – \$150,000.00**

**Discussion:** The following report of investigation and subsequent recommendation from Stan Miller, Claims Manager for the Attorney General, has been approved by James Spencer, Chief of Staff. Mr. Miller's report dated November 13, 2009 states:

The state employee was traveling with lights and siren on as she entered an intersection on a red light and struck the claimant's vehicle. The trooper violated policy by not making sure the intersection was clear before entering. The trooper was killed in the accident. The claimant suffered injuries in which he incurred over \$30,000 in medical treatment. He also has been given a permanent partial disability as a result of the accident. He also incurred an unspecified amount of wage loss.

**Recommendation:** The report recommended that the claim be paid in the amount of \$150,000.00.

**Motion By: Secretary of State                      Seconded By: Attorney General                      Vote: 3-0**

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**Comments:**

**Governor:** We move on to agenda item number 6 which is the approval of a tort claim pursuant to NRS 41.037, in manner of Matthew Henderson, Mr. Clerk.

**Clerk:** Thank you Governor. This is a request for approval of a settlement in a case involving a highway patrol trooper and the claimant. The highway patrol trooper actually lost their life in this accident and this is a claim from the claimant due to injuries.

**Governor:** Are there any questions?

**Secretary of State:** I move for approval.

**Attorney General:** Second.

**Governor:** It has been moved for approval and seconded with regard to agenda item number 6. Any comments or questions with regard to the motion? Hearing none, all those in favor signify by saying aye. Let the record reflect that agenda item number 6 has passed unanimously.

## **\*7.      LEASES**

Twelve statewide leases were submitted to the Board for review and approval.

**Clerk's Recommendation: I recommend approval.**

**Motion By: Secretary of State                      Seconded By: Attorney General                      Vote: 3-0**

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**Comments:**

**Governor:** We move on to agenda item number 7. There are twelve leases before the Board at this time, Mr. Clerk.

**Clerk:** Thank you Governor, there are twelve leases for the Board's consideration this morning and the Clerk would recommend approval on those twelve items.

**Governor:** I have only one question on the leases, and that is with the Department of Wildlife and storage. It seems to me that we have a lot of buildings for the State of Nevada, and we are paying \$18,000 for a lease for storage?

**Clerk:** This is an extension of an existing lease through the end of calendar 2011.

**Governor:** And they are currently occupying this building?

**Clerk:** Yes, they currently have the storage unit and this is an extension to that lease.

**Governor:** Any other questions?

**Secretary of State:** I move for approval.

**Attorney General:** Second the motion.

**Governor:** It has been moved for approval and seconded. Are there any comments or questions with regard to the motion? Hearing none, all those in favor signify by saying aye. Let the record reflect that the leases have been approved.

## **\*8. CONTRACTS**

Seventy-three independent contracts were submitted to the Board for review and approval.

**Clerk's Recommendation: I recommend approval.**

**Motion By: Secretary of State                      Seconded By: Attorney General                      Vote: 3-0**

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**Comments:**

**Governor:** We move now to agenda item number 8, which are contracts, there are seventy-three contracts before the Board this morning, Mr. Clerk.

**Clerk:** Thank you Governor. There are seventy-three contracts and the Clerk would recommend approval on all seventy-three items.

**Governor:** I have a question with regard to contract number 8. This is for the Department of Administration, Information Technology. Mr. Clerk, can you explain if this is a new contract for automated eligibility systems, is there a savings by instituting this contract at this time?



**Clerk:** Yes, thank you Governor, this is a contract that is being administered by the Department of Administration, our Information Technology Division, however, this is a contract for the Department of Health and Human Services, Welfare Division, to establish an automated eligibility system, and to answer your question specifically Governor, we estimate that by implementing this system, we will avoid hiring one hundred and sixty-five eligibility workers because of the efficiency that is created with this new system. So there is a savings in the future, it is not positions that will be eliminated, but without this system we estimate that we would need one hundred and sixty-five new positions within the Welfare Division.

**Governor:** What is the term of the contract?

**Clerk:** The term of the contract is through January 31, 2011.

**Governor:** Are there any other questions with regard to any of the seventy-three contracts that are before the Board at this time?

**Secretary of State:** I have a disclosure with respect to contract number 68 the principles of the entity are close advisors of mine. I move for approval of all seventy-three contracts.

**Governor:** There is a motion for approval.

**Attorney General:** Second.

**Governor:** There is a second. Comments or questions with regard to the motion? No comments or questions, all those in favor of approving the seventy-three contracts signify by saying aye. Let the record reflect that the contracts presented to the Board were approved.

## **\*9. MASTER SERVICE AGREEMENTS**

Two master service agreements were submitted to the Board for review and approval.

**Clerk's Recommendation: I recommend approval.**

**Motion By: Secretary of State                      Seconded By: Attorney General                      Vote: 3-0**

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**Comments:**

**Governor:** We move on now to agenda item number 9, which is the master service agreements, Mr. Clerk.

**Clerk:** Thank you Governor. There are two master service agreements on the agenda this morning for the Board's consideration and the Clerk would recommend approval of both these items.

**Governor:** Any comments or questions with regard to the contracts?

**Secretary of State:** I move for approval.

**Attorney General:** Second the motion.

**Governor:** There has been a motion and a second for the approval of the master services agreements. Any comments or questions with regard to the motion? Hearing none, all those in favor signify by saying aye. Let the record reflect that agenda item number 9 passed the Board. We move on now to agenda item number 10 which is Board member comments. Any member of the Board wishing to make a comment? Hearing none, we will move to the public aspect of comments. Is there anyone in the general public wishing to make a comment before the Board of Examiners today? Hearing none, seeing none, we will move on to agenda item number 11, adjournment.

**Secretary of State:** I move to adjourn.

**Attorney General:** Second.

**Governor:** It has been moved and seconded for adjournment. All those in favor signify by saying aye. Let the record reflect that we are adjourned.

## **10. BOARD MEMBERS' COMMENTS/PUBLIC COMMENT**

### **\*11. ADJOURNMENT**

**Motion By: Secretary of State                      Seconded By: Attorney General                      Vote: 3-0**

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**Respectfully submitted,**

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ANDREW K. CLINGER, CLERK

**APPROVED:**

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GOVERNOR JIM GIBBONS, CHAIRMAN

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ATTORNEY GENERAL CATHERINE CORTEZ MASTO

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SECRETARY OF STATE ROSS MILLER