

Governor Steve Sisolak  
*Chairman*



Attorney General Aaron D. Ford  
*Member*

Susan Brown  
*Clerk of the Board*

Secretary of State Barbara K. Cegavske  
*Member*

## STATE OF NEVADA BOARD OF EXAMINERS

209 E. Musser Street, Room 200 / Carson City, NV 89701-4298  
Phone: (775) 684-0222 / Fax: (775) 684-0260  
<http://budget.nv.gov/Meetings>

### MEETING MINUTES

**Date and Time:** November 12, 2019, 10:00 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 – Present in Las Vegas  
Attorney General Aaron Ford – Present in Las Vegas  
Secretary of State Barbara Cegavske – Present in Las Vegas

#### **MEMBERS PRESENT:**

Susan Brown, Clerk of the Board – Present in Las Vegas  
Rosalie Borderlove, Board Counsel, Deputy Attorney General – Present in Las Vegas  
Dale Ann Luzzi, Board Secretary

#### **OTHERS PRESENT:**

John Steinbeck, Emergency Manager, Clark County  
Justin Luna, Division Administrator, Emergency Management, Department of Public Safety  
Amy Davey, Division Administrator, Traffic Safety, Department of Public Safety  
Mandi Davis, Deputy Division Administrator, Child and Family Services,  
Department of Health and Human Services  
John Borrowman, Deputy Director, Support Services, Department of Corrections

## 1. Call to Order / Roll Call

**Governor:** I call to order, today's meeting for Tuesday, November 12, 2019 of the State Board of Examiners. Could I ask for a roll call, please?

**Board Secretary:** Yes, good morning, Governor.

Governor Sisolak?

**Governor:** Here.

**Board Secretary:** Attorney General Ford?

**Attorney General:** Here.

**Board Secretary:** Secretary of State Cegavske?

**Governor:** Secretary of State is on her way. Secretary Cegavske arrived at 10:18 am.

**Board Secretary:** Let the record reflect 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:** Item number 2, this is the first time set aside for *Public Comment*. Anyone wishing to address the Board on any item on today's agenda, items on the agenda, please step forward, identify yourself for the record and comments will be limited to three minutes. Do we have any in Carson City?

**Board Secretary:** We do not.

**Governor:** Do we have any in Las Vegas? We do not.

## 3. Approval of the October 8, 2019 Minutes (For possible action)

**Governor:** Item number 3, *Approval of the October 8, 2019 Minutes*.

**Attorney General:** Move to approve.

**Governor:** We have a motion for approval from Attorney General Ford. Any discussion on the 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.

<b>AGENCY NAME</b>	<b># OF VEHICLES</b>	<b>NOT TO EXCEED:</b>
Department of Conservation and Natural Resources – Division of Water Resources	1	\$27,373
Department of Conservation and Natural Resources – Division of State Parks	2	\$69,455
Department of Corrections	1	\$10,000
Department of Corrections	52	\$2,418,045
Department of Public Safety – Investigation Division	12	\$367,637
<b>Total</b>	<b>68</b>	<b>\$2,892,510</b>

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

**Clerk:** Good morning, Governor and Attorney General Ford.

**Governor:** Good morning.

**Attorney General:** Good morning.

**Clerk:** There are 5 requests for 68 vehicles on this agenda item.

The first item is from the Department of Conservation and Natural Resources, Division of Water Resources for 1 new vehicle at a cost \$27,373. This vehicle is being funded with assessments. It was not included in the Agency’s budget.

The second request is also from the Department of Conservation and Natural Resources, Division of State Parks for 2 replacement vehicles for a total of \$69,454.50. These vehicles being replaced have met the age and mileage requirements per the State Administrative Manual (SAM) and funding is included in the Agency’s budget.

The third and fourth requests are from the Department of Corrections. This includes one replacement of a vehicle that was totaled for \$10,000 that was not included in the Agency budget and is being funded with insurance proceeds. The fourth item includes the replacement of 52 vehicles for a total of \$2,418,045. These vehicles have met the age and mileage requirements in SAM and funding was included in Assembly Bill 507 of the 2019 Legislative Session for this item.

The fifth and final request under this item is the Department of Public Safety, Investigations Division and includes the replacement of 12 vehicles for \$367,637; 10 of the 12 vehicles currently meet the age or mileage requirements per SAM, and the remaining 2 were expected to meet those requirements in the current biennium. Funding for all vehicles was included in Assembly Bill 511 of the 2019 Session.

Representatives from these agencies are available to answer any questions on these items.

**Governor:** I appreciate the briefing I had on this. Are there any questions?

**Attorney General:** No questions.

**Governor:** Alright.

**Attorney General:** I move for approval.

**Governor:** We have a motion for approval on item number 4, any discussion on that motion? Hearing and seeing none, all in favor signify by saying aye. The motion passes.

**5. Authorization for an Emergency Contract with a Current and/or Former State Employee** (For possible action)

**Department of Administration – Purchasing Division**

Pursuant to NRS 333.705, subsection 4, the Department of Administration, Purchasing Division, on behalf of the Department of Education, seeks a favorable recommendation regarding the Department's determination to use the emergency provision to contract with former employee Dottie Loewen to perform administrative support duties to the Commission on School Funding on a part-time basis from September through December 2019. The employee has been hired through Master Service Agreement #18404, with HAT Ltd Partnership, DBA Manpower.

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

**Clerk:** Pursuant to Subsection 4 of NRS 333.705, an agency may contract with a former employee without first obtaining Board of Examiners approval if the term of the contract is for less than four months and the head of the using agency determines an emergency exists. If a using agency contracts with an individual pursuant to this exception, they must submit a copy of the contract and a description of the emergency to the Board of Examiners who shall review the contract and description of the emergency and notify the agency whether or not they would have approved the contract, had it not been entered into under the emergency provision.

