

# MINUTES

## MEETING OF THE BOARD OF EXAMINERS

February 9, 2010

The Board of Examiners met on February 9, 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:**

Cole Schmidt – Department of Health and Human Services, Health Division  
Mark Teska – Department of Public Safety  
Karen Daly – Department of Public Safety  
Mitch Prather – AT&T  
Pat Irwin – AT&T  
Dave Jones – Department of Administration, Purchasing Division  
Deborah Braun – Department of Employment, Training and Rehabilitation  
Dave McTeer – Department of Administration  
Bill Kirby – Department of Health and Human Services, Division of Mental Health and Developmental Services  
Megan Sloan – Public Employee Benefits Program  
Jim Spencer – Attorney General's Office  
Stan Miller – Attorney General's Office  
Linda Deloach – Department of Administration, Purchasing Division  
Dave Haws – Department of Employment, Training and Rehabilitation  
Jose Garcia – Cap Gemini Government Solutions  
Steve Knill – Cap Gemini Government Solutions  
Tamony Ritter – ADSD  
Janette Mulvenon – Department of Health and Human Services, Health Division  
Miles Celio – Office of the Military  
Keith Wells – Motor Pool  
Dan Welsh – Gruss-Ellis/ NCG  
Vicki Cummins – Department of Business and Industry, Mortgage Lending  
Jim Lawrence – Department of Conservation and Natural Resources, Division of State Lands  
Cindy Jones – Department of Employment, Training and Rehabilitation  
Billie Tucker – Department of Employment, Training and Rehabilitation  
Tim Tetz – Veteran Services  
Susan Hohn – Department of Business and Industry  
Jason Holm – Department of Health and Human Services, Division of Welfare and Supportive Services  
Karen Caterino – Department of Administration, Risk Management Division  
Bob Anderson – Department of Business and Industry, Division of Insurance  
Sherri Rice – Access to Health Care Network  
Greg Smith – Department of Administration, Purchasing Division



debts are those of inmates who incurred charges that are now deceased. The debts represent various charges that are authorized under NRS 209.246. Among the charges for which inmates must pay under NRS 209.246 are postage, medical visits, costs related to inmate damages, inmate-on-inmate injuries, recreation injuries, etc. The debts include 49 accounts over \$50 up to \$1,000; 7 accounts from \$1,001 up to \$10,000 and one account over \$10,000.

**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 a request to write off bad debt. 2A is the Department of Business and Industry, Mortgage Lending Division, \$345,032.91; 2B is the Department of Corrections, \$49,369.25, Mr. Clerk.

**Clerk:** Thank you Governor. Item 2A is a request from the Mortgage Lending Division. These are twenty two accounts of businesses that closed, they have exhausted their collection efforts through the Controller's Office and have heard from licensing activity and businesses if they are reopened they can take action, but they are closed at this time. Item 2B is for the Department of Corrections; these are charges to the inmates and the amount that is being requested to write off is deceased inmates.

**Governor:** And these were authorized charges?

**Clerk:** Yes, these were authorized charges under NRS 209.246.

**Governor:** Any comment or questions with regard to agenda item 2A or 2B?

**Secretary of State:** I move for approval on items 2A and 2B.

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

**Governor:** Secretary of State moved for approval, seconded by the Attorney General. 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 2A and 2B passed unanimously.

### **\*3. STATE ADMINISTRATIVE MANUAL REVISIONS**

The State Administrative Manual (SAM) is being submitted to the Board of Examiners' for approval of revisions in the following Chapters: **State Vehicles – Chapter 1300, Purchasing Division – Chapter 1500.**

**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 3, which is the State Administrative Manual Revisions, Mr. Clerk.

**Clerk:** Thank you Governor. This is a request to revise the State Administrative Manual Chapter 1308 and replace it with 1309. What this does is the current policy as stated in SAM states that a vehicle should be replaced at three years or 80,000 miles; this changes the policy to seven years and 100,000 miles and adds language for maintenance records and disposal as well.

**Governor:** Are there any questions with regard to any of these changes?

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

**Attorney General:** Second the Motion.

**Governor:** It has been moved for approval and seconded, any comments or questions with regard to the motion? Hearing none, all those in favor please signify by saying aye. Let the record reflect that agenda item number 3 passed the Board unanimously.

