

Governor Steve Sisolak
Chairman

Susan Brown
Clerk of the Board



Attorney General Aaron D. Ford
Member

Secretary of State Barbara K. Cegavske
Member

STATE OF NEVADA BOARD OF EXAMINERS

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

MEETING MINUTES

Date and Time: March 9, 2021, 10:00 AM

Location: Pursuant to the Governor's Emergency Directive 006, as extended, 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

MEMBERS PRESENT:

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

STAFF PRESENT:

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

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 Tuesday, March 9th, 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: 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 2, *Public Comment*. This is the first time set aside for public comment. Anyone wishing to address a Board on any items on the agenda, please step forward and identify yourself for the record. Comments will be limited to three minutes.

Do we have anyone on the phone or any written comments? We have no one for public comment.

3. **Approval of the February 9, 2021 Minutes** (For possible action)

Governor: Item 3, *Approval of the February 9, 2021 Minutes*.

Secretary of State: Move for approval.

Governor: We have a motion on the floor for approval of the minutes. Is there any discussion on that motion? Hearing and seeing none. 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.

AGENCY NAME	# OF VEHICLES	NOT TO EXCEED:
Department of Conservation & Natural Resources – Nevada Division of Environmental Protection	2	\$61,490
Total	2	\$61,490

Governor: Item 4, *State Vehicle Purchases*.

Clerk of the Board: There is one request for vehicles in this agenda item. This request is from the Department of Conservation and Natural Resources, Division of Environmental Protection to purchase two replacement vehicles for \$61,490. The vehicles being replaced meet the age and/or the mileage requirements in the State Administrative Manual and these vehicles are funded in the legislatively approved budget. Are there any questions on this item?

Governor: Do we have any questions on the vehicle purchases?

Attorney General: Not here.

Governor: Do I have a motion on Agenda Item 4?

Attorney General: Move for approval.

Governor: We have a motion for approval on Agenda Item 4. Is there any discussion on that motion? Hearing and seeing none. All in favor, signify by saying aye. The motion passes.

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

A. Department of Health and Human Services – Division of Child and Family Services

Pursuant to NRS 333.705, subsection 4, the Department of Health and Human Services, Division of Child and Family Services seeks a favorable recommendation regarding the Division’s determination to use the emergency provision to contract with former employee Tina Gerber-Winn to assist with the implementation of the plan developed in response to Assembly Bill 387 from the 2019 Legislative Session through Master Service Agreement #20893 Nevada Public Health Foundation, Inc.

B. 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 Anedrea Hodges to perform technical liaison duties for multiple statewide COVID-19 system implementation projects in the Division’s Office of Information Technology Unit on a part-time basis through Master Service Agreement #21167 Guidesoft, Inc. dba Knowledge Services, Inc.

Governor: Item 5, *Authorization for an Emergency Contract with a Current and/or a Former State Employee*. Do you want to take these one at a time or together?

Clerk of the Board: One at a time.

Governor: We're going to do these one at a time. Item 5-A.

Clerk of the Board: Pursuant to subsection 4 of Nevada Revised Statute (NRS) 333.705, an agency may contract with a former employee without first obtaining the 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 a using agency contracts with an individual pursuant to this exception, they must submit a copy of the contract and a description of the emergency to the Board of Examiners who shall review the contract and description of the emergency and notify the agency whether or not they would have approved the contract, had it not been entered into under the emergency provision.

There are two requests under this item. The first is from the Department of Health and Human Services, Division of Child and Family Services. They seek a favorable recommendation from the Board on their use of emergency provisions to contract with a former employee. The Division contracted through Nevada Public Health Foundation with the former employee from February 1, 2021 through May 31, 2021. The former employee will provide assistance to implement the plan to prevent the relinquishment of custody of children in certain circumstances that were developed as a result of Assembly Bill 387 of the 2019 Legislative Session. Are there any questions on this item?

