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

Date and Time: September 14, 2021, 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 – On the phone Attorney General Aaron Ford – On the phone

STAFF PRESENT:

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

MEETING MINUTES

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 September 14, 2021. Could I ask the Clerk to take the roll, please?

Board Secretary: Governor Sisolak?

Governor: Here.

Board Secretary: Secretary of State Cegavske?

Secretary of State: I'm here.

Board Secretary: Attorney General Ford?

Attorney General: Here.

Board Secretary: Let the record reflect we do have a quorum.

Governor: We 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: Moving on to item number two, public comment. 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. Do we have anyone in Carson City?

Clerk of the Board: We do not.

Governor: Do we have anybody in Las Vegas? No. Do we have anyone on the phone? No. Closing item number two.

3. Approval of the August 10, 2021 Meeting Minutes (For possible action)

Governor: Item number three, *Approval of the August 10, 2021 Meeting Minutes*. Do we have a motion on the approval of minutes?

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.

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.

	# OF VEHICLES	NOT TO EXCEED:
Department of Conservation & Natural Resources – Division of Water Resources	1	\$31,307
Department of Public Safety – Nevada Highway Patrol	105	\$4,291,027
Department of Wildlife – Law Enforcement	4	\$140,629
Total	110	\$4,462,963

Governor: Item number four, State Vehicle Purchases.

Clerk of the Board: Good morning. Under item number four, there are requests for 110 vehicles in this agenda item. The first request is from the Department of Conservation and Natural Resources, Division of Water Resources to purchase one new vehicle for \$31,307 and the purchase will be funded by Basin Assessments.

The second request is from the Department of Public Safety, Nevada Highway Patrol to purchase 105 replacement vehicles for an amount not to exceed \$4,291,027.25. The vehicles being replaced will have met the age and/or mileage requirements in the State Administrative Manual (SAM) by the time of replacement. Funding for this request is included in the legislatively approved budget.

The final request under this item is from the Department of Wildlife, Law Enforcement to purchase four replacement vehicles for \$140,629. The vehicles being replaced have met the age and/or mileage requirements in SAM. Funding for this request is included in the legislatively approved budget.

Are there any questions on this item?

Governor: No, I do not. Do we have any questions on item number four?

Secretary of State: I have none, Governor and I, again, want to thank your staff for being responsive to my staff for all the answers to everything today so, thank you; and I'll move for approval on these state vehicle purchases.

Governor: We have a motion 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.

Secretary, thank you much and I appreciate you acknowledging that every meeting. I want to thank our staff as well for being so responsive to all the requests that we have during our briefings.

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

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

Pursuant to NRS 333.705, subsection 4, the Department of Health and Human Services, Division of Public and Behavioral Health seeks a favorable recommendation regarding the Department's determination to use the emergency provision to contract with former employee Sarah Hamrick to provide essential clinical services and address COVID-19 vaccine implementation activities.

B. State Public Charter School Authority

Pursuant to NRS 333.705, subsection 4, the State Public Charter School Authority seeks a favorable recommendation regarding the agency's determination to use the emergency provision to contract with former employee Susan Hohn to provide grant management services due to the increased amount of funding received due to the COVID-19 pandemic.

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

Clerk of the Board: Item number five, pursuant to subsection four of Nevada Revised Statute 333.705, an agency may contract with a former employee without first obtaining a Board of Examiners approval if the term of the contract is for less than four months and the head of the using agency determines that an emergency exists. If the 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 this contract had it not been entered into under the emergency provision.

The first request is from the Department of Health and Human Services, Division of Public and Behavioral Health. They are seeking a favorable recommendation from the Board on their use of the emergency provisions to contract with a former employee. The division contracted through Reliable Healthcare Services for the period of February 4, 2021, through May 4, 2021, to provide essential clinical services and address COVID-19 vaccine implementation activities.

The second request is from the State Public Charter School Authority seeking a favorable recommendation from the Board on their use of the emergency provisions to contract with a former employee through Marathon Staffing Group for the period of May 10, 2021, through September 10, 2021. The contractor is providing grant management services to the agency and this item relates to item 6-B in that they are requesting for this employee to continue working as a contractor. Are there any questions on these items?