#### **\*4. STATE LAND LEASE**

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

Pursuant to NRS 321.001(2), the Nevada Division of State Lands (NDSL) is requesting approval, on behalf of the State Motor Pool, to enter into a lease for land and associated facilities currently owned by the Reno-Tahoe Airport Authority. The current lease was originally approved in 1989 and expired June 30, 2009. The State Motor Pool has been leasing the land and facilities on a month-to-month basis while negotiations for a lease extension were underway. If approved the lease extension will be for six years, retroactive to July 1, 2009 and will expire June 30, 2015.

**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 4 which are state land leases. 4A is for the Department of Conservation and Natural Resources, Division of State Lands, Mr. Clerk.

**Clerk:** Thank you Governor. This is a request of state lands on behalf of the State Motor Pool Division to enter into a lease for land and associated facilities currently owned by the Reno-Tahoe Airport Authority. The current lease was originally approved in 1989 and expired June 30 of last year. Motor Pool has been leasing the land and facilities on a month-to-month basis and since then they have approved this lease extension for six years retroactive to July 1, 2009 expiring on June 30, 2015.

**Governor:** Mr. Clerk, since this is a new lease has the State of Nevada attempted to negotiate the lease for less then they have leased the property in the past?

**Clerk:** I don't believe so. I would like to request someone from State Lands to come up and answer the question.

**Governor:** Good morning, will you identify yourself for the record?

**Jim Lawrence:** Good morning Governor, Members of the Committee, for the Record, Jim Lawrence, Administrator Division of State Lands and Keith Wells, Administrator for Motor Pool. Regarding the question on negotiations for the value of the lease we did start negotiations, as we always do, to get the best deal for the State. The Airport Authority by their rules are required to receive fair market value in return for leasing property. An appraisal was completed by a licensed appraiser to determine the fair market value. Our office reviewed the appraisal and that the cost reflected fair market value. The lease reflects the appraisal.

**Governor:** Is that fair market value reflective of today's current trends? Because what the value was in 2009 or in 2008 is vastly different than what the rate is today.

**Jim Lawrence:** The fair market value appraisal was done by the licensed appraiser in 2009 it has not been updated.

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

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

**Governor:** Move for approval is there a second?

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

**Governor:** Moved for approval and seconded by the Attorney General. Any comments or questions with regard to the motion? Hearing none, all those in favor please signify by saying aye. Let the record reflect that agenda item number 4 has passed the Board of Examiners'.

**\*5. FURLOUGH EXCEPTIONS**

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 exceptions for six positions budgeted in the Military budget account based on the mandated minimum staffing levels required for public safety. These positions are funded 100% with federal funds. This exception would be for the period of February 01, 2010 to June 30, 2011.

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

**Motion By:**

**Seconded By:**

**Vote:**

**Comments:**

**B. Department of Employment, Training and Rehabilitation – Employment Security Division**

The Department of Employment, Training and Rehabilitation requests exceptions for two new full-time positions added to the Employment Security Division (ESD) at the September 17, 2009 Interim Finance Committee Meeting. Approval of the two new positions would be consistent with the prior approval of ESD's eight Workforce Service Representative V's at the July 14, 2009 Board of Examiners Meeting.

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

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

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**Comments:**

**Governor:** Furlough exceptions are agenda item number 5. We have two; 5A which is the Office of the Military, 5B is the Department of Employment, Training and Rehabilitation, the Employment Security Division, Mr. Clerk.

**Clerk:** Thank you Governor. Item number 5A is a request from the Office of the Military for six security officer positions. Based on the need for the criteria in Senate Bill 433 Section 5.2 we believe that these positions meet the criteria as laid out in the bill. Item 5B is the Department of Employment, Training and Rehabilitation, Employment Security Division, they are requesting two new full time positions added to the Employment Security Division at the September 17, 2009 Interim Finance Committee meeting. This is consistent with the prior approval of ESD's Workforce Service Representatives. We believe the positions in Employment, Training and Rehabilitation also meet the criteria as laid out in the bill.

