

Governor Steve Sisolak
Chairman

Susan Brown
Clerk of the Board



Attorney General Aaron D. Ford
Member

Secretary of State Barbara K. Cegavske
Member

STATE OF NEVADA BOARD OF EXAMINERS

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<http://budget.nv.gov/Meetings>

MEETING MINUTES

Date and Time: February 18, 2020, 9:00 AM

Location: Old Assembly Chambers of the Capitol Building
101 North Carson Street
Carson City, Nevada 89701

Video Conference Location: Grant Sawyer Building
555 East Washington Avenue, Suite 5100
Las Vegas, Nevada 89101

MEMBERS PRESENT:

Governor Steve Sisolak
Attorney General Aaron Ford
Secretary of State Barbara Cegavske

STAFF PRESENT:

Susan Brown, Clerk of the Board
Dale Ann Luzzi, Board Secretary

OTHERS PRESENT:

Rebecca Feiden, Director, State Public Charter School Authority
Sean McDonald, Division Administrator, Department of Motor Vehicles
Kevin Doty, Division Administrator, Purchasing Division, Department of Administration
Susan Sieber, Administrative Services Officer, Department of Public Safety
Rachel Kienzler, Geo Reentry Services
Anne Carpenter, Division Administrator, Parole & Probation, Department of Public Safety
Jess Lankford, Deputy Division Administrator, Department of Business and Industry
Joel Tasca, Member of Public

1. Call to Order / Roll Call

Governor: Good morning. I'd like to call to order today's meeting of the State of Nevada, Board of Examiners. Could I ask the Clerk to take a roll, please?

Clerk: Good morning. Governor Sisolak?

Governor: Here.

Clerk: Secretary of State Cegavske?

Secretary of State: I'm here in Vegas.

Clerk: Attorney General Ford?

Attorney General: Here in Vegas as well.

Governor: Thank you, we do have a quorum.

2. Public Comment (The first public comment is limited to comments on items on the agenda. No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board will impose a time limit of three minutes).

Governor: The second item is *Public Comment*, item number 2. Anyone wishing to address the Board on any item on our agenda today, please step forward, identify yourself for the record. Is there any public comment?

Public Comments: Attachment A: Joel Taska

Governor: Thank you for your comments.

3. Approval of the January 14, 2020 Minutes (For possible action)

Governor: Item number 3, *Approval of the January 14, 2020 Minutes*.

Clerk: We have one technical adjustment in the minutes. There is an amount in one of the agenda items from the previous month that is incorrect that we will correct before we post the final version.

Governor: Alright, thank you.

Secretary of State: Governor, can I ask which item that is?

Clerk: It is on Page 4. In the first paragraph, it says 500,000 miles however, that number is closer to 100,000.

Secretary of State: Alright, great. Thank you, Governor.

Governor: Thank you.

Attorney General: I move for approval with the projected correction.

Secretary of State: I'll second it.

Governor: Thank you. Is there any discussion on that motion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes.

4. State Vehicle Purchases (For possible action)

Pursuant to Nevada Revised Statute (NRS) 334.010, no automobile may be purchased by any department, office, bureau, officer or employee of the state without prior written consent of the State Board of Examiners.

AGENCY NAME	# OF VEHICLES	NOT TO EXCEED:
Department of Agriculture – Consumer Equitability Division	1	\$35,989
Department of Public Safety – Division of Investigations	8	\$241,673
Total	9	\$277,662

Governor: Item number 4, *State Vehicle Purchases*.

Clerk: There are 2 requests for 9 vehicles in this agenda item. The first item is from the Department of Agriculture, Consumer Equitability Division for 1 new vehicle for \$35,989. Funding for this vehicle is included in the agency's budget.

The second request under this item is from the Department of Public Safety, Division of Investigations for eight replacement vehicles for \$241,673. The vehicles being replaced have met the age and/or mileage requirements in the State Administrative Manual. Funding is included in the agency's budget.

Representatives from these agencies are available to answer any questions.

Governor: Do we have any questions or comments on item number 4?

Attorney General: None in Vegas.

Governor: Hearing and seeing none. Do we have a motion on item number 4?

Attorney General: Move approval.

Secretary of State: Second.

Governor: We have a motion for approval, is there any discussion on the motion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes.

5. Authorization to Contract with a Current and/or Former State Employee
(For possible action)

Board action under this item only grants permission to the employing agency. Current and former employees are still subject to all ethical requirements of NRS Chapter 281A, specifically including subsection 550 which restricts certain former employees and state agencies.