Governor: Do we have any questions on item 5-A?

Attorney General: None here.

Governor: Do I have a motion on 5-A?

Attorney General: I move approval.

Governor: We have a motion for approval on item number 5-A. Is there any discussion? Hearing and seeing none. All in favor, signify by saying aye. Is anyone opposed? The motion passes.

Item number 5-B.

Clerk of the Board: This request is from the Department of Health and Human Services, Division of Public and Behavioral Health and they are seeking a favorable recommendation from the Board on their use of the emergency provision to contract with a former employee. The Division contracted through Knowledge Services with the former employee from February 15, 2021 to May 31, 2021 to provide technical liaison duties for statewide COVID-19 system implementation projects. Are there any questions on this item?

Governor: Do we have any questions on 5-B? Do we have a motion?

Attorney General: Move approval.

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. The motion passes.

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

**A. Department of Conservation and Natural Resources –
Division of State Parks**

Pursuant to NRS 333.705, subsection 1, the Department of Conservation and Natural Resources, Division of State Parks requests authority to contract with former employee Dale Conner to perform administrative duties on a part-time and temporary basis through Master Service Agreement #18405 Marathon Staffing Group Inc.

B. Department of Public Safety – Office of Traffic Safety

Pursuant to NRS 333.705, subsection 1, the Department of Public Safety, Office of Traffic Safety requests authority to contract with current employee Todd Hartline to perform duties as the Traffic Safety Law Enforcement Liaison on a part-time basis. The hours worked will not be during State work or sick time, the hours worked will be during the employee’s scheduled off-time and will not conflict with his current duties. This contract is through Master Service Agreement #18405 Marathon Staffing Group Inc.

Pursuant to NRS 333.705, subsection 1, the Department of Public Safety, Office of Traffic Safety requests authority to contract with former employee Nicholas Nordyke to perform duties as Program Coordinator for the Zero Teen Fatalities Program. This contract is through Master Service Agreement #18405 Marathon Staffing Group Inc.

C. Department of Transportation

Pursuant to NRS 333.705, subsection 1, the Nevada Department of Transportation (NDOT) requests authority to contract with former employee Denise Inda, now employed by Applied Pavement Technologies, Inc. who is proposing to utilize Ms. Inda as a subcontractor on the Nevada Local Technical Assistance Program to provide traffic safety technical guidance and training to NDOT employees and NDOT transportation partners in local public agencies.

Governor: Item 6, *Authorization to Contract with a Current and/or a Former State Employee*. We will do these separately too. Number 6-A.

Clerk of the Board: Item 6 includes four requests to contract with former employees pursuant to NRS 333.705, subsection 1. The first request is from the Department of Conservation and Natural Resources, Division of State Parks to contract with a former employee to provide administrative duties on a part-time basis. The individual is employed by Marathon Staffing Group, which is Master Service Agreement #18405. Are there any questions on this item?

Governor: Do we have any questions on 6-A? Do I have a motion on 6-A?

Attorney General: Move approval.

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.

Governor: Item 6-B, please.

Clerk of the Board: There are two items under 6-B. The first item, which was a request to contract with a current employee, has been withdrawn by the Agency. The second request is to contract with a former employee to function as Program Coordinator for the Zero Teen Fatalities Program. This individual will be employed through Marathon Staffing Group. Are there any questions on this item?

Governor: Do we have any questions on 6-B? Hearing and seeing none. Do we have a motion?

Attorney General: Move approval.

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.

Governor: Item 6-C.

Clerk of the Board: This request is from the Department of Transportation to contract with a former employee to provide traffic safety, technical guidance through the Nevada Local Technical Assistance Program and they will provide training to both NDOT employees and transportation partners in the local public agencies. This individual will be employed through Applied Pavement Technologies. Are there any questions on this item?

Governor: Do you have any questions on 6-C?

Attorney General: None here.

Governor: Do I have a motion?