Governor: Are there any questions on 5-A or 5-B?

Secretary of State: I have none and I'll move for approval.

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

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

A. Department of Administration – Purchasing Division

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee Brenda Laird to ensure the timely completion of the Fiscal Year 2021 State of Nevada Annual Comprehensive Financial Report for the State Controller's Office through Master Service Agreement #23927 with Marathon Staffing Group, Inc.

B. Department of Administration – Purchasing Division

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee Susan Hohn to provide grant review and administration for the State Public Charter School Authority through Master Service Agreement #23927 with Marathon Staffing Group, Inc.

C. Department of Administration – Purchasing Division

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to extend the contract with former employee Tammy Trio to provide training for new fiscal management for the Department of Public Safety through Master Service Agreement #23928 with HAT Limited Partnership, dba Manpower.

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

Pursuant to NRS 333.705, subsection 1, the Department of Health and Human Services, Division of Public and Behavioral Health requests authority to contract with former employee Amber Brown, presently employed by the CDC Foundation, to assist with implementation of COVID-19 information technology projects.

E. Department of Transportation

Pursuant to NRS 333.705, subsection 1, the Nevada Department of Transportation requests authority to contract with former employee Matthew L. Nussbaumer, presently employed by Atkins North America to fill a Senior Drainage Engineer position in the Statewide Design Related Engineering Services On-Call Unit within the Design and Project Management Division.

F. Department of Veterans Services

Pursuant to NRS 333.705, subsection 1, the Nevada Department of Veterans Services requests authority to contract with former employee Ronald Crook to provide architectural services for the remodel of the Southern Nevada Veterans Home.

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

Clerk of the Board: This item contains six requests to contract with former employees pursuant to NRS 333.705, subsection 1 and I would note that Item 6-C, the Department of Administration, Purchasing Division for the Department of Public Safety, that request has been withdrawn and will not be considered today.

Item 6-A, this item is from the Department of Administration, Purchasing Division to contract with a former employee to provide services in the preparation of the Fiscal Year 2021, State of Nevada Annual Comprehensive Financial Report for the State Controller's Office and to provide training to existing staff on a part-time basis. This individual will be employed through Marathon Staffing Group and the duration of this request is expected to be approximately one year and nine months.

Item 6-B, this item is also from the Department of Administration, Purchasing Division to contract with a former employee to provide grant review administration for the State Public Charter School Authority. This individual will be employed through Marathon Staffing Group and the duration of this contract is expected to be approximately one year and two months.

Item 6-D is from the Department of Health and Human Services, Division of Public and Behavioral Health to contract with a former employee through the CDC Foundation to assist with implementation of COVID-19 related information technology projects. The duration of this contract is expected to be approximately 14 months.

Item 6-E is from the Department of Transportation to contract with a former employee through Atkins North America to fill a Senior Drainage Engineer position on a part-time basis.

The final item is from the Department of Veterans Services to contract with a former employee to provide architectural services for the remodel of the Southern Nevada Veterans Home and the duration of this contract is expected to be about two years. Are there any questions on these items?

Governor: Do we have any questions on six A, B, D, E, or F? Item 6-C has been withdrawn.

Attorney General: None here. I'll move approval.

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

7. Request for Approval of Payment from the Statutory Contingency Account (For possible action)

Pursuant to NRS 41.950 and NRS 41.970, the Governor's Finance Office requests the Board of Examiners to approve a payment of \$18,668.88 from the Statutory Contingency Account to DeMarlo Berry representing remaining relief compensation for his wrongful conviction.

Governor: Moving on to item number seven, Request for Approval of Payment from the Statutory Contingency Account.

Clerk of the Board: Item number seven is a request for compensation for wrongful conviction from the Statutory Contingency Account pursuant to NRS 41.950 and 41.970, which provide compensation and other properly related matters to certain persons who are wrongfully convicted. The statute requires the court to enter a Certificate of Innocence and determine the proper amount of the award.