**Governor:** The six positions in the Military are paid for with federal funds?

**Clerk:** That is correct. The six positions in the Office of the Military are 100% federal funds as are the positions within the Employment Security Division.

**Governor:** Any other comments or questions with regard to agenda item 5A or 5B?

**Secretary of State:** I move for approval of 5A and 5B with the finding that they meet the necessary requirements.

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

**Governor:** There is a motion that the exceptions under 5A and 5B under statutory exception be approved, and seconded by the Attorney General. 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 5 passed unanimously.

**\*6. 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 approval of their internal travel policies and procedures as submitted. The agency's previous request included an exception at the "discretion" of the director. The revised submittal is in accordance with the January 12, 2010 BOE recommendation that the agency only be allowed the exception to the 50 mile rule when employees are required to host and assist with agency sponsored conferences.

**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 6 which is policies and procedures, 6A is the Nevada Commission on Tourism, Tourism Development, Mr. Clerk.

**Clerk:** Thank you Governor: This is a request that was on the last Board meeting and was deferred. This is the request from the Commission of Tourism to adopt travel policies; I will remind the Board that we discussed at the last meeting the meals and per diem inside fifty miles as the criteria. Laid out in their policies as the Board wanted to see they bring back different criteria based on primarily the Commission on Tourism hosting conferences; they have made those changes as requested by the Board and we do have representatives from the Commission on Tourism here today if the Board would like to ask a question. If you look on page 7 under that agenda item you will see it reveals an overnight lodging within fifty miles. It states that overnight lodging is available within less than fifty miles from the principle station and is only allowed if the conference duties require on-site presence.

**Governor:** My question to that would be who makes the determination of the requested presence? Who determines that?

**Clerk:** I will ask Tourism to address that question.

**Steve Woodbury:** Hello Governor, Members of the Board, Steve Woodbury, Deputy Director of the Commission. The only person that could make that determination would be the Director of the Commission and they would need justification to do that.

**Governor:** So it's not a requirement under a contract with the Board of Regents? It is a determination based on the Director's decision that somebody would have to stay there.

**Steve Woodbury:** That is correct.

**Governor:** Any other questions?

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

**Governor:** Motion for approval is there a second?

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

**Governor:** Attorney General has seconded the motion for approval. 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 motion passes unanimously.

**\*7. REQUEST FOR APPROVAL OF PROPOSED DAILY RATES FOR THE NEVADA STATE VETERANS' HOME**

**A. Veterans' Home**

In accordance with NRS 417.147, the Veterans' Home is recommending the following FY 2010 per day resident rates for the Boards consideration and approval. This rate change would become effective July 1, 2010.

	Current Rate Per Day	Proposed Rate Per Day	Difference Per Day	% Difference
Veteran	\$ 101.00	\$ 110.00	\$ 9.00	8.91%
Non-Veteran	\$ 173.00	\$ 187.00	\$ 14.00	8.09%

NRS 417.147 states that "with the advice of the Nevada Veterans' Services Commission, the Executive Director shall, on or before April 1 of each calendar year, recommend to the State Board of Examiners a schedule of rates to be charged for occupancy of rooms at each Veterans' Home in this State during the following fiscal year." NRS 417.147 also states that "the State Board of Examiners shall establish the schedule of rates. In setting the rates, the State Board of Examiners shall consider the recommendations of the Executive Director, but is not bound to follow the recommendations of the Executive Director."

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

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

**Comments:**

**Governor:** Move on now to agenda item number 7 which is a request for the approval of the proposed daily rates for the Nevada State Veteran's Home, Mr. Clerk.

**Clerk:** Thank you Governor. Under NRS 417.147 the Nevada Veteran's Service Commission and the Executive Director shall, on or before April 1 of each calendar year, recommend to the State Board of Examiners a schedule of rates to be charged for occupancy of rooms at each Veteran's Home for the following fiscal year. I will note the agenda states that these rates are for fiscal year 10' these rates actually go into effect July 1, 2010 and will be effective for fiscal year 2011. You can see under the detailed agenda tab on page 3 there is a chart there in the middle of the page that lists the current rate and the proposed rate for Veteran's it would be an 8.91% increase and for non-Veteran's an 8.09% increase. We do have representatives; the Executive Director of the Commission is here today.