Department of Public Safety – Office of Traffic Safety

Pursuant to NRS 333.705, subsection 1, the Office of Traffic Safety requests authority to contract with former employee James Stewart to provide Quality Assurance services for the Nevada Rider Motorcycle Safety Program.

Governor: Item number 5, *Authorization to Contract with a Current and/or Former State Employee*.

Clerk: Item 5 includes 1 request to contract with a former employee pursuant to NRS 333.705(1). This request is from the Department of Public Safety, Office of Traffic Safety to contract with a former employee to provide Quality Assurance services for the Nevada Rider Motorcycle Program. Representatives from the agency are available to answer any questions.

Governor: Do we have any questions from Board Members in Las Vegas?

Attorney General: None in Vegas.

Governor: Do we have a motion on item number 5?

Attorney General: Move approval, Governor.

Secretary of State: Second.

Governor: We have a motion for approval, any discussion on the motion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes.

6. Request to Pay a Cash Settlement (For possible action)

Pursuant to Article 5, Section 21 of the Nevada Constitution, the State Board of Examiners may approve, settle or deny any claim or action against the State, any of its agencies or any of its present or former officers, employees, immune contractors or State Legislators.

Nevada State Public Charter School Authority

The Department requests settlement approval in the amount of \$16,051.15 to fully resolve a Petitioner's Request for Attorney's Fees and Costs pursuant to Nevada Revised Statute 239.011(2).

Governor: Item number 6, *Request to Pay a Cash Settlement*.

Clerk: This item is a request from the State Public Charter School Authority for approval in the amount of \$16,051.15 to fully resolve a Petitioner's Request for Attorney's Fees and Costs Pursuant to NRS 239.011(2). Representatives from the Agency are available to answer any questions.

Rebecca Feiden: We're in receipt of a letter dated January 14th that I was handed a copy of this morning. As stated in the gentleman's public comment, this is an order for payment and we are prepared to make that payment. I'm glad to answer any questions related to the accusations in this letter but I will state that we have, now to this date, done everything possible to provide any available records that exist related to the records request.

Governor: Alright, do Board Members in Las Vegas have any questions?

Attorney General: To clarify, you agree that this isn't a settlement, this is pursuant to a court order?

Rebecca Feiden: That is correct.

Attorney General: Thank you, that's all I have, Governor.

Governor: Thank you. If we could ask staff to ensure the record is correct, that this is for payment as opposed to the settlement, that would be appreciated.

Do we have a motion?

Secretary of State: I move for approval.

Attorney General: Second.

Governor: We have a motion on the floor, is there any discussion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes. Thank you very much.

7. Request for Authorization to Amend a Current Contract for a Price Increase (For possible action)

Department Of Motor Vehicles – License Plate Factory

Pursuant to NRS 482 and Nevada Administrative Code (NAC) 706 the Department is required to supply license plates to multiple vehicle types at the time of registration or licensing. The Department is requesting a price increase to the current contract with Irwin Hodson Group LLC, contract number 16035.

Governor: Item number 7, *Request for Authorization to Amend a Current Contract for a Price Increase*.

Clerk: This item is a request from the Department of Motor Vehicles, License Plate Factory which requests Board approval to increase the pricing contained within the current contract with Irwin Hodson Group, LLC. The original contract allowed for pricing changes after the first four years of the contract, however, any increases to the pricing schedule require the Board of Examiners approval. Representatives from the Agency are available to answer any questions.

Governor: Thank you. Do we have any questions from the Board Members in Las Vegas?

Secretary of State: I'd like to know what the \$1 million will be used for. I did receive additional information but it wasn't enough for me on this issue.

Governor: Good morning.

Sean McDonald: Good morning, Governor and Members of the Board. The \$1 million is a reserve that we keep in the account to start each individual fiscal year to make sure that we have enough appropriations to pay for aluminum. Obviously, with commodities trading, it's expensive to go through those undertakings. Generally speaking, we keep a \$1 million reserve. That reserve has been a little bit larger and we are trying to chisel that down to meet that exact \$1 million.

Secretary of State: That does help me, thank you.

Governor: Any further questions? Hearing and seeing none, do we have a motion on item number 7?

Attorney General: Move approval.

Secretary of State: Second.

Governor: We have a motion on the floor, is there any discussion on the motion? Hearing and seeing none. All in favor signify by saying aye. The motion passes. Thank you.