There is one request under this item, from the Department of Education seeking favorable recommendation from the Board on their use of the emergency provisions to contract with a former employee. The Department contracted through Manpower with a former Executive Assistant from September 25, 2019 to November 30, 2019. The former employee retired on March 18, 2018 and had extensive experience performing administrative duties. Due to vacancies in the Department, it was expected that this contract will allow the Department sufficient time to hire and train employees who can perform these duties and this particular person was hired to provide services to the new Commission on Education Funding for a temporary.

**Governor:** Alright, so they'll be working in Education Funding?

**Clerk:** Yes, they will be working with the Commission on Funding.

**Governor:** Thank you. Do we have any questions?

**Attorney General:** I do not.

**Governor:** Could I have a motion?

**Attorney General:** Move approval.

**Governor:** We have a motion on the floor for approval on item number 5, is there any discussion? All in favor signify by saying aye. The motion passes.

## **6. 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 NRS281A, specifically including subsection 550 which restricts certain former employees and state agencies.

### **A. Department of Administration – Purchasing Division**

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division, on behalf of the State Library, Archives and Public Records Division, requests authority to contract with former employee Gerald J. Lindsay to perform electronic scanning duties on a part-time basis. The employee will be hired through Master Service Agreement #18404, with HAT Ltd Partnership, DBA Manpower.

**B. Department of Administration – Purchasing Division**

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division, on behalf of the State Controller’s Office, requests authority to contract with former employee Eva Seal to assist with required financial reporting duties on a part-time basis. The employee will be hired through Master Service Agreement #18405, with Marathon Staffing Group.

**C. Department of Public Safety – Office of Traffic Safety**

Pursuant to NRS 333.705, subsection 1, the Department of Public Safety’s Office of Traffic Safety requests to contract with a former employee, Howard Aronstein to provide quality assurance services for the Nevada Rider Motorcycle Safety Program at training providers located in Clark County.

**Governor:** Item number 6, *Authorization to Contract with a Current and/or former State Employee.*

**Clerk:** Item 6 includes three requests to contract with 3 current and/or former employees pursuant to NRS 333.705(1).

The first request is from the Department of Administration, Purchasing Division on behalf of the Division of Library, Archives and Public Records to contract with a former employee to provide scanning services on a part-time basis. This individual will be employed by Manpower through Master Service Agreement (MSA) Contract #18404.

The second request is from the Department of Administration, Purchasing Division on behalf of the State Controller’s Office to contract with a former employee to provide assistance with required financial reporting on a part-time basis. This individual will be employed by Marathon Staffing Group through MSA #18405.

The third and final request under this item 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 training providers in Clark County.

Representatives are available to answer any questions.

**Governor:** Thank you. I don’t have a problem with these three specific hires. I did stress in our briefing that I would like you to get to all of these agencies to observe that this should be an exceptional circumstance, not a regular course of business. It’s becoming more regular that we’re getting these, keeping people on after they retire and if they could address that at an individual departmental level.

**Attorney General:** I have no questions. Are you ready for a motion?

**Governor:** Yes, I am.

**Attorney General:** Move approval.

**Governor:** We have a motion on the floor, from again, Attorney General Ford. Any discussion? Hearing and seeing none, all in favor signify by saying aye. Any opposed? Motion passes.

**7. Request for a Recommendation of Approval to the Interim Finance Committee (IFC) for an Allocation Amount from the Contingency Account** (For possible action)

**A. Department of Education**

Pursuant to NRS 353.268, subsection 1, the Department requests the Board's recommendation to the Interim Finance Committee for an allocation of \$342,179 from the Interim Finance Committee Contingency Account to replenish the Special Education Contingency Account.

**B. Department of Education**

Pursuant to NRS 353.268, subsection 1, the Department requests the Board's recommendation to the Interim Finance Committee for an allocation of \$175,000 from the Interim Finance Committee Contingency Account to complete an impact and validity study in accordance with Senate Bill 475 of the 2019 Legislative Session.

**C. Department of Public Safety – Division of Emergency Management**

Pursuant to NRS 353.268, the Division requests the Board's recommendation to the Interim Finance Committee for \$343,908 from Contingency Account to cover costs associated with providing security support to Clark County during the upcoming New Year's Eve celebrations/activities.

**Governor:** Item number 7.

**Clerk:** Item number 7 includes three requests for a positive recommendation to the Interim Finance Committee pursuant to NRS 353.268. The General Fund Contingency Account has an approximate balance of \$27.7 million to cover unanticipated costs for the 2019-2021 biennium. If these items are approved today, the remaining balance in the account will be approximately \$26.8 million.

The first request in the amount of \$342,179 is from the Department of Education to replenish the Special Education Contingency Account. This account provides funds to school districts and charter schools for extraordinary special education expenses. This request would return the balance in the account to \$2 million as expected by the 2019 Legislature and this is how we replenish this account, is through IFC Contingency Funds.

**Governor:** Alright, did you want us to take these one at a time?

**Clerk:** Yes.

**Governor:** I have no problem with the first one.

**Attorney General:** Move approval.

**Governor:** We have a motion on the floor for approval on item number 7-A. Any discussion on that? Hearing and seeing none, all in favor signify by saying aye. The motion passes.

**Governor:** Next is 7-B.

**Clerk:** This request is in the amount of \$175,000 from the Department of Education to fund an impact and validity study of the statewide performance evaluation system in accordance with Senate Bill 475 of the 2019 Legislative Session.

**Governor:** I don't have a question on this one either.

**Attorney General:** Move approval.

**Governor:** We have a motion on the floor, any discussion on that motion? Hearing and seeing none, all in favor signify by saying aye. The motion passes unanimously.

**Governor:** On to item number 7-C.

**Clerk:** This request is from the Department of Public Safety, Division of Emergency Management in the amount of \$343,908 to fund security support to Clark County during the upcoming New Year's Eve activities.