**Governor:** We will take a comment from the Executive Director for the Office of Veterans Services.

**Tim Tetz:** Good morning Governor, Members of the Board, for the record my name is Tim Tetz. If I could ask for the personal privilege and introduce the twelve Veterans's standing and members of the Board meeting. I am joined by four commissioners from the Veterans Services Commission, three of which are Veteran's; one is a gold star medal, two representatives from the Marine Core lead the number of representatives from the Disabled American Veteran's and the American Legion and a number of representatives from the Veteran's of Foreign Affairs, I couldn't do this without their support. Mr. Governor, Members, in 1999 the Veteran's, many of whom are assembled here today joined together to start a home and they agreed on three things, they agreed that the home should be at the highest quality of care, it should provide services out of the low pay of costs, but those services should be in return of the sacrifices that the Veteran's, the contributions that the Nevada Veteran's have made. In 2002 we opened, many people in this room remember that one, we were overdue and over budget so legislators and politicians and all the black eye and money business in Nevada. We were in jeopardy truly locally because we didn't have the poor service and inspections and we didn't need standards. In 2004 the Board of Examiners' and my predecessor in the Administrator over to the residents den and asked for an increase in co-pay 100%, from \$50 to \$100. And you can imagine the Veteran's organizations the residents and their family members were absolutely angry. They promised at that time, in the future we will gradually increase co pay rates and we will promise to increase and improve quality of care. They were skeptical at that and yet I am here today to tell you a little bit about those promises. In 2010 they are one of four of four five star facilities within the State of Nevada, the average number of deficiencies on surveys said state homes or nursing homes is eight we have averaged three or less in the last four years. And this February's issue the current issue of the U.S. season world report rates Americans best nursing homes. Nevada State Veteran's Home is the only home on that list, the only home in Nevada. We did it, we proved those skeptics wrong. Yet in that six year span the homes in the area increase rates 21%, from \$59 a day to \$193. How do they costs from here? By Medicaid increased an average of 4% per year. We were put in ourselves reformer in that final promise. So two years ago the Commission, your Veteran's Service Commission approved reforming law, the Veteran co-pay shall not exceed the area average less than per diem. Presently if we looked at that formula Veteran's co-pay shall not exceed \$116. Likewise, the stocks rate or the gold star apparent rate would be the Veteran rate plus the VA per diem. At this point this would be \$116 plus \$77, for \$193. The summer of 2009 Commission meeting the Commission met and directed me to advise me to seek a raise increase or a co-pay increase depending on who you're talking about for \$110 per day for the Veteran's of the home and \$187 dollars per day for the gold star parents and spouses. My recommendation to you today is that Commission. Success here is bittersweet, although I do own my own business I never wanted to raise costs or raise expenses to my customers like my predecessor the Administrator, I will meet with the Veteran's, the residents and their family members, but unlike 2004 this time is different. We have the support of the Veteran's who joined us here today, we have support of the Commission, and above all the Nevada State Veteran's Home is to become what we envisioned in 1999. We are here favoring America's heroes, we do it with the highest quality of care adding a cost well below 52% of that of your average, this is exactly what are residents, Nevada's Veteran's deserve, so for today Governor, I urge you and ask for your support to invest in our home too. That will allow us to increase our rates from \$110 to \$187 dollars in fiscal 11'.

Governor: I notice there are, Mr. Tetz, a number of organizations here that are presently in support of this motion. Are there any of them here that would like to put a statement on the record?

Members of the Board my name is Ron Gussman, I am a member of the Nevada Office of Veterans Services, and I come to let you know that the commission passed two years when we approached this item on the agenda both times directed Mr. Tetz to go forward with this co-pay increase, for I guess several reasons, the biggest one is to get small increments going because there is money for you to tie when your going to need more money and we don't want the speed bump to happened like it did in 2004 it's just not good for business. The commission supports it and we have a good program going. I don't want to repeat what Tim said but we've got a really good program going. And we don't want to see it diminished. We have the administration, the leadership, the executive director, and the dedication all in place and that is why this is such a success that is why we list it here. Out of one hundred and seventy-three homes in the nation that they looked at and rated as top-notch, five-star homes, one from Nevada was listed and that was our Nevada Veteran's Home. You don't see that program. And there is another thing, to just finalize and speak as a veteran and speak from my heart with everything we have going right here, the opportunity becomes right and were ready to go we have 75,000 veteran's in Northern Nevada ready to be serviced by a home similar to this one. I would like to have you support our request. Thank you.

