

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: May 12, 2020, 10:00 AM

Location:

Pursuant to the Governor's Emergency Directive 006, there will be no physical location for this meeting. This meeting can be viewed on YouTube. The link will not go live until 10:00 am

https://www.youtube.com/channel/UCF8zpKli9VhMDNVq_GsEYuQ/live

Conference Call Line 775-687-0999 or 702-486-5260
Please call 775-684-0222 for collaboration code

MEMBERS PRESENT:

Governor Steve Sisolak
Attorney General Aaron Ford – on the phone
Secretary of State Barbara Cegavske – on the phone

STAFF PRESENT:

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

1. Call to Order / Roll Call

Governor: I would like to call to order today's meeting of the State of Nevada, Board of Examiners for May 12, 2020. Could the Clerk take the roll, please?

Board Secretary: Governor Sisolak?

Governor: Here.

Board Secretary: Secretary of State Cegavske?

Secretary of State: I'm here. Thank you.

Board Secretary: Attorney General Ford?

Attorney General: I'm here.

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 *Public Comment*. Anyone wishing to address the Board on any item on today's agenda, please identify yourself for the record and comments will be limited to three minutes.

Governor: Do we have anyone for public comment? We do not.

3. Approval of the April 1, 14 and 23, 2020 Minutes (For possible action)

Governor: Moving on to item number 3, *Approval of the April 1st, 14th and 23rd, 2020 Minutes*. Do I have a motion?

Secretary of State: Move for approval.

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

4. Authorization to Contract with a Current and/or a Former State Employees (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 Nevada Revised Statute (NRS) Chapter 281A, specifically including subsection 550 which restricts certain former employees and state agencies.

Office of the Attorney General

Pursuant to NRS 333.705, subsection 1, the Office of Attorney General requests to contract with a former employee, Diane L. Welch. Ms. Welch is currently employed with McDonald Carano, LLP, a company the agency has contracted with to engage in outside counsel. Ms. Welch has been assigned to the agency's case.

Department of Transportation

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with former employee Mike Rose. HDR, Inc. is proposing to utilize Mr. Rose to fill an Inspector position on their staffing team to augment the Full Administration of District II Betterment projects on NDOT Agreement P539-19-040. Mr. Rose will be utilized on a full-time basis starting in May 2020 through October 2022 or the end of the agreement.

Governor: Item number 4, *Authorization to Contract with a Current and/or Former State Employee.*

Clerk: There are two items in this request to contract with former employees, pursuant to NRS 333.705(1). The first request is from the Office of the Attorney General to contract with a former employee to provide legal services, this individual will be employed by McDonald Carano, LLP. This item relates to Agenda Item 7, Contract #4. The second request is from the Department of Transportation to contract with a former employee to provide inspection services on betterment projects. This individual will be employed by HDR, Inc. Representatives from the agency are available to answer any questions on these items.

Governor: Do we have any questions on these items, number 4?

Secretary of State: None, move for approval.

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

5. Request for an Extension on Current Critical Labor Designated Positions in State Government as Continuing Critical Labor Shortages (For possible action)

Department of Corrections – Rural Institutions and Camps

Pursuant NRS 286.523, the Department requests a two-year extension of the Board of Examiners' "critical labor" designation and a Public Employees Retirement System exception for rural Correctional Officer positions.

Governor: Item number 5, *Request for an Extension on Current Critical Labor Designated Positions in State Government as Continuing Critical Labor Shortages*.

Clerk: Pursuant to NRS 286.523, it is the policy of the State to ensure that the reemployment of retired public employees is limited to positions of extreme need. An employer who desires to employ a retired public employee to fill a position for which there is a critical labor shortage must make the determination of reemployment based upon the appropriate and necessary delivery of services to the public in an open meeting. The Board of Examiners has the authority to designate positions in State Government for which there are critical labor shortages.

In determining whether to designate a position as a critical labor shortage, the Board is to consider and make findings on the efforts made to fill the positions through other means, the turnover rate for the position, the number of openings and number of qualified candidates, the length of time the positions have been vacant, any special circumstances, education or experience requirements for the positions and the history and success of recruitment efforts.

The Department of Corrections requested, and the Board approved the designation of rural Correctional Officer classifications as critical labor shortage positions in March 2016 and again in March 2018. This item includes a request to continue this rural Correctional Officer position designation through May 2022. This item includes a report from the Department on the use and effectiveness of the critical labor shortage designation and a request to continue the designation of these positions as a critical labor shortage and a Public Employees Retirement System exception for these positions. This will allow the Department to continue to reemploy retired public employees who require little or no training to perform these important correctional officer duties.

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

Governor: Do we have any questions on item number 5?

Attorney General: No questions, Governor.

Governor: Do we have a motion on number 5?

Attorney General: Move approval.

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

6. Approval of Proposed Leases (For possible action)

Governor: Let's move to agenda item number 6, please.

Clerk: There is one lease under agenda item 6 for approval by the Board. Are there any questions on this item?

Governor: Do we have any questions on the lease, item number 6?

Secretary of State: Move for approval.

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

7. Approval of Proposed Contracts (For possible action)

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

Clerk: There are 54 contracts under agenda item 7 for approval by the Board this morning. I would just note that Contract #4 relates to Agenda item 4-a. Are there any questions on any of these items?

