

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

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:** December 10, 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  
Secretary of State Barbara Cegavske

#### **EXCUSED MEMBER:**

Attorney General Ford

#### **STAFF PRESENT:**

Susan Brown, Clerk of the Board  
Rosalie Bordelove, Board Counsel, Deputy Attorney General  
Dale Ann Luzzi, Board Secretary

#### **OTHERS PRESENT:**

Bill Quenga, Deputy Director, Industrial Programs, Department of Corrections  
Eric Holt, Emergency Manager, Lincoln County  
Kerry D. Lee, Sheriff, Lincoln County

## 1. Call to Order / Roll Call

**Governor:** Good morning. I would like to call to order today's meeting of the State Board of Examiners for December 10, 2019 to order. If I could ask the Clerk to please take a roll?

**Clerk:** Yes, good morning, Governor.

Governor Sisolak?

**Governor:** Here.

**Clerk:** Secretary of State Cegavske?

**Secretary of State:** Here.

**Clerk:** Attorney General Ford has been excused for this meeting. Let the record reflect we have a quorum.

**Governor:** Thank you.

## 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 please step forward, identify yourself for the record and comments will be limited to three minutes.

Hearing and seeing no one.

## 3. Approval of the November 12, 2019 Minutes (For possible action)

**Governor:** Move on to Item number 3, *Approval of the November 12, 2019 Minutes*.

**Clerk:** Governor, there are a couple of technical changes, some typos that need to be corrected in the minutes.

**Governor:** Alright, thank you. Do you want to include those corrections now or do you just want to leave it to staff to include?

**Clerk:** I can leave that to staff to include.

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

**Governor:** We have a motion for approval with non-substantive changes to the minutes. Is there any discussion? All in favor, signify by saying aye. The motion passes.

**4. State Vehicle Purchases** (For possible action)

Pursuant to 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 Administration – Fleet Services	1	\$ 43,402
Department of Conservation and Natural Resources – Division of Water Resources	7	\$ 199,921
<b>Total</b>	<b>8</b>	<b>\$ 243,323</b>

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

**Clerk:** There are 2 requests for 8 vehicles in this agenda item.

The first item is from the Department of Administration, Fleet Services Division for one new vehicle for \$43,402. Funding is included in Assembly Bill 501 of the 2019 Legislative Session for this vehicle.

The second request is from the Department of Conservation and Natural Resources, Division of Water Resources for 1 new vehicle and 6 replacement vehicles for a total of \$199,921. 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 both through enhancement units and an Assembly Bill 509 of One-Shot Funds.

Representatives from these agencies are available to answer any questions.

**Governor:** Do we have any questions? Do we have a motion?

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

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

**A. Department of Administration – Purchasing Division (5)**

Pursuant to NRS 333.705, subsection 1, the Division on behalf of Capitol Police, requests authority to contract with former employee Baron Bement to perform uniformed security duties on a full-time basis. The employee will be hired through Master Service Agreement (MSA) #19049, with Universal Protection Service, dba Allied Universal Security.

Pursuant to NRS 333.705, subsection 1, the Division on behalf of Capitol Police, requests authority to contract with former employee Brian Henley to perform uniformed security duties on a full-time basis. The employee will be hired through MSA #19049, with Universal Protection Service, dba Allied Universal Security.

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division, requests authority to contract with former employee Jeffrey Moses to perform uniformed security duties on a full-time basis. The employee will be hired through MSA #19049, with Universal Protection Service doing business as Allied Universal Security.

Pursuant to NRS 333.705, subsection 1, the Division requests authority to contract with former employee Wanda Nixon to provide Tuberculosis case management services on a part-time basis. This item relates to MSA #22516 under Agenda Item 9, which must not be approved if this item is not approved.

Pursuant to NRS 333.705, subsection 1, the Division, on behalf of the Governor's Finance Office, requests authority to contract with former employee Danette Kluever to perform administrative assistant duties relating to the 2020 Census on a part-time basis. The employee will be hired through MSA #18404, with HAT Ltd Partnership, dba Manpower.

**B. Department of Health and Human Services – Division of Child and Family Services**

Pursuant to NRS 333.705, subsection 1, the Division requests to contract with a former employee, Jennifer McEntee. Ms. McEntee will be assisting with contracts and service agreements and identifying areas to enhance contract, fiscal and cost allocation processes to improve workflow efficiency. She will be working on a part-time basis upon approval of the Board through June 30, 2020. Ms. McEntee will be hired through MSA #18404, with HAT Ltd Partnership, dba Manpower.