Governor Gibbons, Board of Examiners', Mike Muscrow, also a member from the Veteran's Services Commission, I represent the Veteran's of Foreign Wars. I would like to thank all of our 177 members for their statewide support. For increasing the rates and co-pay and have the Veteran's home and express our desire and needs for the Veteran's home in Northern Nevada and by the small increases down there it would become a lot more self-sufficient. It is needed for the men and women, who have fought so hard for our freedom, thank you.

Good morning Governor, Members of the Board, I appreciate you giving us the time, my name is Greg Weimer, I represent the seven thousand members of the disabled American Veteran's of Nevada. No body likes to see an increase in any type of adjustments, but as Mr. Tetz laid out previously this is needed at this time. The AP certainly doesn't want to see a conservative in the cuts of budgets and the home in Boulder. As Commissioner Bussman said, and my comrade from the VFW also said we have 75,000 veteran's right here in Northern Nevada, and in order for a spouse to see a veteran in a nursing home right now they can travel from Winnemucca or Elko or Sparks or Fernley and travel all the way to mobile cities to see them, now if we were able to get this additional funding coming through. The fact is that that can free up money in the general funds and actually look for the first time seriously at the present issue of having to close the home. The federal funds are there they have been waiting for this. The legislature in Nevada passed funding and we are ready to go so we certainly think that this would help steer us that way as well. If the dollars could be raised continue funding the Southern Nevada Home, were vote on needed for the general fund, possibly needed for the whole year. The DA supports any efforts by this light and this administration that the continued and excellent care for Southern Nevada Veteran's Home and we certainly support the Commission and back them on this, thank you.

My name is John Warden I represent over 8,500 members in the American Legion in the State of Nevada. I am a little familiar with assistant care and care facilities, such as the Veteran's Home in Southern Nevada, Boulder City, I have my mother at home and it cost the right time and care making sure she is being taken care of and its very stressful time of my life. Also I do understand the cost of such facilities and how cost versus care has a direct impact on the quality

of care. I have been an accountant for a care facility in Southern California for over 35 years. Our number one agenda is of course is the prompted care with our veteran's. We need aggregate funding to make it maintain this care. It is a known fact that if you cut wages people, no matter how dedicated to their job, will work or look to the private sector. We cannot let this happen, we need to maintain our cost of living and maintain our care. So I appeal to you to look at this as maintaining the quality of care at our facility by approving this small increase, thank you.

**Governor:** Thank you, anyone else wishing to add a statement at this time? I had a question for the counsel; I have an immediate family member whom I am a trustee in his estate. Is there a conflict with my voting for this?

**Jim Spencer:** No Governor there is not a conflict.

**Governor:** Any other comments or questions?

**Attorney General:** Governor I have a question for Mr. Tetz. Mr. Tetz, first let me commend you on what you have done with the Veteran's home and what I just heard, sounds like you have accomplished an incredible feat here. Have you received any opposition to this rate increase?

**Tim Tetz:** We have not taken it to the family members. Of the Veteran's organizations that we spoke to and the general population we have not. The Commission was unanimous in their support of this co-pay and rate increase, so I am sure that there are bound to be some folks that aren't anxious to have their rate increased at the home, but we will be meeting with those once the Board of Examiners' reaches its decision.

**Attorney General:** Ok, well let me just verify because I think you just answered my next question, it sounds like you have not reached out to the residents and the families of those individuals of those who are utilizing the home is that correct?

**Tim Tetz:** That is correct.

**Attorney General:** So then how can you be so sure that in this economy that this rate increase isn't going to be unduly burdensome on them?