A Certificate of Innocence and an order granting monetary relief were granted to Mr. DeMarlo Berry by the 8th Judicial District Court pursuant to NRS 41.950. The amount of this award is \$18,668.88, which includes \$1,459 for reimbursement for restitution paid, this is a one-time item; \$6,809.88 for reimbursement for health insurance premiums for the calendar year 2021, this could be an ongoing item; and the third item is \$10,400 for reimbursement for the cost of financial literacy assistance for the calendar year 2021, and Mr. Berry can request reimbursement for these costs for the calendar year 2022. The current balance in the Statutory Contingency Account is 12.3 million dollars. Are there any questions on this item?

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

Secretary of State: How much did the Legislature give this fund? I just wanted to know the amount, if we have it.

Governor: Director Brown, do you have that?

Clerk of the Board: This account was depleted in Fiscal Year 2021 and then, we had a reimbursement of \$2.5 million so, just under \$10 million was replenished by the Legislature.

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

Governor: Do we have any further questions on item number seven?

Attorney General: None. I move for approval.

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

8. Request Approval of Proposed State Administration Manual Changes (For possible action)

Pursuant to NRS 353.040 the Governor's Finance Office, Budget Division requests modifications to the policies and procedures of the State Board of Examiners adopted and collected in the following chapters of the State Administrative Manual.

- 1. Revisions subject to Senate Bill 445 of the 2021 Legislative Session
 - a. SAM Chapter 0310 Approval of Cooperative Agreements
 - b. SAM Chapter 0316 Approval of Interlocal Contracts
 - c. SAM Chapter 0322 Independent Contract Review
 - d. SAM Chapter 0328 Lease Contracts
 - e. SAM Chapter 0336 Amendments to Contracts
- 2. Revisions subject to NRS Chapter 333.705
 - a. SAM Chapter 0323 Contracts with State Employees, Former State Employees and Secondary Employment
- 3. Revisions subject to NRS Chapter 439
 - a. SAM Chapter 0326 Independent Contracts Not Requiring Board of Examiners' Review
- 4. Revisions subject to Senate Bill 422 of the 2021 Legislative Session
 - a. SAM Chapter 1202 General
 - b. SAM Chapter 1204 Revenues to Department of Administration Communications Fund
 - c. SAM Chapter 1206 U.S. Mail Service
 - d. SAM Chapter 1208 Mailing Hints, Economies
 - e. SAM Chapter 1210 Inter-Departmental Mail
 - f. SAM Chapter 1018 Mail Service

Governor: Item number eight *Request Approval of Proposed State Administrative Manual Changes.*

Clerk of the Board: Item number eight is a request for approval to revise the State Administrative's manual. The first changes, which are to Chapter 300, revise the authority of the Clerk of the Board to approve certain contracts from a contract limit of under \$50,000 and increases that to under \$100,000, as approved through Senate Bill 445 of the 2021 Session. This change, if approved, will increase the threshold for action items on the Board of Examiners agenda to those items that are \$100,000 or more and items under that amount will be included in the information items on the agenda going forward if this item is approved.

The second item, this is a proposed change, which is also to Chapter 300 and this aligns the State Administrative manual to NRS 333 for contracts with former state employees. So, it just provides some clarifying language.

The third item is a revision to Chapter 300 Section 326. This strikes language from the State Administrative Manual that exempts computer software maintenance that consists of the following: licensing agreements, right to download updates remotely and/or offsite technical support. This change will require these contracts for these services to be approved by the Board of Examiners in compliance with the thresholds approved in Senate Bill 445 and will also include a review by the Department of Administration, Enterprise Information Technology Division. We did receive one comment on item three from the Department of Administration Information Technology Services that they were supportive of this change.

The final item is changes to Chapter 1200 and 1000 to update the State Administrative manual to reflect changes approved by the 2021 legislative session, through Senate Bill 422, which made the Mail Services Section a standalone division within the Department of Administration and removes now redundant and outdated language in the Buildings and Grounds Chapter.