**C. Department of Health and Human Services – Division of Health Care Financing and Policy**

Pursuant to NRS 333.705, subsection 1, the Division requests to contract with a former employee, Jim Wells. Mr. Wells will be assisting in the analysis and the review of all financial processes, including budgeting and projections and financial staff organization. This item relates to contract #22445 under Agenda Item 8.

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

**Clerk:** Item 5 includes 7 requests for contracts with current and/or former employees.

The first item, under 5-A, has been withdrawn by the agency, Purchasing Division.

The second and third items are for 2 former employees for uniformed security services. These individuals will be employed by Universal Protection Service dba as Allied Universal Security through MSA #19409 and through this process, maybe utilized by any State agency that uses these services.

The fourth item is also from the Department of Administration, Purchasing Division, to contract with a former employee to provide tuberculosis case management services on a part-time basis. This item relates to Agenda Item 9, Contract #13.

The fifth item is the Department of Administration, Purchasing Division, on behalf of the Governor's Finance Office to contract with a former employee to provide administrative assistant duties relating to the 2020 Census on a part-time basis. This individual will be employed by Manpower through MSA #18404.

Item 5-B is from the Department of Health and Human Services, Division of Child and Family Services, to contract with a former employee to assist with contracts and service agreements and identifying areas to improve contract fiscal and cost allocation processes to improve workflow. This individual will work on a part-time basis and will be employed by Manpower through MSA #18404.

The final item under 5-C, from the Department of Health and Human Services, Division of Health Care Financing and Policy to contract with a former employee to provide assistance in analyzing and review of financial processes, including budgeting, projections and organization. This item relates to Agenda Item 8, Contract #21.

Representatives from the agencies are available to answer any questions the Board may have.

**Governor:** Thank you. Are there any questions? I don't have any questions, but I have a statement and this came up in my briefing. Director, you know how I feel – I want to make sure that these are used for emergency hires and our agencies are not getting lazy and not going out to try to find employees that we need to fill various vacancies that exist. This wasn't meant to circumvent the hiring process. This was meant for extraordinary circumstances and situations. I'd ask them all to keep that in mind as we move forward.

So, do we have a motion?

**Secretary of State:** Move for approval, with the exception of the withdrawn number 1 of 5-A.

**Governor:** We have a motion for approval with the exception of 5-A, Subsection 1. Any discussion? All in favor, signify by saying aye. The motion passes.

## **6. Request to Access Funds from the Prison Industries Capital Projects Fund**

Pursuant to NRS 209.192, the Department of Corrections, Prison Industries, requests to access \$184,720 from the Fund for New Construction of Facilities for Prison Industries. Funds would be used to purchase new and replacement equipment to allow for program expansion and operational improvements to various program activities.

**Governor:** Item number 6, *Request for Access Funds from the Prison Industries Capital Projects Fund*.

**Clerk:** Item number 6. Pursuant to NRS 209.192, the Department of Corrections, Prison Industries is requesting access to \$184,720 from the Fund for New Construction of Facilities for Prison Industries. Funds in this account can be used: to house new or expand existing industries to provide additional employment for offenders; to relocate, expand, upgrade or modify an existing industry to improve operations, security or to provide additional employment or training of offenders; to purchase or lease equipment for training or operating the industries; to pay for operations of Prison Industries, or to advertise or promote goods produced or services provided by Prison Industries.

Expenditures from the account must be approved by the Board of Examiners and the Interim Finance Committee prior to being expended. There is currently approximately \$370,000 available in this account. The packet contains a list of the proposed expenditures and representatives from the Department are available to answer any questions the Board may have.

**Governor:** Do you have any questions? I have one question, could Corrections step up here?

Good morning. I just want to check, is there a priority list of projects that we want to get done and we need the equipment to complete the job or did these just come out of the blue?

**Bill Quenga:** Good morning, Governor. What we do is, we get a list from each supervisor to prioritize what equipment is needed to enhance and produce quality products and then provide an increase in offender labor to have more jobs.

**Governor:** So, when you're getting one from each section, who is prioritizing between those sections?

**Bill Quenga:** I do, sir, along with the Chief Financial Officer and the supervisors working together for each section.