**Tim Tetz:** The existing pay structure and the financial circumstances of the Veteran's, there are currently, about half of our veteran's are veteran private pay, they pay the \$101 dollars per day. The moment that they can't pay \$101, we help them with their Medicaid application and Medicaid steps in and begins to pay for the remainder of the costs of their care, so we have never in the nine years or eight years we have been open at the home, ever had a residence who was kicked out because they had the inability to pay. We have always worked with them and make certain that their needs were met through other sources.

**Attorney General:** So what your saying today is that if there is a hardship to a family member or veteran that is in the home who cannot satisfy this rate increase you will work with them and will continue to offer the services to them at whatever rate that they can pay, is that correct?

**Tim Tetz:** Yes that is correct.

**Attorney General:** Ok, thank you.

**Governor:** Any other questions before we move forward? Hearing none, is there a motion?

**Secretary of State:** I move to approve agenda item 7A.

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

**Governor:** It has been moved for approval, and seconded by the Attorney General. Any comments or questions with regard to the motion? Hearing none, those in favor signify by saying aye. Let the record reflect that agenda item number 7 is approved.

**\*8. TORT CLAIM**

Approval of tort claim pursuant to NRS 41.037

**A. Carol Morsovillo – TC14234  
Amount of Claim – \$85,000.00**

**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 January 11, 2010 states:

The plaintiff has alleged retaliation and negligent supervision. In 2005 the plaintiff filed a claim for discrimination which went to trial and was dismissed pursuant to Federal Rule of Civil Procedure 50 following the close of plaintiff's case in chief. Based on testimony by the plaintiff's psychiatrist during trial 8<sup>th</sup> JD required the plaintiff submit to a fitness for duty exam. It appears once the plaintiff returned to work she was given different work duties than before the lawsuit. A jury could construe this to be retaliation for having filed the original lawsuit. If a jury awarded any damages, the state would be liable for all attorney fees and costs which would exceed the cost of settlement.

**Recommendation:** The report recommended that the claim be paid in the amount of \$85,000.00.

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

**Comments:**

**Governor:** Move on now to agenda item number 8 which is tort claim. Approval of a tort claim pursuant to NRS 41.037, 8A is Carol Morsovillo, Mr. Clerk.

**Clerk:** Thank you Governor, this is a tort claim that is recommended by the tort claims manager in the amount of \$85,000. This is a claim that involved a claimant that has alleged retaliation and negligent supervision.

**Governor:** Are there any questions from the Members of the Board with regard to agenda item number 8?

**Secretary of State:** I move to agenda item number 8.

**Governor:** It has been moved for approval is there a second?

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

**Governor:** Seconded by the Attorney General. Are there any comments or questions with regard to the motion? Hearing none, those in favor signify by saying aye. Let the record reflect that agenda item number 8 passed unanimously.

## **\*9. LEASES**

Three 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 now to leases, or agenda item number 9, Mr. Clerk.

**Clerk:** Thank you Governor, there are three leases on the Boards agenda this morning for consideration. Two of them are relocations and one is an extension of an existing lease.

**Governor:** Any comments or questions with regard to any of the three leases before the Board at this time?

**Secretary of State:** I move to approve the three leases.

**Attorney General:** Second the motion.

**Governor:** It has been moved and seconded for approval. Any comments or questions with regard to the motion? Hearing none, those in favor signify by saying aye. Let the record reflect that agenda item number 9, leases, have been approved by the Board.

## **\*10. CONTRACTS**

Sixty-eight 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:** Move on to agenda item number 10, which is contracts, Mr. Clerk.

**Clerk:** Thank you Governor, there are sixty-eight contracts on the Board's agenda this morning for review. The last contract, contract number sixty-eight, is a contract for the Pharmaceutical Board and they requested that item be pulled, so with that contract pulled Governor, there are sixty-seven contracts.

**Governor:** Any comments or questions with regard to the sixty-seven contracts presently before the Board of Examiners’?

**Attorney General:** Governor I have a question with respect to contract number forty-eight. You may be able to answer this, it involves Summit View Youth Correctional Center, is that one of the facilities that we are looking at closing? If that is the case, is it prudent for us to enter into a new contract?

**Clerk:** This is one of the items that is on the list of potential budget cuts. All of our contracts do have funding out language in them so if that decision was made to close that facility we certainly could terminate this contract.