Governor: I just have a question on 4, and General Ford, if you could help me here. I asked my Counsel, Kyle to explain this a little bit to me. Do we have a list that you use when you're going for outside counsel or is it depending on recommendations or how do we do that?

Attorney General: There is no particular list, Mr. Governor. It often depends on recommendations that come from the various departments that have utilized individuals in the past with expertise in certain areas.

Governor: How are the fees negotiated or is it a standard fee, or is it depending, is it reduced?

Attorney General: Generally speaking, they're always reduced because you know, there are government rates that we try to convince folks to abide by. There is not a standard rate because again, it depends upon the nature of the action, the complexity of the action, how long the action is going to be ongoing and things of that sort.

Governor: Okay, thank you very much.

Attorney General: Absolutely.

Governor: That's the only question I had, Secretary Cegavske or General Ford, any questions?

Secretary of State: No, sir.

Attorney General: None here.

Secretary of State: I'll move for approval.

Governor: We have a motion on the floor on item number 7, is there any discussion? Hearing and seeing none. All in favor signify by saying aye. The motion passes.

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

Governor: Item number 8.

Clerk: There are four master service agreements under agenda item 8 for approval by the Board, are there any questions on these items?

Governor: I think we have every fuel vendor in the State of Nevada, approved for this at one time or another, right? Okay, do we have a motion on item 8?

Attorney General: Move approval.

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

9. 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 March 24, 2020 through April 20, 2020.

Governor: Item number 9.

Clerk: There are 33 contracts under the \$50,000 threshold that were approved by the Clerk between March 24, 2020 and April 20, 2020. This item is informational. Are there any questions on any of these items?

Governor: I do not have any questions on number 9. Do we have any questions there?

Secretary of State: None, sir.

Attorney General: None here.

Secretary of State: Governor, if I could, this would be a great place to just thank your staff again for helping my staff and me with questions that we had. They were very, very helpful again and I just want to make sure that we appreciate their working with us.

Governor: I agree and I appreciate your acknowledging that and I think we all feel the same way, that they go above and beyond to get us information. If you have a question, they always get back to us very promptly which minimizes the questions at these meetings and helps them run smoothly. So, for that, thank you, everybody.

Attorney General: Absolutely. Ditto

10. Information Item and Reports

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

Pursuant to NRS 321.5954, Subsection 4, the State Land Registrar 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 3rd quarter of the fiscal year 2020.

B. Department of Health and Human Services – Division of Public and Behavioral Health

Pursuant to NRS 353.263, the Department requested and was approved by the Clerk of the Board to use \$186,039 from Board of Examiner's Emergency account and an additional saving within budget account 3162 of \$62,661 to replace a heating, ventilation, and air conditioning unit on the Northern Nevada Adult Mental Health Services campus.

C. 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 second quarter of the State Fiscal Year 2020 report for the period beginning October 1, 2019 and ending December 31, 2019.

Governor: Item 10, *Information Item and Reports*.

Clerk: There are three 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 which is required pursuant to NRS 321.5954 and Chapter 355, Statutes of Nevada, 1993, respectively. This report is for the quarter ending March 31, 2020. There were no acquisitions of land during this period. There were two transactions under the Lake Tahoe Mitigation Program resulting in 733 square feet of restored land coverage and an increase of \$27,670 for the Nevada Land Bank. Are there any questions on this item?

Governor: None. Are there any questions on this item?

Secretary of State: No.

Attorney General: None here.

Governor: Thank you.

Clerk: The second item is a report on expenditures from the Board of Examiners' Emergency Account. The Department of Health and Human Services has a Heating Ventilation and Air Conditioning (HVAC) unit that failed in January 2020 at the Adolescent Treatment Center, which caused the occupants to be temporarily displaced. The estimated cost of replacement was \$250,000, of which the Division of Public and Behavioral Health-funded \$62,661, with the balance coming from the Emergency Account. This will leave a balance in the account of approximately \$115,000. Are there any questions on this item?

Governor: No questions, anybody?

Attorney General: None here.

Secretary of State: No.

Clerk: The final item is a report from the Department of Motor Vehicles on the voluntary contributions collected by a county pursuant to NRS 482.480 also known as the Complete Streets program, for the period October 1, 2019 through December 31, 2019. During the second quarter of Fiscal Year 2020 the Department collected \$78,314 compared to \$79,236 in the same period last year and \$89,353 collected in the first quarter. Of the amount collected, approximately 78% was from Clark County, 15.75% from Washoe County and just under 3% each from Douglas County and Carson City. After deducting 1% to administer the collection and distribution of contributions, the Department distributed \$77,531 for this quarter. Approximately 11.8% of those registering a vehicle during the quarter contributed to the Complete Streets program, ranging from 9.4% in Douglas County to 14.77% in Clark County. Are there any questions on this item?

Governor: I do not have any. Do you have any questions on the Complete Streets program, Secretary or General Ford?

Secretary of State: I do not.

Governor: General Ford?

Attorney General: None here.

Governor: Okay, that completes our action items and reports.

11. 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: This is the second time set aside for public comment. Anyone wishing to address the Board on any item, please identify yourself and comments will be limited to three minutes. Do we have anybody? Seeing none.

12. Adjournment (For possible action)

Governor: Do we have a motion to adjourn?

Attorney General: So moved.

Governor: We have a motion on the floor, any discussion? All in favor, signify by saying aye. The motion passes, we are adjourned. We'll see you all soon, thanks.