Are there any questions on any of these changes?

Governor: Do we have any questions on this agenda item? None. Do I have a motion?

Attorney General: I move for approval.

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

9. Collective Bargaining (For possible action)

Pursuant to NRS 288.555, subsection 1, the Department of Administration, Division of Human Resources Management, acting on behalf of the Executive Department of the State of Nevada, requests retroactive approval of language regarding death in the line of duty for Bargaining Unit G – Category 1 Peace Officers represented by the Nevada Police Union. This language will be incorporated in a new Collective Bargaining Agreement to be presented for Board consideration at a future meeting.

Governor: Item number nine.

Clerk of the Board: Item number nine is a request for approval of a new collective bargaining provision. The Board shall consider the fiscal impact of this agreement, which is an amount up to \$20,000. NRS 288, through Senate Bill 135 of the 2019 Legislature, grants certain state employees the right to organize and collectively bargain, requiring the State to recognize and negotiate wages, hours, and other terms and conditions of employment with labor organizations that represent state employees and enter into written agreements evidencing the results of collective bargaining and requires that a new collective bargaining agreement be approved by the Board of Examiners at a public meeting.

Pursuant to NRS 288.555, subsection 1, the Department of Administration, Division of Human Resource Management, acting on behalf of the Executive Department of the State of Nevada, requests retroactive approval of the Line of Duty Death provision that has been

agreed to by the State and the Nevada Police Union. If approved, this provision will be included in a full collective bargaining agreement that will be put forward at a future meeting. With that, representatives from the Department of Administration are available to provide any additional information if there are questions on this item.

Governor: No, and I appreciate this item being brought forward to assist the family of Trooper May. Do we have any questions?

Secretary of State: Yes, Governor, I do. I believe that this collective bargaining is in litigation and so, I wanted to ask our Attorney General if piecemealing this is something that's okay and is there any other way that we can fund this without doing the collective bargaining agreement?

Attorney General: Thank you for the question. Mr. Chair, if I may respond? The short answer is, other provisions of collective bargaining discussions are still ongoing and so, this is appropriate relative to trying to address this issue for the current circumstance. To answer the second question, whether or not there's another alternative, I'm not sure that there really is. So, I will be supporting this particular item while the additional collective bargaining items are negotiated.

Secretary of State: Governor, I support giving this officer's family the additional funding. The concern I have is that it is considered to be approving collective bargaining which, I think I've been on record several times being opposed to that because I don't know how our State can afford it. I support the family getting the additional funding but I am concerned if we're saying that we agreed to their collective bargaining, whatever comes out of litigation and I'm not supporting that.

Attorney General: This doesn't have any effect on what comes out of litigation, to be clear. What's happening in litigation is still ongoing. This is a particular carve-out for a particular grievant for a very particular cause and that's the reason why it's placed before the Board of Examiners for consideration and it can be approved separately and apart from anything else going on.

Secretary of State: Thank you very much, Attorney General. I appreciate you spelling that out for me. Thank you.

Governor: Do we have any motion on item number nine?

Attorney General: I move approval, Governor.

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

10. Approval of Proposed Leases (For possible action)

Governor: Item number 10, Approval of Proposed Leases.

Clerk of the Board: There are eight leases under Agenda Item 10 for approval by the Board today. Are there any questions on any of these items?

Governor: Not by me. Again, I want to thank you for answering all of our questions ahead of time as it relates to these items.

Do we have any questions on item number 10?

Attorney General: None here.

Governor: Do we have a motion?

Attorney General: Move for approval.

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

11. Approval of Proposed Contracts (For possible action)

Governor: Item number 11, *Approval of Proposed Contracts*.

Clerk of the Board: There are 78 contracts listed in Agenda Item 11 today. Contract number 61 between the Department of Conservation and Natural Resources, Division of State Parks and Carahsoft Technology has been withdrawn. With that, there are 77 contracts for approval on the agenda today. Are there any questions on any of these items?

Governor: No. Which one was withdrawn?

Clerk of the Board: Number 61.