**Governor:** Alright, thank you. I have no issue. Thank you very much for your answers.

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

**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.

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

**Governor:** Item number 7, *Approval of Proposed Leases*.

**Clerk:** There are 4 leases in agenda item 8, for consideration by the Board this morning. Lease number 4 was not considered by the Board at its last meeting.

**Governor:** For clarification, that one is being pulled off the agenda. That's the State Board of Dental Examiners and that one we're going to take separately because I'm not in favor of that one.

**Clerk:** Alright, are there any questions on any of these items?

**Governor:** That's the only one I had a question on. Do you have any questions Madam Secretary? Do you want to give me a motion on 1-3?

**Secretary of State:** Yes, I'd love to. Move for approval of Item 7, leases 1-3; and denial of lease 4.

**Governor:** We have a motion on the floor for the approval of the proposed leases under Agenda item number 7, leases 1, 2 and 3; and denial of lease 4 for Nevada State Board of Dental Examiners. All in favor, signify by saying aye. Are any opposed? The motion passes. Lease number 4 is denied.

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

**Governor:** Number 8, *Approval of Proposed Contracts*.

**Clerk:** There are 45 contracts in agenda item 8 for approval by the Board this morning. Contract #21, JRW Consulting, relates to Item 5-C. Contract 18, Jobs for America's Graduates (JAG), will be placed on the January agenda.

**Governor:** Before you get too far along, on Agenda Item 8, I'm going to have to recuse myself on #18, I serve on the National Board for the JAG Program.

**Clerk:** So, that item will be moved to the January BOE for consideration.

**Governor:** Yes, it will have to be moved since we don't have a quorum without my vote.

**Clerk:** Then, Contract #39, GEO ReEntry Inc., has been withdrawn by the agency and may be resubmitted to the January BOE. Do you have any questions on any of the other items?

**Governor:** Approval with the exception of 18 and 39, right?

**Secretary of State:** Move for approval for Agenda Item 8, with the exception of 18 and 39, which have been pulled.

**Governor:** We have a motion on the floor for the approval of proposed contracts with the exception of numbers 18 and 39, which have been pulled. Is there any discussion on the motion? Seeing and hearing none, all in favor signify by saying aye. Are any opposed? The motion passes.

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

**Governor:** Item number 9, *Approval of Proposed Master Service Agreements*.

**Clerk:** There are 13 Master Service Agreements in Agenda Item 9 for approval by the Board this morning. MSA #13 relates to Agenda Item 5-A, as previously noted. Do you have questions on any of these items?

**Governor:** I do not, do you Secretary? I want to point out, Susan, I really appreciate you asking about any questions. The briefings that I get and that I assume my colleagues get on this agenda are extraordinary and you answer all our questions at that time, even though they're done individually, we're not briefed together. It makes the meetings go much more efficiently and the questions are all answered. So, I sincerely appreciate that, and I know my colleagues do.

**Secretary of State:** Thank you, Governor, yes. I want to tell you again, thank you but I also want to thank Scott Anderson because he goes through all of this and asks questions that



we have and we're prepared by your staff, Governor. So, I really do appreciate their input. Thank you.

**Governor:** Yes, they're great.

Do we have a motion on item number 9?

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

**Governor:** We have a motion on the floor for approval. 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. 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 October 19, 2019 through November 14, 2019.

**Governor:** Item number 10, *Information Item, Clerk of the Board Contracts*.

**Clerk:** There were 43 contracts under Information Item 10 under the \$50,000 threshold approved by the Clerk between October 19, 2019 and November 14, 2019. This item is informational only. Do any of the Members have questions on any of these items?

**Governor:** The only question I have, or I guess it's a comment, I notice that there are numerous items that are \$49,000, plus but not \$50,000. I don't think it's coincidental that they're falling right under the threshold. I don't know if it's a good or a bad thing but it's obvious when you see \$49,500, \$49,900, \$49,700, \$49,919 – I guess that's just the way it is.

Alright, that's an information item. Do you have any questions on that one?

**Secretary of State:** No.

## **11. Information Item and Reports**

### **A. Department of Motor Vehicles – Complete Streets Program**

Pursuant to NRS 482.1825, Subsection 2, the Department shall certify to the State Board of Examiners the amount of the voluntary contributions collected for each county by the department and its agents, and that the money has been distributed as provided in statute. This is the first quarter of the State Fiscal Year 2020 report for the period beginning July 1, 2019 and ending September 30, 2019.