**Attorney General:** Okay, thank you.

**Governor:** Any other questions?

**Secretary of State:** I move to approve contracts one through sixty-seven.

**Governor:** There is a motion for approval of contracts one through sixty-seven, is there a second?

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

**Governor:** The motion has been seconded by the Attorney General. Any comments or questions with regard to the motion? Hearing none, those in favor signify by saying aye. Let the record reflect that contracts one through sixty-seven have been approved.

## **\*11. MASTER SERVICE AGREEMENTS**

Thirty-one 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:** Move now to agenda item number 11, which are master service agreements, Mr. Clerk.

**Clerk:** Thank you Governor, there are thirty-one master service agreements, as you can see, before the Board this morning.

**Governor:** Are there any questions with regard to any of the service agreements that are presently before the Board?

**Secretary of State:** I move to approve the thirty-one master service agreements.

**Attorney General:** I will second.

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

## 12. INFORMATION ITEMS

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

Pursuant to NRS Chapters 111 and 355, the Division of State Lands is required to provide the Board of Examiners quarterly reports of lands or interests in lands transferred, sold, exchanged or leased under the Tahoe Basin Act program and real property or interests in real property transferred under the Lake Tahoe Mitigation Program. This submittal reports on program activities for the fiscal quarter ending December 31, 2009 (reference NRS 321.5954).

#### **Comments:**

**Governor:** Move to agenda item number 12, which is an informational item from the Department of Conservation and Natural Resources, Division of State Lands, Mr. Clerk.

**Clerk:** Thank you Governor, item 12A we have seen on the Board before. This is reported back to me under the Tahoe Basin Act. In association with the Lake Tahoe Mitigation Program the agency is reporting that there were no acquisitions of lands or interests in lands under this program for the quarter. However, there was one land coverage transaction report for the second quarter of fiscal year 2010 for a total of \$1,008 in proceeds and administrative fees for this transaction.

**Governor:** Any questions with regard to 12A?

### B. 2010 1<sup>st</sup> and 2<sup>nd</sup> Quarter Overtime Reports

**Governor:** Move on to informational item number 12B, the 2010 1<sup>st</sup> and 2<sup>nd</sup> quarter overtime reports, Mr. Clerk.

**Clerk:** Thank you Governor, item number 12B is the 1<sup>st</sup> and 2<sup>nd</sup> quarter overtime reports. Under tab 12B in your packet, the first page there is a graph of overtime as a percentage of base pay. You can see that the last arc there on the graph is the 2<sup>nd</sup> quarter of fiscal year 2010 just slightly under 3%. This actually is down compared to the 2<sup>nd</sup> quarter of fiscal year 2009 which was just slightly under 4%. The 1<sup>st</sup> quarter of fiscal year 2010, which is the second mark in the graph, again just slightly under 4% and this compares to overtime, in the first quarter of 2009 of 4.5%, so this came slightly down from the prior quarters.

**Governor:** Mr. Clerk, I noticed in the historical comparison of 2005 and 2010 2<sup>nd</sup> quarter of each year is reflected in decrease overtime. Can we expect increase overtime as indicated in historical trends previously?

**Clerk:** An increase in future quarters Governor?

**Governor:** Yes.

**Clerk:** It is hard to say. Look for example in the middle of the graph in 2007 3<sup>rd</sup> quarter overtime was one of the lowest points on the graph. 3<sup>rd</sup> quarter 2009 just slightly below 4%, so it is difficult to predict.

**Governor:** Any questions? Hearing none, we will move on to Board member comments.

### **13. BOARD MEMBER COMMENTS/PUBLIC COMMENTS**

**Comments:**

**Governor:** Any member of the Board wishing to make a comment before the Board of Examiners' at this time? Hearing none, we will move to public comments. Any member of the public wishing to comment before the Board of Examiners'?

### **\*14. ADJOURNMENT**

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

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**Comments:**

**Governor:** We will move on to agenda item number 14, an action item, the adjournment. Is there a motion to adjourn?

**Secretary of State:** So moved.

**Attorney General:** Second.

**Governor:** Motion by the Secretary of State, second by the Attorney General. All those in favor signify by saying aye. Let the record reflect that the Board of Examiners' is adjourned.

**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