8. Approval of Proposed Leases (For possible action)

Governor: Item number 8, *Approval of Proposed Leases*.

Clerk: There are 2 leases in agenda item 8 for approval by the Board this morning. Do any of the Members have any questions?

Attorney General: We don't here in Vegas.

Governor: Do I have a motion?

Attorney General: Move approval.

Secretary of State: Second.

Governor: We have a motion for approval, is there any discussion on the motion? Hearing and seeing none. All in favor signify by saying aye. The motion passes.

For those that are either present or watching, I want you to know that staff conducts individual and comprehensive briefings with each one of us to research and answer our questions ahead of time. With that, we cut down on the questions we have when we convene the meeting. So, thank you, Director Brown, for having your staff be so responsive in getting back to us with all of our answers.

9. Approval of Proposed Contracts (For possible action)

Governor: Agenda item number 9.

Clerk: There are 29 contracts in agenda item 9 for approval by the Board this morning. I would note that on Contract #27, Department of Public Safety, Parole and Probation with Geo Reentry, this needs to be revised to reflect the current expiration date on the contract of 12/31/2023; and also, the amount needs to be changed to \$4,332,200.72. I believe this contract is being pulled, I don't know if there are any others that the Board would like to call out.

Governor: Yes, Contract #27 will be taken separately. I have several questions on this one. Do we have a representative here from Geo Reentry Services? Can you come to the table, please?

Can someone explain why this was pulled off the agenda last time and is back on and whatever issues there were, were those resolved?

Susan Sieber: The contract was pulled from the December Board of Examiners because we needed to verify the dollar amount and the term of the contract.

Governor: Now that the technical issues have been resolved, can someone explain or clarify whether this contract provides any state resources or any programming towards Immigration and Customs Enforcement (ICE) detention facilities or services?

Rachel Kienzler: It does not. We operate over 60 of these across the country and none of them do that.

Anne Carpenter: I'd like to explain the Day Reporting Center is here to provide additional services and resources to parolees and probationers that the Division alone is unable to provide. As Geo stated, they are there to strictly provide these services to the State of Nevada parolees and probationers. I don't foresee any issues between the State, the Division or ICE Detention Facilities. The Day Reporting Center is not a detention center or a live-in facility.

Governor: Alright. In 2019, I signed Assembly Bill 183, which prohibited the State from using private prisons. Can you explain to me how this is not using a private prison?

Rachel Kienzler: Yes, Day Reporting Centers are the antithesis of a secure, private or public prison. They are a community-based program where the participants come in, they get the resources and tools they need to be successful, ideally to address their issues so that they don't run into issues of non-compliance and end up being incarcerated or being put into a facility. Or, for those that are returning from incarceration, to help them reintegrate back into the community. It provides job skills, treatment and programming, then they go home. They live at their home, they go to work. The schedule of the facility is designed so that it accommodates their schedules. It's entirely designed to provide them support to be successful in the community.

Governor: Alright. How did this company get selected?

Kevin Doty: Good morning, Governor, General Ford, Secretary of State Cegavske. This is a fairly routine procurement. The Request for Proposal (RFP) specifications come from the Agency and those are included with our standard terms that are approved by the Attorney General's Office. We approve an evaluation committee that then takes in the proposals that are received in response to the RFP. The evaluation committee goes through those, scores them and those scores are used to rank the vendors. In this case, Geo Reentry was the number one scoring vendor.

Governor: Alright. How many companies do this service?

Kevin Doty: Four responded to our RFP.

Governor: Can someone answer the question of, specifically, what you're providing that the State can't provide, that were not provided at the State level? Is it expediting it? Is it getting to more people? What is it doing?

Anne Carpenter: The purpose of the Day Reporting Center is to change the behavior of this population. The Division does not have the skills or resources or expertise to run this type of program and neither does any of our community partners. So, therefore, we need a third-party vendor to manage, facilitate and organize all of our community partners to be able to provide specific training such as cognitive-behavioral treatment, substance abuse counseling, life skills. The basic premise is that we want to change behavior, change criminal thinking and reduce recidivism. This partner helps us do that.

Governor: What is the scope or the volume? We are talking about \$4 million.

Anne Carpenter: Our Parole and Probation Officers identify who needs these services. They are provided the counseling and the extra help to keep them from re-entering back into the prison system identifying and providing for their needs.

Governor: How many are we talking about?

Rachel Kienzler: It's an average daily population of folks that will be coming into the program. The program is set up to handle up to 200 on any given day in Las Vegas and 50 in Reno. This is consistent with what's been available since the Day Reporting Center's inception in 2017.