**Governor:** Who is here to answer questions on this item?

**John Steinbeck:** I am, Governor.

**Governor:** My question is and I'm very familiar with the New Year's Eve activity on the Las Vegas Strip from my time on the County Commission. I understand that for the State to cover expenses that were expended in the County, why is this not planned for in the Las Vegas Convention and Visitors Authority (LVCVA) budget? Who is getting the revenues from this event?

**John Steinbeck:** I cannot answer that question, sir. As the Emergency Manager, I'm here to answer the questions specifically as to why we need it but I can't speculate on the LVCVA portion.



**Governor:** Yes, and I fully understand we need it, there are a lot of people on the Strip. My question is, who should pay for it? This is not an emergency event where we're calling out the National Guard; this is a planned event. We call out the Guard and it comes down to, if we do it for this, are we going to do it for the National Football League (NFL) Draft, for the Reno Air Races, or the Great Reno Balloon Race? When does it become the State's responsibility and when is it a local jurisdiction responsibility?

**John Steinbeck:** Yes, sir, I can speak to at least some of that. So, as you know, it's an exceptional incident. It's an exceptional event with a high amount of visibility. More people than what we're used to having at any particular time. The National Guard presence is necessary at the different locations that we have them at with all the different specialties. We do call in assets for the Guard for some of the different events you've spoken to that are smaller in nature. So, we may call in the Hazardous Materials Team from the Guard and some other specific entities for different events throughout the year.

For this particular event, we just do not have enough manpower for here locally. A/B rosters with police, you're familiar with it, sir.

**Governor:** I got it. I don't question at all what you guys are doing; it's incredible. You're stretching the resources as far as you can. I guess my question is, who makes the request? Does the LVCVA make the request?

**John Steinbeck:** No, sir, I do.

**Governor:** Is it based on a study that they do?

**John Steinbeck:** It's based on needs that we determine between law enforcement and emergency management that we need those additional resources. We don't get any requests from the LVCVA through this process.

**Governor:** So, for example, the NFL Draft that's coming up in the springtime, that I know is more people expected than for New Year's Eve, are we going to do that one too?

**John Steinbeck:** I wouldn't anticipate that to be at this exact same level but we will ask for some Guard resources for that as well, as we start doing our needs assessment, we'll fill those gaps. That's not done in a vacuum, it's done with Guard personnel, with law enforcement and with our FBI partners as we put together this plan. While the LVCVA is a partner on it sir, they haven't been on that level.

**Governor:** Right and I appreciate that and I wholeheartedly support your asking and your getting the support. I just know when I was with the County, at Metro, we would also question why we, Metro, wasn't billing for extra services that we provided for various events. Sometimes you did and sometimes you didn't and what the handle is on that, so moving forward if you would work with our Director, to determine how we're going to handle that as we go forward.

**John Steinbeck:** Yes, I have the same exact questions that you do. So, the Fire Department spends hundreds of thousands of dollars on this event and there's no reimbursement available back to us for those extra costs so, for us, it's been the price of doing business and making sure that it's safe. If there's any exploration that we could do to recover some of those costs, we definitely are on your side on that.

**Justin Luna:** I just wanted to provide information. I believe there are authorities and statutes that I provided some information on that allow for the State to provide supplemental emergency assistance when the needs of the local jurisdiction are exhausted. So that is, based on my understanding, the information that we have the authority, the State has the authority to provide additional assistance with State resources, to provide assistance during these types of situations.

**Governor:** Yes, though, my question is, what makes it this type of a situation? With the Storm Area 51, if you recall, we met many times in my office, had all the agencies here and it costs a great deal of money for these agencies to have to staff-up for that and I guess the question is, when is it the State's responsibility and when does the local jurisdiction reimburse the Clark County Fire Department? It's not an emergency situation; I understand you 100%. This is a for-profit situation that individual businesses are profiting greatly from and the Fire Department is expending great additional resources.

**Justin Luna:** We approach it as a situation that needs heightened preparedness planning. In statute, "emergency" is defined also as a threatened occurrence or to be able to avert the threat of something happening. So, we believe with these additional resources from the State that we are preparing for events that could potentially occur and providing additional public safety and security for the events.

**John Steinbeck:** So, when we have some special events that reach certain levels we have an opportunity to bill back the vendor; it's built into the statute.

**Governor:** Right.

**John Steinbeck:** Yes, the vendor provides that but when they're community-wide like this, we don't seem to have that same ability. So, that, I believe is what you would like us to work towards.

**Governor:** We're going to be getting more and more of these types of events coming in and we need to protect the public security but it comes down to, if this is going to be an ongoing event, we should put a line item in the budget that we're going to provide that extra money to be made available for this and not keep going back to the Contingency Fund every time it's deemed that we need to provide enhanced security. I don't know which way to handle this, but it just seems like sometimes, for example, we did Electric Daisy, I don't know that we pay for extra people out there, we bill back.

**John Steinbeck:** Right, we bill back.

**Governor:** See you bill back for one but you don't bill back for another. That's just kind of a difficult situation.

**John Steinbeck:** Yes, but that again is. . .

**Governor:** That's one promoter.

**John Steinbeck:** Right, that's one promoter. We have the ability through the local ordinances and statutes to go ahead and do that.

**Governor:** Right.

**John Steinbeck:** This is the difference. You're 100% right, I would love to see this as a line item so that we're not doing the same process.

**Justin Luna:** Historically, the Division of Emergency Management has not billed back local jurisdictions for State resources when they have identified and certified that their local resources and mutual aid resources have been exhausted. So, when the State provides additional supplemental support, the Division hasn't typically billed back a local jurisdiction for those services.