Attorney General: Yes, sir. Move approval.

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.

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

Pursuant to NRS 293.253, subsection 5, the Secretary of State requests the amount of \$227,465 from the Statutory Contingency Account to reimburse county clerks for the cost of publication for statewide ballot measures from the 2020 general election.

Governor: Item 7, *Request for Approval of Payment from the Statutory Contingency Account.*

Clerk of the Board: This is a request for payment from the Statutory Contingency Account pursuant to NRS 293.253. This is from the Secretary of State's Office for \$227,465 to reimburse County Clerks for the cost of publication for statewide ballot measures from the 2020 general election. Are there any questions on this item?

Governor: How much is left in the contingency account? Are we getting close to the bottom?

Clerk of the Board: There is about \$2.7 million.

Governor: Alright. Are there any further questions?

Attorney General: None here. Move approval.

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.

8. Approval of Payment to the Secretary of the U.S. Treasury Pursuant to the Cash Management Improvement Act (For possible action)

The State Controller requests approval of a payment to the U.S. Treasury in an amount not to exceed \$326,727 from the General Fund. This is the highest possible liability payment for 2020. The U.S. Treasury is reviewing the report and is expected to have a final liability amount by March 16, 2021. Payment to the U.S. Treasury is required by March 31, 2021.

Governor: Item 8, *Approval of Payment to the Secretary of the U.S. Treasury Pursuant to the Cash Management Improvement Act.*

Clerk of the Board: Item 8 is a request from the State Controller's Office pursuant to Section 85 of Assembly Bill 543 from the 2019 Legislative Session. This request is to authorize a payment not to exceed \$326,727 to the U.S. Treasury for interest owed under the Cash Management Improvement Act. The Cash Management Improvement Act ensures efficiency and equity between the time that federal funds are drawn and expended with the State incurring an interest liability if it draws funds too early and the federal government incurring liability to the State if the State uses its funds for federal program purposes. The amount shown is the highest possible State liability for Fiscal Year 2020. The U.S. Treasury is currently reviewing the report submitted by the State Controller and should provide a final determination by March 16th. If the calculations by the State Controller are accepted by the U.S. Treasury, the federal government would owe the State \$23,248. Are there any questions on this item?

Governor: Do we have any questions on Agenda Item 8?

Attorney General: Not here.

Governor: Do I have a motion?

Attorney General: Move approval.

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

9. Request for Designations of Bad Debts (For possible action)

Pursuant to NRS 463.123, subsection 2, the Nevada Gaming Control Board requests approval to remove delinquent debt from the Nevada Gaming Commission's records.

Governor: Item 9, *Request for Designation of Bad Debts*.

Clerk of the Board: Most State agencies turn their uncollectible debt over to the State Controller who has the authority to request the Board of Examiners write-off bad debt that has become impossible or impractical to collect. Bad debt under the purview of the State Controller cannot be removed from the State books unless the Board of Examiners designates the debt as uncollectible. NRS 463.123 requires the Gaming Commission to report the debt determined to be impossible or impractical to collect to the Board of Examiners for the designation of bad debt. Upon such designation, the Clerk of the Board shall notify the State Controller to remove this debt from the State's books.

This item includes one request to designate debts as bad debts under the provisions of NRS 463.123. This request from the Gaming Control Board is to designate \$1,655 as bad debt for the purpose of removing the debt from the State's books. Are there any questions on this item?

Governor: Do we have any questions on the removal designation of the bad debt?

Secretary of State: I'm going to approve this but the State giving licenses for something else in the State when there is a bad debt unpaid, what is the law on that because it's frustrating for the Gaming Control Board that they can't get anything. No law says they can't but I'm just asking the question of this group.

Governor: Well, since we have the Attorney General on the phone, General Ford?

Attorney General: Madam Secretary, I'll have to look into that. I'm not going to ask anyone to respond now but I have my counsel on this call and I asked them to take notes on this and so, we can look into it for you and we'll get back to you on that.