**B. Department of Public Safety – Division of Emergency Management – Lincoln County and Nye County**

Pursuant to NRS 353.2755, the Division hereby submits notice to the Board of Examiners (BOE) of Lincoln County’s and Nye County’s intent to request a recommendation by the BOE to the Interim Finance Committee for approval of a grant and/or loan from the Disaster Relief Account to cover a portion of the expenses associated with the county-wide response to the anticipated “Storm Area-51” event.

**C. Statewide Quarterly Overtime Report – Fiscal Year 2020 1<sup>st</sup> Quarter**

Pursuant to NRS 284.180, the Department of Administration, Division of Human Resource Management must prepare and submit quarterly to the Budget Division of the Office of Finance a report regarding all overtime worked by employees of the Executive Department during the quarter. The Budget Division shall transmit quarterly to the Board of Examiners the report and the analysis of the Budget Division regarding the report. The Budget Division submits the 1<sup>st</sup> Quarter Overtime Report and analysis for the Fiscal Year 2020.

**D. Update on NRS Title 54 Boards**

Update on NRS Title 54 Boards and the amounts of their contracts, as well as those Boards that had lobbyist representation at the 2019 Legislative Session without a Board/Clerk-approved contract.

**Governor:** Item number 11, *Information Item and Reports*.

**Clerk:** There are 4 informational items under this agenda item.

The first report is from the Department of Motor Vehicles on the voluntary contributions collected by the county pursuant to NRS 482.480, also known as the Complete Streets Program, for the period from July 1, 2019 to September 30, 2019. During the quarter ending September 30, the Department collected \$89,686 compared to \$89,902 in the same period last year and \$90,594 collected last quarter.

Of the amount collected, approximately 78% was from Clark County; 15.9% from Washoe County; just under 2.7% from Douglas County; and 3.2% from Carson City. After deducting 1% to administer the collection and distribution of contributions, the Department distributed \$88,459.47 to the four counties in the first quarter of Fiscal Year 2020. Of the approximate 11.74% of those registering a vehicle during the Fiscal Year contributed to the Complete Streets Program ranging from 9.1% in Douglas County to 14.78% in Clark County.

Are there any questions on this item?

**Governor:** No, no questions on 11-A.

**Clerk:** Item 11-B. This item is a notification from the Division of Emergency Management of intent to request allocations from the Disaster Relief Account pursuant to NRS 353.2755. Pursuant to statute, state agencies and local governments can request a grant or loan through the Division of Emergency Management from the Disaster Relief Account if, because of the disaster, the local government is unable to pay for an expense from available funds. Applicants must submit their intention to apply not later than 60 days after the Governor or the governing body of a local government determines an event constitutes a disaster. The Division must then notify the Board of Examiners and the Fiscal Analysis Division of the Legislative Counsel Bureau of the intent. Within 18 months of the determination that an event constitutes a disaster, the state agency or local government must submit their final request to the Division of Emergency Management and the Department of Taxation, including whether the request is for a loan or a grant and the final amount of the request. The Division of Emergency Management and the Department of Taxation are required to review the requests and submit reports to the Board of Examiners who will then make a recommendation to the Interim Finance Committee on the proposed amount and the determination of a grant or loan.

Both of these requests from Nye and Lincoln County are related to the Storm Area 51 event that took place in September. Are there questions on this item?

**Governor:** Yes, I have questions on this item. Who do we have here from Lincoln? Good morning. My question is, I understand that this is a Division of Emergency, being the definitive word, Management – I don't know how this was an emergency when you gave an approval, despite our concerns regarding this issue and then expect the taxpayers of the State to basically bail out your County Commission's approval.

**Eric Holt:** If I could speak on that, Eric Holt, Emergency Manager for Lincoln County. All of our decisions were based on two things. One was the facts that we had at the time and the other was the threat that we faced. As you know, there was the Facebook event that challenged up to two million people that may descend upon Lincoln County and the threat was the influx of people that would double or triple or 100 times the size of our community and our county which would deplete all of our resources.

So, two business owners from Lincoln County approached the Commissioners and asked if they could hold an event to give people a place to go. The Commissioners made their decision based on an attempt to have those events cover some of the costs that we were faced with by the challenge that we had. Also to give people a place to go other than Area 51.