**Governor:** Again, I understand that point and but as I've said, I'm not sure if that should be the case and we need to have that discussion. I understand that that is the policy. I don't know if that should be the policy. I think that's something that we should discuss, first, at the Legislative level. It should certainly not keep coming out of Contingency Funds and going back and back because this is something that could be planned for. So, if you could contact my office and come up with a better plan. Do you understand my desire that we come up with another way to do this?

**Justin Luna:** Yes, sir.

**Governor:** Thank you. I appreciate it. Any other comments?

**John Steinbeck:** My last comment would be that I might suggest that this would be a great topic for us to discuss at the Homeland Security Commission Meeting as well, sir.

**Governor:** Good point. Let's get that on that agenda; everybody will be there and it will be a great place to have it. I appreciate it, thank you.

**John Steinbeck:** Yes, sir.

**Governor:** Alright.

For the record, Secretary Cegavske has joined us.

**Secretary of State:** For the record, I would like to note I concur with the voting I missed at the beginning of the meeting.

**Governor:** Absolutely. Can we have that record reflect that please? Thank you.

**Clerk:** Yes.

**Governor:** Do I have a motion for 7-C?

**Attorney General:** I'll move for approval.

**Secretary of State:** Second.

**Governor:** We have a motion and a second, is there any discussion? All in favor, signify by saying aye. The motion passes.

## **8. Approval of Proposed Leases** (For possible action)

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

**Clerk:** There are 13 leases in Agenda Item 8. Lease number 12 with the State Board of Dental Examiners has been withdrawn, leaving 12 leases for the approval by the Board this morning. Do any of the Members have questions on these items?

**Governor:** No and I appreciate withdrawing number 12, as I had some questions as it related to that lease with that Board that's going to be reconstituted.

**Secretary of State:** Governor, I just want to thank your staff again. We sent in questions and they answered us very promptly and I just want to thank them again. I don't need to bring up questions here because they've answered them for us.

**Governor:** Agreed, I appreciate you saying that and bringing it up. The reason that we do not have an excess of questions at these meetings is that we're each briefed individually and staff always does a remarkable job responding to all questions that we have and thereby reducing questions at our meetings, so it's worked out very well. I appreciate it, thank you. Thank you for acknowledging that.

The Dental Board lease was the only one I had a question on and that one has been withdrawn. Will it go back to the new Dental Board, when it's constituted?

**Clerk:** Yes, correct.

**Governor:** Alright. Do we have a motion on the leases?

**Attorney General:** Move approval, except number 12.

**Secretary of State:** Second.

**Governor:** We have a motion and a second for approval of the leases, except number 12. Is there any discussion? Seeing and hearing none, all in favor, signify by saying aye. Are any opposed? The motion passes unanimously.

## **9. Approval of Proposed Contracts** (For possible action)

**Governor:** Item number 9.

**Clerk:** There are 52 contracts in agenda item 9 for approval by the Board this morning. Contract #19 with the Department of Education and WestEd has been changed. The last part of that summary has been removed. The part of "and identifying potential changes to existing laws and regulations to increase the efficacy of the PCFM," is not included in this contract; and we wanted that to be on the record. Next, Contract #47, the Charles Day contract, was carried forward from the October meeting of the Board of Examiners due to outstanding questions from the Board and those items have been addressed. Do any of the Members have any additional questions on these items?

**Governor:** Contract #47, that was the one I had the question that we were paying for travel, it was represented.

**Clerk:** And we are not.

**Governor:** And we are not paying for travel.

**Clerk:** The contract specifically excludes the travel.

**Governor:** Is there any information as it relates to Contract #41, Zero Fatalities? I know they're doing advertising for it.

**Clerk:** We have reached out to the agency for some statistics on the Zero Fatalities program and it's my understanding that there is staff available to answer questions.

**Amy Davey:** Good morning, Governor, Members of the Board. This contract request is for an extension. It was a two-plus-two original contract request. We've had two years under this contract. The Zero Fatalities program is a joint effort between the Department of Public Safety and the Department of Transportation. This vendor supports the outreach and education under the Program. We did provide some backup materials, I apologize, they were rather late, last week. In our backup, we conduct a survey, a market survey and research every year on this contract to determine the effectiveness of the program.

## **Attachment A**

**Governor:** We don't have that, so can you summarize it for me?

**Amy Davey:** Yes, sir. I think the important information is that this research study, which is quite lengthy, does show that the Zero Fatalities education and outreach program is having a significant impact on the behavior of the driving public in Nevada. So, we have a slide that is specific to responses from our survey participants, that indicates upwards of 50% of people are saying that because of the messaging and the outreach that this program does, they are changing their driving behaviors, driving more safely, choosing to not drive impaired, choosing to wear their seatbelt, stopping at red lights. That is the basic feedback that we have from folks.

**Governor:** So, have we quantified the improvement at all?

**Amy Davey:** Yes, sir and I'll make sure that you have this information. I'm looking at a slide entitled *The Impact of Zero Fatalities on Behavior*. It says respondents living in Clark County were more likely than those in the North to indicate having been influenced by the campaign to do each of the behaviors listed in the survey. Most notably, not driving impaired and not texting or doing other distracting activities while driving. The chart includes a bar graph that shows that. For instance, 68% of Clark County respondents say that the campaign has influenced them not to drive impaired.

**Governor:** Alright. I do appreciate it. Thank you.

**Amy Davey:** Thank you, sir.

**Governor:** That's the only one that I had an issue on there. Questions?

**Attorney General:** Yes, do we have anyone there to discuss Contract numbers 31, 35 and 51? This is relating to Lyon County School District providing educational services to Caliente, Pershing County providing services at Lovelock and Washoe County School District providing services to the Department of Training, Employment, Training and Rehabilitation (DETR).

**Mandi Davis:** Good morning, for Contract #31, the Lincoln County School District – this is a contract to continue high school services at our juvenile justice facility at Caliente Youth Center.

**Attorney General:** I'm wondering if you could just talk to me a little bit about the success of the contract at this point.