Governor: What about existing reentry programs that are currently in the community, can they not handle this?

Rachel Kienzler: It's a little different model. We've been doing this for more than 20 years and as I mentioned, we have over 65 of them, so we have a lot of experience doing this. We typically will partner with other agencies that specialize in particular areas such as employment or working with seriously mentally ill populations or domestic violence treatment. Then we are providing the assessment-driven, evidence-based programming to address their highest criminogenic risk factors, those things that are most likely to predict they would go back and help them to address those. Then we would pull in any other community partners to do that as well.

Governor: What's the alternative if we don't approve the contract?

Anne Carpenter: The alternative, if we don't do this – the Division wants to be progressive, we want to be on the cutting edge. We should be heading into this direction because it's in line with best practices. It's proven to reduce recidivism and help keep people from returning to jail or prison. The University of Nevada, Las Vegas (UNLV) has given us research and brief to talk about the successes. We're also working with Dr. Bill Souza and Dr. Emily Salisbury from UNLV on getting more measurable results for the future. Indigent funding has been discussed but I just want to let you know that, in those types of programs that are successful, it just helps people get out of prison, it doesn't help them solve their issues and so, that's why the Day Reporting Center is so important.

Governor: Alright. Obviously, I'm sure you know that criminal justice reform is one of my top priorities. It was at the legislature. We made progress in that area but we haven't gotten as far as we wanted to go. How does this vendor and this service fit into this mission?

Anne Carpenter: It helps because the services that they provide to these parolees and probationers add extra structure that they often don't get with regular supervision. This extra attention has proven successful in other states such as Georgia and it can help keep this population from returning to prison because they give that extra layer of support. It's like holding hands and giving them a little bit more than regular supervision can provide.

With reentry, when people are coming out of prison, we can provide clothing, linens, toiletries that they don't have when they come out and this type of program, we feel is the intersection of people getting released and people going back and we don't want them to return to prison. That's why it's so important that we provide these resources and support to them.

Governor: Thank you all very much. Those were my questions. Secretary or General Ford, do you have any questions?

Attorney General: Thank you, Mr. Governor, I think you asked a lot of good and pointed questions, a lot of which I had comparable questions. The last answer sells me on this notion of advancing criminal justice reform. The Governor's indicated that obviously it's a focus of his and it's been a focus of mine since I was in the legislature. So, I'm proud to support this, thank you so much.

Governor: Thank you. Secretary Cegavske?

Secretary of State: Thank you both for your questions and thank you to your staff for the statements, it's appreciated.

Governor: Do we have any questions on any of the other contract items?

Secretary of State: Yes, I do on numbers 12 and 29.

Governor: Yes, let's start with Contract #12.

Secretary of State: Thank you. Contract #12 is the Department of Taxation and because of the security concerns, I'd like to set up a meeting with somebody from Taxation to ask more questions, please.

Governor, with Contract #29 my questions are, in the Grant Sawyer Building, where I particularly have the issue because that's why we moved to another building, as everyone knows. What I want to know is, if we're taking any samples out of the walls on the fifth floor. I don't think anybody has done anything in that respect. I don't know about the carpet, what the situation is of that right now but I do know that the walls are an issue and have been. So, I would just like that addressed to find out if that's part of what is going to be tested.

Jess Lankford: I am not familiar with whether we have an active OSHA investigation at the moment in this building. I will check when I go back to my offices to see if there is something active, based upon employee complaint or referral. As far as with the maintenance of the building, that's going through right now, we're sampling different conditions inside the building, I'm unaware of any sampling like that at this point.

This contract in number 29 is specific to Nevada OSHA and mines and safety doing certain kinds of sampling in working conditions throughout the State.

Secretary of State: I think what needs to be included in that building whether if you're leasing, renting, whatever you're doing for any other people that are in there. I can talk privately with you why I think that's an issue. So, I just want it known that I think it's very important that the inside of the walls are tested.

Governor: Thank you and I appreciate that, personally. My staff appreciates that as well, that you're watching out for us in that building. If we can have our staff contact Secretary Cegavske and get her suggestions and follow-up on those, I'd appreciate it.

Secretary of State: Thank you, Governor.

Attorney General: If I may, I, with all due respect, would like to put for the record as well that relative to issues that have been raised in the past in this building, subsequent testing and things have been cleared, relative to the safety of being in this building. I think it's important also to the state from a liability perspective that people in this building are presumed to be safe based on the last testing that we've done, including me, on the third floor in this building with 200 person staff. So, I just wanted that mentioned, thank you.