The events that they permitted provided their own security, EMS, trash services, sanitation services and were self-contained. None of the funds that were spent from the Lincoln County Emergency Management or Lincoln County itself, went directly to those events. Our attempt was, anything outside of those events, tied to the Storm Area 51 Facebook event, which was the threat and challenge that we faced.

Their approval of the other two events was an attempt to allow them to encumber some of that cost.

**Governor:** Okay. So, their approval—I had countless meetings regarding Storm Area 51, with Clark County Fire Department, Fire and Rescue, Las Vegas Metropolitan Police Department, that is not getting reimbursed for all the money that they put into an event in Lincoln County that they opposed and Lincoln County, through their supervisors, kept promoting. Everybody said it was a potential problem, but Lincoln did nothing to stop it.

Now, Nye County didn't approve of the events that were going to be held. They didn't issue any permits. I can tell you that without a doubt when I spent 10 years on the Clark County Commission, we analyzed the potential effects, unintended consequences of what an event could be. This is pretty much expected, what was going to happen. It could've been a lot worse. It could've been a lot more expensive. And now, they're already talking about doing it again. And expecting for the State to bail them out when the County Commissioners made the decision, I think is troubling.

**Sheriff Lee:** Sheriff Lee, for the record. Governor, we felt the exact same way. We do understand where you're coming from and we expressed those concerns and the County Commission did as well. I know that they did not promote, even though it appears since they allowed to have the events, they didn't promote it. We certainly didn't want the event, especially knowing the potential—well, we knew that two million people weren't going to come and storm this military base and cause civil disobedience into the county, we certainly did not want to promote that.

I think and I can't speak directly for the Commissioners, but I know they felt like the event was coming no matter what. Even if Lincoln County said, we're not going to approve any kind of events, we're not going to allow these two business places to have anything, the event was still coming no matter what.

**Governor:** I don't know how you can say that they knew it was coming. They might have assumed it was coming but with the approval, it was certainly coming. Without approval, we don't know who would've shown up. I know I met with the folks from Creech and Nellis Air Force Base, this was all hands-on board to deal with this situation and worst-case scenario, the possibility of having helicopter SWAT teams in there to handle some of these situations because this approval was granted. And then to have the audacity to come back to the State and say, yep, it didn't go as bad as we thought but we want you to bail us out for all the money we spent. I don't know how they can possibly come to the State and expect them to do that.

**Sheriff Lee:** I understand that, but I still think—I think the event was going to come no matter what. That was my fear and we don't know, you're absolutely right.

**Governor:** We'll never know.

**Sheriff Lee:** I don't think—it was kind of the same way as we didn't know how many people were going to come. I mean, two million people said, we're going to come to the Storm Area 51 event. We knew that wasn't going to be the case, but even if 1% of that two million people came, we were very concerned about that. And, as the Emergency Manager said, the money that we expended was outside of those events. It was mainly at the boundaries of

the military installation that we incurred our most cost. That was where most of our concerns were—because I mean, they said, —you're not going to stop all of us.

**Governor:** I know.

**Sheriff Lee:** They were going to break the law no matter what we do and that was a big concern to us.

**Governor:** Well, it was a big concern to everybody that was in the meetings of two dozen people that we had to convene. It took up an enormous amount of Public Safety's time, the military's time and everyone's—if this would've been the Division of Expected Consequences Management, I could see you coming forward. That's not what it is. This is not an emergency to me, but I'm going to leave it because you're not going anywhere today on this one. Do you have any more comments on this one?

**Sheri Brueggemann:** Sheri Brueggemann, Deputy Director, Department of Public Safety. I was just going to say the same thing that this won't be decided today. It will have to go through a review from Taxation and then a review from the Division and then we will return to the Board. At that time, you have the authority to determine that these expenses will or will not be repaid.

**Governor:** And I appreciate that. And, Sheriff, I want to thank you. You were phenomenal. You were part of our group that was dealing with this. And, I asked for personal help from the Sheriff at Metro — we didn't know what to expect. Who they were going to have to fly in, in terms of, you know, their SWAT Teams and whatnot that might have been needed at some point. Everybody was on edge and you went above and beyond. Emergency response, my issue lies with the County Commission for issuing an approval. I know there are expectations when you issue an approval and that's what they should've expected. You guys were great. I appreciate it. You helped minimize it. Maybe it ended up as well as it did because you were there on the ground and you helped us. People went through a lot and there were a lot of sleepless nights over this thing, that some people thought was funny and it wasn't funny for the people that had to respond.