**Mandi Davis:** This contract basically allows the children who are housed at the Caliente Youth Center to attend summer school. So, the school district funds the regular school schedule, the 180 days and this contract supplement their funding so they can provide the extra funding during summer school. I don't have data in front of me as far as graduation rates for that facility but I can get back to you on that part of it if that's what you're looking for.

**Attorney General:** Yes, that is what I'm looking for. I don't mind approving the contract but I would like follow-up information on the graduation rates.

**Mandi Davis:** Yes, we can provide that information.

**Attorney General:** Thank you. Comparable question for Contract #35, Pershing County, helping out the folks over at Lovelock, Corrections.

**John Borrowman:** Good morning. As you've mentioned, this is a contract with Pershing County. Also, they are providing education to youthful offenders that are incarcerated in the Department of Corrections. They do have, as you know, a huge influence on the success of youthful offenders being able to transition back into the community. I will get back with you on specific graduation rates for this particular contract but this program has absolutely been fundamental. Programming historically has been limited to youthful offenders.

**Attorney General:** Yes, the data that you will provide, I would like for it to include the high school equivalency exams, not only the graduation rates. So, if you could let me know that as well, I'd appreciate it.

**John Borrowman:** We will do so, thank you.

**Attorney General:** Thank you.

Last, if I could, Mr. Governor, a question on Contract #51, Washoe County working with DETR on transitional services for students with disabilities. Is anyone here?

**Clerk:** There is no representative here.

**Governor:** Do you want to hold it? Is this time-sensitive?

**Attorney General:** Alright. I don't mind voting in favor of it but I would like to see what the successes have been on this particular contract. Can we get a similar question to Washoe County on this issue?

**Governor:** We'll reach out for an answer to those.

**Clerk:** Absolutely.

**Attorney General:** Thank you, Mr. Governor.

**Governor:** Certainly. Any further questions on item number 9? Hearing and seeing none, do I have a motion?

**Attorney General:** Move for approval.

**Secretary of State:** Second.

**Governor:** We have a motion for approval and a second. Is there any discussion? All in favor, signify by saying aye. Any opposed? The motion passes.

## **10. Approval of Work Plan (For possible action)**

**Governor:** Item number 10, *Approval of Work Plan*.

**Clerk:** There is one work plan in Agenda item 10 for approval by the Board this morning. Does anybody have any questions on this item?

**Governor:** I do not.

**Attorney General:** Move approval.

**Governor:** We have a motion for approval and a second. Is there any discussion? All in favor, signify by saying aye. The motion passes.

## **11. Approval of Proposed Master Service Agreements (For possible action)**

**Governor:** Item number 11.

**Clerk:** There are 9 master service agreements in agenda item 11 for approval by the Board this morning. I would like to add clarification to the items numbered 2 and 5. These are the Diana Keefe Adams and Pride Industries for Job Development services. I would just like to note that these services may include: pre-employment services, such as job seeking skills, resume development, job search assistance, job placement, coaching and advocacy and assistance for individuals with disabilities in the workplace so that they can be successfully employed. That list is not all-inclusive. They might not receive all of the services, just some of the services on the menu of items. With that, do you have any additional questions on any of these items?

**Governor:** Do we have any questions on item number 11? Do we have a motion?

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

**Attorney General:** Second.

**Governor:** We have a motion for approval. Is there any discussion? All in favor, signify by saying aye. The motion passes.

## **12. 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 September 17, 2019 through October 18, 2019.



**Governor:** Item number 12.

**Clerk:** There were 61 contracts under the \$50,000 threshold approved by the Clerk between September 17, 2019 and October 18, 2019. This item is informational only. Do any of the Members have any questions on any of these items?

**Governor:** Yes, I do. Do we have a representative for Contract #61 for either the Land Surveyors, Engineering Board, Podiatry Commission Board or the Osteopathic Medicine Board here? This is an information item but the question I have which is more of a 30,000-foot question. It's the lobbying services that I have a question with. I guess this is a Board question and to have the discussion. My concern is we are going to great length with some of the boards and commissions that we have in the State now to root out some of the potential conflicts and problems that might exist. As in the case of the Dental Board, the lobbyists did not do anything to make it more difficult for us to move forward with making a correction on the Dental Board but my concern is that with some of these during the Legislative Session, these same individuals will be testifying against changes to these boards and procedures at the Legislature. We're paying them to testify against what we might want to do.

So, the overall question and in speaking with other governors, more often than not, they are shocked that we pay private lobbyists to lobby the Legislature because most states don't allow this. They do it on their own or one of their members do it and we're lobbying kind of against ourselves here and paying to lobby against ourselves. I don't know where you two stand on this.

**Secretary of State:** I think one of the questions you asked at a prior meeting that we haven't gotten the answer on is, how much all these agencies are paying.

**Governor:** Yes, how many there are, right.

**Secretary of State:** Right and how many there are and I would like to see that but I do think that there is an issue with the State paying for a lobbyist. I agree with you. I think we're one of the few states that allow that but I do think we need and have the right to know who it is and how many there are.

**Governor:** Right, what happened to the list? We've asked, I know the last couple of meetings for this list of lobbying contracts that are awarded for the various boards and how much they are and who they're awarded to. What happened to that?

**Clerk:** I have a copy of that list and it was sent to your staff previously as well as, it should've been sent to the other Board Members. I will make sure that you both receive it.

**Governor:** Thank you. If you could send it out again and we'll all look at it.

**Clerk:** I would just note that that list may not be all-inclusive. It is only the contracts that have come through this process, so those are the only ones we have, however, we believe that there are others out there that have not sent the contract through to the Board of Examiners like they're supposed to.

**Governor:** Wait, if they're not sending it through like they're supposed to, we're getting back to the boards here running wild, running without due oversight and that's a problem. That's a real problem. I don't know if they're supposed to send you a list, why they're not doing it.