Governor: I appreciate it. That sounds like a lawyer talking. I appreciate that.

Attorney General: That's exactly what it was, actually.

Governor: It's your job and your doing it well, we appreciate you.

Any further questions?

On Contract #27, I would like to make that contract for two years and be able to come back and look at it at the end of two years.

Clerk: Changing the expiration date on that for two years would change the contract amount to \$1,881,535.48.

Governor: Thank you. Any questions on that change? Seeing none.

Do I have a motion on agenda item 9?

Attorney General: Move approval with the discussed changes to 27.

Secretary of State: I'll second.

Governor: Is there any discussion on that motion? Hearing and seeing none. All in favor signify by saying aye. Are any opposed? The motion passes.

10. Approval of Proposed Master Service Agreements (For possible action)

Governor: Item number 10, *Approval of Proposed Master Service Agreements*.

Clerk: There are 10 Master Service Agreements in agenda item 10 for approval by the Board this morning. Are there questions on any of these items?

Governor: I do not have questions on any of these. Do you have any questions in Las Vegas?

Attorney General: None here.

Governor: Do I have a motion on item 10?

Attorney General: Move approval.

Governor: We have a motion for approval on item 10.

Secretary of State: Second.

Governor: Is there any discussion? Hearing and seeing none. All in favor signify by saying aye. The motion passes.

11. Information Item – Clerk of the Board Contracts

Pursuant to NRS 333.700, the Clerk of the Board may approve all contract transactions for amounts less than \$50,000. Per direction from the August 13, 2013 meeting of the Board of Examiners, the Board wished to receive an informational item listing all approvals applicable to the new threshold (\$10,000 - \$49,999). Attached is a list of all applicable approvals for contracts and amendments approved from December 24, 2019 through January 17, 2020.

Governor: Item 11 is an information item, *Clerk of the Board Contracts*.

Clerk: There are 20 contracts under the \$50,000 threshold approved by the Clerk between December 24, 2019 and January 17, 2020. This item is informational only. Do any of the Members have questions on these items?

Governor: Do we have any questions on Item 11?

Secretary of State: None.

Attorney General: We have none, thank you.

Governor: Alright, that concludes the agenda.

12. Public Comment (This public comment period is for any matter that is within the jurisdiction of the public body. No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board will impose a time limit of three minutes).

Governor: Item number 12, *Public Comment*, anyone wishing to address the Board on any item, please step forward, identify yourself for the record and comments will be limited to three minutes.

Starting in Las Vegas, is there any public comment?

Attorney General: No one is here for public comment.

Governor: Hearing and seeing none. We'll move on from public comment.

13. Adjournment (For possible action)

Governor: Do I have a motion to adjourn?

Attorney General: So moved.

Secretary of State: Second.

Governor: We have a motion on the floor, is there any discussion? Hearing and seeing none. All in favor, signify by saying aye. The motion passes. We are adjourned. Thank you all for being here.

Attachment A

Joel Tasca: Governor, Members of the Board of Examiners. I'm representing the National Coalition for Public School Options. I'm here today to clarify, item number 6 on your agenda, to authorize a settlement of \$16,051.15 for the Nevada State Public Charter School Authority. For the record, this is not a settlement. The amount at issue is actually a court-mandated payment to our Coalition for attorney's fees related to a lawsuit filed in District Court last year where the Judge ruled the Charter School Authority violated the Nevada Public Records Act.

Since 2018, the coalition has been seeking public records related to communications between the Nevada State Public Charter School Authority and the National Association of Charter School Authorizers (NACSA) an entity that seeks to influence state policy over Charter School regulation and serves as a vendor to charter school authorities.

We already have evidence that there has been inappropriate, some might say corrupt, relationships between the Authority and NACSA, which the public records we seek will further confirm. The Authority failed, indeed refused, to provide documents until a year and a half after the Coalition's public records request, in November 2019, when the Court mandated that the Authority comply.

Even then, however, the Authority failed and refused to provide the complete record of communications that have been requested, and in a ruling last week, the Court ordered a deposition of the Authority to permit the Coalition to explore why the Authority is covering up this issue and hiding requested public records from view.

Again, this item is not a settlement; it is a court-mandated payment for the Authority's failure to comply with the law. Governor, we would welcome the opportunity to share with you and with your staff the malfeasance we believe has infested this public entity. Thank you.