**Sheriff Lee:** Sheriff Lee for the record. I appreciate that Governor. We did—I know it was a huge undertaking. I know it basically took my entire life and I think Eric's as well for a month and a half of this, it was ridiculous. I want to thank all those entities specifically law enforcement entities from across the state. It was incredible. We could not, absolutely could not have done it, I don't have the force, with only a dozen patrol officers. So, without our partners from across the State, it would not have happened.

**Governor:** And you're right. And you were instrumental in making it happen. I think it goes to show what we can do when there is a true emergency, how everybody can pull together and respond and protect the citizens of the State. Had we had a true emergency at the same time we had this, we would've been in a world of hurt. So, thank you for what you did. My issue remains with the Commissions that issued the approvals.

**Sheriff Lee:** Thank you.

**Governor:** Thank you, appreciate it. Thanks for being here. Let's move on to C.

**Clerk:** Okay. #C, this report is on overtime and accrued compensatory leave for the first quarter of FY2020. My staff has summarized the report, so I will not read the details but will hit a couple of highlights.

For the first quarter of the Fiscal Year, 2020 overtime pay and compensatory leave account for a total of approximately \$12.9 million or 4.88% of base pay. The Department of Corrections had the highest amount of overtime and compensatory time at \$3.83 million or 9.9% of base pay; this is compared to \$3.32 million in the fourth quarter of Fiscal Year 2019. This is followed by the Department of Health and Human Services at \$2.7 million or 3.59% of base pay. Those two agencies together account for 50.2% of the overtime and compensatory time accrued for the quarter. As a percentage of salary, the Department of Public Safety at \$2.39 million or 10.7% of base pay. And that is the highest percentage of overtime as a percentage of base pay.

Did you have any questions on this item?

**Governor:** I do not.

**Clerk:** The final item is an update on lobbyist contracts for Title 54 Boards, this list does not include contracts for other services, just lobbying contracts. Pursuant to NRS 333.020 Occupational Boards are included in the definition of "using agencies" of the Purchasing Division and therefore, board contracts are subject to the Board of Examiner's review. The information provided in the attached summary is current through November 12, 2019. Contracts with an expiration prior to that date are included as they were active when the first report was prepared in June 2019.

This list is inclusive of all lobbying contracts that exist within the contract tracking system. The list includes individuals and/ or entities that appear to have been working for Occupational Boards during the 2019 session. This information was obtained through a review of the legislative website and compared to the contracts in the contract tracking system. I would note that contracts under \$2,000 do not require Board approval and those under \$50,000 require Clerk of the Board approval and over \$50,000 require Board approval.

We have had a number of entities reach out to us with items that they would like added to the record today, so we can do that during public comment or now.

**Governor:** Okay, you can do it now. Who is adding it to the record?

**Clerk:** The Board of Veterinary Examiners, the Board of Massage Therapy, Board of Dispensing Opticians and the Board of Psychological Examiners.

**Governor:** Are we adding additional people to this list?

**Clerk:** They're just adding comments.

**Governor:** Okay, go ahead.

**Clerk:** So, I'll start with the Board of Veterinary Medical Examiners. This is from Jennifer Pedigo, the Executive Director. To Whom It May Concern: Concerning the recent discussion regarding professional service contracts within Boards and Commissions, I wanted to reach out and clarify where our Board is at in the process of ensuring compliance with the standards and policies of the Board of Examiners. Pertaining to the conversations that were had around contracts that are under the threshold requiring Board of Examiner approval, we are working as quickly to bring our contract with our lobbyist up to date. The contract is under the \$50,000 threshold, which I was mistakenly believed did not need to be submitted to the Board of Examiners. I have gotten clarification on what is required, and again, will be remedying the issue as soon as possible. Staff is working as quickly as possible to review, in particular, our lobbyist contracts, but also to review all professional services to ensure full transparency and compliance with Nevada law. For transparency, the current proposed contract amount for our lobbyist is \$12,000 annually, paid in the monthly amount of \$1,000.00. I have attached the current proposed contract from our lobbyist as reference. Because the current contract expired, we are reaching out for bids, and will be submitting the chosen contractor as soon as possible for review by the Clerk of the Board of Examiners.