**Clerk:** A number of the boards and commissions are required to put their contracts through the Board of Examiners for final approval.

**Attorney General:** And they're not doing that.

**Clerk:** Comparing the list that we have to the lobbyists listed on the Nevada Legislature website and who they were lobbying for, the lists don't match up.

**Governor:** If we could get a copy of those lists.

I'll give an example of the last time – I didn't know we had so many lobbyists working on dry needling, in the last Legislative Session. It ended up being an enormous bill between acupuncturists, doctors, sports teams and everybody was involved with the dry needling issue; and I don't know who was working against whom and for whom and how they got paid and what happened.

Why are they not matching up, I mean, the two lists; because somebody's not reporting them to you.

**Clerk:** That would be my guess.

**Governor:** Are boards paying lobbyists without getting approval?

**Clerk:** Unless they're doing it pro bono. I don't know, I don't have the answer to that question.

**Governor:** A lot of these lobbyists, well, I don't think they're doing pro bono. That's just a guess.

**Attorney General:** A question we could consider, Mr. Governor, is whether contracts that have been executed but not approved by this Board can be deemed ineffective or non-effective.

We will look into that to see if we can render null and void contracts that have been executed but not approved. I don't know if that's accurate or not but I'm just thinking out loud here.

I also wanted to mention this component – and Barbara, chime in here, but when we were in the Legislature, I did find it helpful when a board came to lobby, if you will, me as a Legislator on issues affecting that board. Now, if we're not going to have lobbyists doing that, it's going to be imperative that the boards themselves know enough about what's going on.

**Governor:** Right.

**Attorney General:** Sometimes the Governor, through the boards, will bring bills that they want to be supported.

**Governor:** Absolutely.

**Attorney General:** But there are other times when Legislators bring boards or statutes or legislation that will undercut what the Governor wants or what the board wants or some people that are constituents of the board. In that regard, I could see the reason why they would be lobbying against a bill that the Legislature may want, so to speak.

**Governor:** Right.

**Attorney General:** Though, at the end of the day, it's going to be imperative that if we don't have lobbyists doing this that the boards are brought up-to-speed, that they have the right to have folks have an understanding of what's being asked for so that Legislators can make informed decisions on whether they say yes or no and send them to your desk for a signature.

**Governor:** I think it's a very valid point. We need to get the information one way or another. I'm just troubled by the fact that there's a total lack of transparency on some of this in terms of who's doing the lobbying and I question if the public is being served in the manner that it's being done now because I don't know if anybody even knows how it's being done now. As in, people are coming, representing a board and they're representing a position. I don't know if those positions are voted on. I don't know if those positions aren't just one of the members or the Executive Director that has that position or how that even comes about.

I'm concerned that it's one of the areas that we're going to emphasize as the board development and revamping of this board regulation commission oversight. If we're going to have individual boards that we are paying, lobbying against those changes, that's going to be problematic at the Legislature.

**Attorney General:** Yes.

**Secretary of State:** Well, I think all of us and agencies, we come before you ourselves.

**Governor:** That's different, yes.

**Secretary of State:** Yes and so, I don't know why they can't come before us. One of the things I want to make sure that we do have is whether or not everybody agrees with what bill it is, we need to know both sides. The reason I say that is because we've listened to testimony on bills and they've said, let's put it in the Secretary of State's Office and nobody's talked to us. So, we have a concern, watching and going in. I do think it's good to have both sides and then to say how it will affect that agency. I think that's very good to have that balance so that you know what's going to happen or what could come forward to us. So, that, I would highly recommend that if you do have an opposition, please come and tell us, let us know what it is. That's where the bill maker should've done their homework.

**Governor:** Absolutely.

**Attorney General:** To that point, I recall in the Legislature receiving bills that were brought in good faith by the Executive Branch to address a particular issue, but those who would be required to implement that, i.e., practitioners in the field, ostensibly were not approached about the bill itself and how it would negatively affect their practice. So, we would get lobbied to oppose a bill the Executive Branch had brought but the Executive Branch was bringing it for a very good reason. That back and forth is very important and again, I don't know if this necessarily requires a lobbyist for the board itself, especially if the Executive Branch is instructing the board to do something, to lobby against its own bill so to speak but it's worth a conversation.

The underlying point of contracts having been executed but not been brought to us, I think the first order of business is to ascertain whether we as a Board have an ability to declare those null and void and potentially to, I don't know if we could, recoup fees or not but there's a rabbit hole I think we're going to be going down to figure out what our recourse is as a Board, as Board of Examiners, vis a vis, these lobbying agencies or lobbyists who proceed contracts without our approval.

**Governor:** I appreciate that. If you could, next agenda, put an agenda item to specifically deal with this. Make sure we all get this list and so we can cross-reference whose lobbying and not had these contracts approved and who is having them approved and what consistency there is in these fees and how these fees are being determined. I have no idea how they've been coming up with the fees and is every board is just doing it on their own and how much we're spending here. I think that'd be beneficial for all of us.

**Clerk:** Yes, as much as we can; we have no oversight of their budgets.

### 13. Information Item and Reports

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

Pursuant to NRS 321.5954, the Division is required to provide the Board of Examiners quarterly reports regarding lands or interests in lands transferred, sold, exchanged, or leased under the Tahoe Basin Act program. Pursuant to Chapter 355, Statutes of Nevada, 1993, on page 1153, the agency is to report quarterly on the status of real property or interests in real property transferred under the Lake Tahoe Mitigation Program. This submittal reports on program activities for the 1<sup>st</sup> quarter of Fiscal Year 2020.

#### B. Stale Claims Account, Emergency Accounts, Statutory Contingency Accounts

Pursuant to NRS Chapter 353, the Governor's Finance Office, Budget Division presents a reconciled fund balance report for the TORT Claim Fund, Statutory Contingency Account, Stale Claims Account, Emergency Account, Disaster Relief Account, IFC Unrestricted Contingency Funds and IFC Restricted Contingency Funds as of June 25, 2019.