Governor: I need to make a disclosure on this item, contract number 31 between the Department of Education and Jobs for Nevada Graduates, Inc. I am on the National Board but I have no pecuniary interest. Do I need to abstain or can I disclose and vote?

Rosalie Bordelove: You can vote but the disclosure is appropriate.

Governor: Alright. Do we have any other comments or questions?

Attorney General: None here. Move for approval.

Governor: We have a motion for approval. Is there any discussion item number 10? Contract 61 is withdrawn. All in favor, signify by saying aye. Are any opposed? The motion passes.

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

Governor: Item number 12, Approval of Proposed Master Service Agreements.

Clerk of the Board: There are 17 items under Agenda Item 12 for approval by the Board. Are there any questions on any of these items?

Governor: Do we have any questions on item number 12? Do I have a motion?

Attorney General: None here, move approval.

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

13. 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 July 21, 2021 through August 23, 2021.

Governor: Item number 13, *Information Item – Clerk of the Board Contracts*.

Clerk of the Board: There are 47 contracts under the \$50,000 threshold that were approved by the Clerk of the Board between July 21, 2021 and August 23, 2021. Are there any questions on any of these items?

Governor: This is an informational item. Does anybody have any questions on any of the contracts under our limit?

Attorney General: No, sir.

Susan Cegavske: None.

Governor: Alright, closing item number 13.

14. Information Item Reports

A. Department of Conservation and Natural Resources – Division of State Lands – Fiscal Year 2021, 4th Quarter

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. This submittal reports on program activities for the 4th quarter of Fiscal Year 2021.

B. Statewide Quarterly Overtime Report – Fiscal Year 2021, 4th 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 4th Quarter Overtime Report and analysis for Fiscal Year 2021.

Governor: Moving on to item number 14, *Information Item Reports*.

Clerk of the Board: There are two informational reports under this item. The first informational report regarding lands or interest in lands transferred, sold, exchanged or leased under the Tahoe Basin Act program as well as the quarterly report on the status of real property or interest in real property transfer under the Lake Tahoe Mitigation program. This is required pursuant to NRS 321.5954 and Chapter 355, Statues of Nevada.

This report is for the quarter ending June 30, 2021. There was not any activity under the Tahoe Basin Act and there were no acquisitions of land in this quarter under the Lake Tahoe Mitigation program. There was one permanent retirement of 7,851 square feet of restored coverage.

Clerk of the Board: Moving on to the second report, this is a report on overtime and accrued compensatory leave for the fourth quarter of Fiscal Year 2021. This has been summarized, so I'm not going to go into the details but I'll go over some highlights.

Overtime pay and accrued compensatory (comp) leave account for a total of approximately \$18.5 million for the fourth quarter of 2021 or 5.96 % of base pay. The total overtime for the Fiscal Year is approximately \$69.56 million compared to \$48.1 million for the same period in Fiscal Year 2020. The Department of Health and Human Services had the highest amount of overtime and compensatory time at \$6.27 million or 6.9% of base pay followed by the Department of Corrections at \$5.76 million or 12.6% of base pay. Then, next is the Department of Public Safety at \$2.12 million or 8.3% of base pay. For the fourth quarter, as a percentage of base salary, the Department of Corrections had the highest overtime at 12.6% followed by the Department of Veterans Services at 11.5% and the Department of Public Safety at 8.3%. COVID-19 related overtime and comp time for the quarter is \$2.5 million and \$1.4 million of that is the Department of Corrections and approximately \$333,000 of that is the Department of Health and Human Services. Are there any questions on this report?

Governor: Do we have any questions on either of these reports? This is an informational item.

Attorney General: No questions here.

Governor: Hearing and seeing none. We'll close item number 14.

15. 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: Moving on to item number 15, *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. Do I have anybody in Carson City?

Clerk of the Board: No, we do not.

Governor: Do we have anybody in Las Vegas? No. Do we have anybody on the phone? Hearing and seeing none.

16. Adjournment (For possible action)

Governor: Item 16 is adjournment. We are adjourned. Thank you.