Okay. Nevada State Board of Massage Therapy. Sandra Anderson, Executive Director. I understand that the Board of Massage Therapy has been identified as having lobbying services provided by Kathleen Laxalt during the 2019 session without a contract for services. Initially the Board chose to have the Executive Director, Chair, and Board Counsel participate as the interface between the Board and the Legislature. After the resignation of legal counsel, I chose to hire Ms. Laxalt to assist me. Ms. Laxalt was paid \$1,999 for the services provided during a portion of the session. The expense did not exceed the \$2,000 threshold; therefore, no contract was generated between the Board and Ms. Laxalt. Although the Board does not currently have a contract with Ms. Laxalt for lobbying services, the Board has contracted with her in the past at a rate of \$24,000 per two-year period.

Board of Psychological Examiners. Morgan Glitch, Executive Director. This letter is in response to the minutes of your November 14, 2019 meeting, which covered a discussion of the boards that employed lobbyists during the 2019 session without BOE-approved contracts in place.

My board did employ Ms. Kathleen Laxalt in 2019, however, I have been in the process of re-activating my contract manager status, with delay from the Purchasing Division. Due to the small Board office, I have been unable to attend the few classes I've made it into due to lack of office coverage; I've been unable to attend the recertification class. Ms. Laxalt and the Board do have a letter of understanding, that was submitted during the Board audits. I apologize for the misunderstanding on my part and assure you there was no intention to conceal the fact we had employed a lobbyist, or the amount being paid for those services. Lobbying services is a line item on the Profit and Loss Budget Report that is presented at each of our board meetings and included with the public meeting materials. The board also has a standing agenda item throughout the legislative session to discuss any updates we receive from our lobbyist.

We also did not intend to disregard the requirement to have contracts for professional services approved by your board. To that end, I have begun the process of completing a contract with the assistance of another executive director who has an active contract manager status which will be submitted to the BOE staff for approval.

Thank you for your time and please let me know if you require further information.

And the final one is the Board of Dispensing Opticians. This letter is in response to the minutes of your November 14, meeting, which covers a discussion of the boards that employed lobbyists during the 2019 session without BOE-approved contracts in place.

My board did employ Ms. Kathleen Laxalt in 2019, however, I mistakenly believed the amount paid to her during the fiscal year (\$7500) was beneath the threshold amount requiring a formal contract to be in place. I apologize for the misunderstanding on my part and assure you there was no intention to conceal the fact we had employed a lobbyist, or the amount being paid for those services.

Lobbying services is a line item on the Profit and Loss Budget Report that is presented at each of our board meetings and included with the public meeting materials. The board also has a standing agenda item throughout the legislative session to discuss any updates we receive from our lobbyist. We also did not intend to disregard the requirement to have contracts for professional services approved by your board. We have BOE-approved contracts in place with all other vendors supplying services to our board, including our IT company, our outside legal counsel, and our landlord.

Ms. Laura Freed at the Governor's Finance Office has been very helpful in clarifying the requirements for vendor contracts and the process for having them approved. I have also contacted our District Attorney General, (I think that's supposed to say Deputy Attorney General) Mr. Greg Ott, to determine how best to come into compliance with those requirements. To that end, I have begun the process of collecting vendor bids and my board will be reviewing a formal contract for lobbying services at its next meeting, which will be submitted to the BOE staff for approval. That is from Corrine Sedran, the Executive Director.

That completes those items.

**Governor:** Thank you. I appreciate the transparency which some of these, I know lobbyists and insiders that like to operate in this area of anonymity and the shadows and throw criticisms around. It's something that I can't accept. I can accept if the media wants to give them that platform; that's up to them. I'm disappointed, but that's up to them.

When you're talking about spending dollars to lobby the legislature and they're lobbying against items that some departments are asking for and arguing against each other with the legislators, I think that's a problem. I can tell you that when this is brought up at my Western Governors meetings and different Governor Associations that I'm at we are one of few that have this kind of a lobbying effort, going on and being paid for by various associations.



It's no secret that to my staff's credit and particularly Michelle and La Niesha and Brin and Cameron, we have gone above and beyond with these Boards and disclosures and commissions and now we've got these folks in the dark and their anonymity working against us. This idea that there's a letter of understanding so they don't have to issue a contract, or it falls under a threshold isn't acceptable to me.