The TORT Claim Fund is the State Treasury Fund for Insurance Premiums. The Statutory Contingency Account, Stale Claims Account, Emergency Account, Disaster Relief Account, IFC Unrestricted Contingency Funds and IFC Restricted Contingency supplement funding for eligible agencies within the statutory authority.

Below is the available balance for each account prior to any projected outstanding claims.

TORT Claim Fund	\$ 6,974,771.07
Statutory Contingency Account	\$ 4,713,887.31
Stale Claims Account	\$ 2,205,616.49
Emergency Account	\$ 279,841.00
Disaster Relief Account	\$ 11,666,800.00
IFC Unrestricted Contingency Fund General Fund	\$ 24,606,539.02
IFC Unrestricted Contingency Highway Fund	\$ 1,620,336.35
IFC Restricted Contingency Fund General Fund	\$ 61,110,277.00
IFC Restricted Contingency Highway Fund	\$ 2,220,935.00

**Governor:** 13. *Information item and reports.*

**Clerk:** So, there are two informational reports under this agenda item.

The first is an informational report regarding lands or interests in lands transferred, sold, exchanged or leased under the Tahoe Basin Act Program as well as a quarterly report on the status of real property or interests in real property transferred under the Lake Tahoe Mitigation Program. These are required pursuant to NRS 321.5954 and Chapter 355, Statutes of Nevada, 1993 respectively.

This report is for the quarter ending September 30, 2019. There was no activity under the Tahoe Basin Act. There were 2 transactions under the Lake Tahoe Mitigation Program resulting in 66 square feet of restored land coverage and 662 square feet of potential land coverage resulting in an increase of \$12,237 for the Nevada Land Bank.

The second item is an informational report on the available balances in the various contingency accounts managed by the Board of Examiners or the Interim Finance Committee. These balances are as of October 17, 2019. These accounts will cover contingencies through the 2019-2021 biennium. I would be happy to answer any questions on the second item.

**Governor:** Got it. Any questions on item number 13?

**Attorney General:** These figures, for example, to our Claim Fund, do they include reserves or are these the numbers without reserves?

**Clerk:** No, these are without reserves. These are the actual available balances that can be spent without any other action.

**Attorney General:** Alright, thanks.

**Governor:** That is an information item.

**14. 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:** The last item is item number 14, *Public Comment*. Anyone wishing to address the Board on any item, please step forward, identify yourself for the record. Comments will be limited to three minutes.

**Public Comments:** Attachment B: David Moore written comments.

**Governor:** Thank you.

Anyone else wishing to speak during public comment? Thank you.

**15. Adjournment** (For possible action)

**Governor:** Do we have a motion to adjourn?

**Attorney General:** So moved.

**Secretary of State:** Second.

**Governor:** We have a motion on the floor, any discussion? All in favor signify by saying aye. We are adjourned, thank you.

Board of Examiner's Meeting 11/12/2019

Attachment A



# Campaign Awareness & Influence

Unless otherwise noted, the sample sizes are as follows:

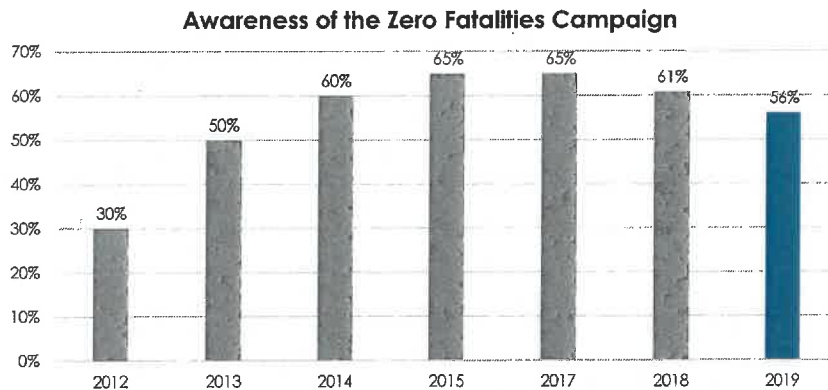
- Overall Sample: n=1026
- South: n=693
- North: n=333

The approximate margin of error for the overall sample is +/-3% at a 95% Confidence Level



## Overall Awareness of the Zero Fatalities Campaign

- ▶ 56% of overall survey participants could recall seeing or hearing anything about safe driving in Nevada, or about the Zero Fatalities program, down from 61% in 2018.



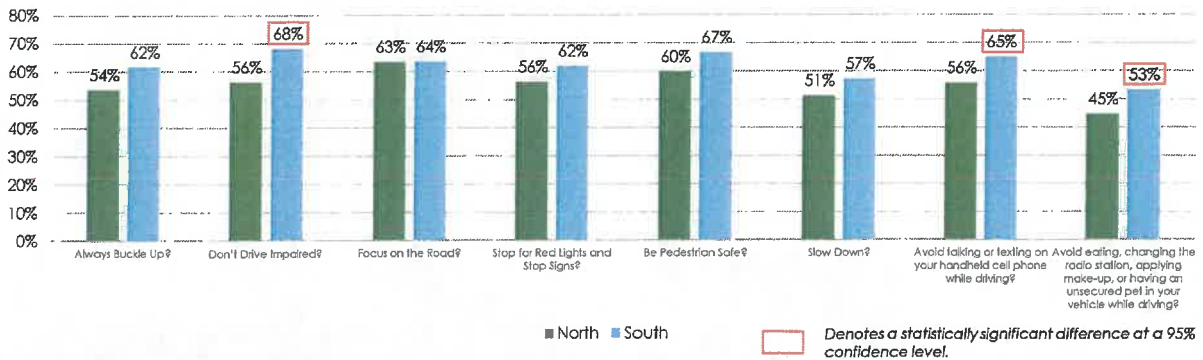
## Sample Comments: Recall of Zero Fatalities Campaign

- A commercial and it has to do with the police check points /DUI plus driving impaired and hands free devices
- A sign on the freeway distracting me from looking at the road.
- Ads showing pedestrians being hit by a distracted driver
- Be cautious and distraction free
- Because everyone matters Ride safe and take necessary precautions when your riding on NV roads
- Being aware of your surroundings and watch your mirrors, be ready for the unexpected.
- Data regarding the number of fatalities while driving in Nevada
- Don't text and drive. Pay attention to the roads. Watch out for pedestrians
- Everyone being responsible while either driving or being a pedestrian. No driving while intoxicated with either alcohol, marijuana or prescription drugs.
- Goal to reach zero death in accidents every year
- Heard something on the radio about not texting and driving.
- How to drive while not being distracted so that no one gets killed on Nevada roads.
- I only remember that I've heard commercials about safe driving and Stop Texts, Stop Wrecks
- It immediately caught my attention because it is trying to make sure that one gets killed as a result of distracted driving
- It's a program to reduce distracted driving with the goal of zero fatalities on Nevada roads.
- Paying attention and keeping an eye out for pedestrians
- Seeing an ad for zero fatalities on TV, and also hearing about it on a podcast I was listening to.
- That it is a program to stop people from driving while on their phones and stop people from driving under the influence
- That it's everyone's responsibility to keep the roads safe. Also the number of pedestrian fatalities.
- That it's an unrealistic goal. This is Vegas and there will always be drunks on the road, and people not paying attention.
- That the state is trying to prevent fatalities statewide by advising drivers of possible distractions while driving.
- That there is more police presence in areas that have a lot of accidents, and more pedestrian friendly crosswalks with flashing lights have been installed.
- The goal is zero fatalities from driving related incidents. Involved stats on reasons for injuries and deaths i.e. no seat belts, cellphone usage, dwt
- To keep your eyes on the road and to wear your seatbelt. Also, impaired driving should be avoided and there should be a designated driver.
- To be on the lookout for both drivers and pedestrians as both are fatal if we don't pay attention we could be in that category
- Twitter feed from LVMPD
- Watch out for pedestrians and pull over a lane for emergency vehicles
- We need to work harder to keep our roads safe. Be aware. Don't drink and drive. Watch for pedestrians. Pedestrians use crosswalks. Slow down. Don't text and drive.
- Zero fatalities on Nevada roadways. Includes drivers, pedestrians, and bicyclists

## Impact of Zero Fatalities on Behavior

- ▶ Respondents living in the South (Clark County) were more likely than those in the North to indicate having been influenced by the campaign to do each of the behaviors listed in the survey, most notably not driving impaired, and not texting or doing other distracting activities while driving.

Has the Zero Fatalities campaign influenced you to:  
(Top Score only – "Definitely")



Board of Examiner's Meeting 11/12/2019

Attachment B

Good afternoon,

my name is David Moore...

And while I am somewhat pleased...

by the terminations and resignations of the Dental Board...

We have an opportunity here...

to create the gold-standard...

for licensing boards nationwide.

A gold standard that makes public safety,

the prime directive for *OUR* public servants.

And I gotta say...

I didn't hear much about...

patient and consumer protection...

during the Audit Committee-Meeting the other day...

And while tax revenues are vital...

The question remains,

what *IS...* our **standard of care?**

Well, with 'medical error'...

as the 3<sup>rd</sup> leading cause of death...

And with 90% of all healthcare dollars,

being spent on the last three years of life...

We have created a medical system...

***of blood sucking vampires.***

That's right. A system where...

Hospitals, Big Pharma, and the Medical Device Industry...

are bankrupting our citizens, and our country.

But it's so much worse than that...

***The suffering... the pain... the agony...***

***of being experimented-on...***

***during the last 3-years of your life...***

***is absolutely horrendous.***

WE MUST AWAKEN FROM OUR SLUMBER...

We are being Crucified by the hundreds of thousands...

But since they are profiteering off-of our old people...

we turn the other way,

so as to deny our own mortality...

But this Nazi-esque eugenics program...

is destroying the soul of our country.

We have become cattle to be fed upon...

Our Higher-Education Systems....

have been corrupted by the Research Money...

Our Hospitals are Run by Sell-Out Administrators...

Our Surgeons believe they are God-incarnate...

And our Petrochemical Pharmaceuticals...

are killing us in droves...

We must take back our democracy...

We must create a more delegative democracy.

We cannot let our old people become Cannon-fodder.

...But guess what people.

The Medical Profession is **SO** soulless...

That these young doctors...

actually believe the Corrupted Research...

that has been presented to them...

How does a **pharmaceutical...**

That works only 30% of the time...

Get **prescribed** with so many side effects?

How do we let an **experimental procedure...**

with an **unproven medical device...**

that demonstrates an **increased mortality rate,**

***get performed thousands of times a day?***

The evidence is clear and convincing...

And thus, we cannot repeat...

the short-sighted mistakes... of other states...

We are Nevadans. Battle Born.

***It is up to US... to set the standard of care.***

We cannot let **centralized,**  
**top-down** hierarchal structures...  
***create a concentration-of-power.***

We must enact a Diversity-initiative...  
***while*** creating a more Delegative-democracy...  
***That insures the separation of church and state.***

I for one... don't wish to replicate...

the Mormon run state of Utah...

Where so many residents work for the State in some way....

Nor do I wish to replicate...

The Police State of Colorado...

Where White-Supremacy is so blatant.

We are a Diverse State...

Our governing bodies should reflect that diversity.

*Thank you for your honorable efforts.*

*I am grateful for the integrity of your characters.*