There's a clear attempt here to circumvent the idea of transparency and accountability and some folks are helping them do that. I certainly am going to take a firm stand in the next legislative session to do something as it relates to these Boards and Commissions and how they're operating outside the expected purview and I'll leave it at that, going into the next year. Anything you want to add?

**Secretary of State:** No, Governor, but I thank you for your due diligence on this and for making everybody aware of it. It's something that we talked about in the legislature, but not to this extent, so thank you.

**Governor:** Thank you. Yeah. Okay, that wraps up D.

**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:** It brings us to number 12, Public Comment? This is the second time set aside for 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. Any members of the public? Do any lobbyists want to come forward? Political insiders? No, okay. Do we have anyone in Las Vegas?

**David Moore:** Yes.

**Governor:** Go ahead.

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

**Governor:** Thank you for your comments. Anyone else in Las Vegas wishing to speak during the second session of Public Comment? Seeing no one. Anyone in Carson City? Last chance. Secretary Cegavske.

**Secretary of State:** Thank you, Governor, I appreciate it. I failed to ask and would like the report on Contract # 8 regarding the Grant Sawyer Building. There was a report to release and I would like that report sent to me. Once I review the report, I will ask the questions that I had for today.

Then, I'd like to thank Bill Quenga for all that he's done for the Secretary of State's Office. It's been a pleasure to work with him and I just wanted to make sure that I noted that. Governor, the Department of Prison Industries has been instrumental in printing a political

history book. If anyone would like to see it please come to my office, you can have one, but they were very instrumental in helping us print that book. I just wanted to include my thank you in the public record.

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

**Governor:** I wholeheartedly agree and support you, thank you very much, appreciate it. That being said, do we have a motion on item 13 for adjournment?

**Secretary of State:** I motion to adjourn this meeting, thank you.

**Governor:** Move to adjourn. Any discussion? Hearing and seeing none, we are adjourned. Thank you all very much.

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Attachment B

**David Moore:** Good day, my name is David Moore. I'm horrified at how a local hospital just tortured and killed this vibrant 78 year old woman. Not only did the surgeons ignore her medical directive so as to enrich themselves, they self-righteously explained that when someone is under surgical care, they can override the medical directive at will.

So, let me explain to you what exactly that meant for this 78 year old woman, who was told that this was a 45-minute procedure. Who was told, she would be home in 48-hours. Now, first understand that this 78 year old woman has the greatest insurance and supplemental insurance on the planet. Now, and most importantly, understand that a Board Certified cardiologist, two big time heart surgeons who are really kids and this arrogant as Hell concierge doctor repeatedly told this 78 year old woman that she could drop dead at any minute. They told her this repeatedly for nearly three years straight.

But this isn't even the worst of it. While I was this woman's caregiver, she had lost 50 pounds in the last five years and we were seeing excellent improvements. You see, the doctors had diagnosed her with aortic stenosis, which is essentially a calcification of the heart valve. Not only did this woman have no symptoms, she spent more time in the pool this last summer than she did the last 10 years combined. In fact, we cleared out her clogged arteries with simple diet changes. We even expanded her valve opening dramatically.

So, this woman, feeling deathly afraid, decides to submit to the pressure of these greedy doctors. Then she writes a medical directive that demands no heroic measures be taken. Then these greedy, arrogant, worthless doctors actually spend three hours on the first 45 minute procedure, which essentially kills her. You see, the medical device didn't seal properly, it slipped. So they put in a second valve up through the first valve, but both valves failed and her heart can't pump without lots of drugs. They have essentially killed her at this point.

They put in a temporary pacemaker anyway and they pump her full of chemicals, which makes her heart pound out of her chest. They keep her on a breathing tube, so she doesn't die, which is exactly what she didn't want. It's horrendous, but they aren't done torturing her yet. She goes through three more three-hour experimental surgeries, all of which were called last ditch efforts by the doctors. I was the 78 year old woman's best friend and power of attorney and health proxy. We were both ignored and this woman was tortured. And guess what, these doctors will brush this whole thing under the rug.

We mustn't let this soulless medical profession destroy our country. We mustn't let these greedy demonic vampires feed off the suffering of our old people any longer. This means we must give the power to the patient. While educating them as to every risk factor involved. I'm sure this woman would've lived another 20 years, but they tortured her and killed her. This is untenable. Now is the time, this is the place and we are the ones. Thank you for your honorable efforts.