Governor: Thank you, Secretary. I've got my legal counsel here; Kevin has told me that he will work with the Attorney General's Office to review the statute in terms of what flexibility we might have or abilities we might have on that one but good catch.

Do I have a motion on item number nine?

Attorney General: I move approval.

Governor: We have a motion for approval. Is there any further 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 10, *Approval of Proposed Leases*.

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

Governor: No but I want to thank you again for going over these with me and explaining them. It's been very, very helpful. Do we have any questions on item number 10? Do I have a motion?

Attorney General: Move approval.

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

I just want to reiterate, Susan, to you and your staff, all three of us are on a lot of different boards and commissions and the preparation for this meeting is extremely detailed and helpful and comprehensive. So, thank you for that. It makes it a lot easier for us all.

Secretary of State: Governor, if I can echo. I cannot thank your staff enough for giving us responses that help us with our decision making so, thank you very much.

Governor: Right, I agree. I think we all feel that way.

11. Approval of Proposed Contracts (For possible action)

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

Clerk of the Board: There are 33 contracts in Agenda item 11 for approval by the Board this morning. Are there any questions on any of these items?

Governor: Do you have any questions on item number 11? Hearing and seeing none. Do I have a motion?

Attorney General: Move approval.

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.

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

Governor: Item number 12, *Approval of Proposed Master Service Agreements and Work Plan*.

Clerk of the Board: There are eight master service agreements and one work plan under Agenda Item 12 for approval by the Board this morning. Are there any questions on these items?

Governor: Do we have any questions on these? There is a process where the Secretary always asks and I always check if these out-of-state companies have business licenses, right?

Clerk of the Board: Yes.

Secretary of State: Yes, sir. Yes, we do check.

Governor: Do we have any questions on this one? Do I have a motion?

Attorney General: Move approval.

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.

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 January 15, 2021 through February 12, 2021.

Governor: Item 13, an information item, *Clerk of the Board Contracts*.

Clerk of the Board: There are 27 contracts in this item that are under the \$50,000 threshold that were approved by the Clerk between January 15th, 2021 and February 12th of 2021. Are there any questions on any of these items?

Governor: Does anybody have any questions on this one? Hearing none.

14. Information Item Reports

A. Statewide Quarterly Overtime Report – Fiscal Year 2021 2nd 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 2nd Quarter Overtime Report and analysis for Fiscal Year 2021.

B. Department of Motor Vehicles – Complete Streets

Pursuant to NRS 482.1825, subsection 2, the Department of Motor Vehicles 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 2nd quarter of State Fiscal Year 2021 report for the period beginning October 1, 2020 and ending December 31, 2020.

Governor: Item 14, an information item, *Reports*.

Clerk of the Board: There are two informational reports under Item 14 today.

The first report is on overtime and accrued compensatory leave for the second quarter of Fiscal Year 2021.

My staff summarized the report into a two-page summary. I'm just going to hit a couple of highlights on this. For the second quarter of Fiscal Year 2021, overtime pay and compensatory leave accounted for a total of approximately \$20 million or 6.63% of total pay for the quarter. This is an increase of 31% from the first quarter of Fiscal Year 2021. The total overtime for the year for the first two quarters is about \$35 million. The Department of Health and Human Services had the highest amount of overtime and compensatory time at \$6.97 million or 7.87% of their base pay, followed by the Department of Corrections at \$6.9 million or 14.68% of their base pay and the Department of Public Safety at \$2 million or 8.11% of base pay. For the second quarter as a percentage of base salary, the Department of Veterans Services had the highest overtime at 15.63%, approximately 40% of that is attributed to COVID-19. That is followed by the Department of Corrections at 14.68% and the Governor's Finance Office at 10.86%. Are there any questions on the overtime report?

Governor: The COVID money is all covered by CARES Act, right?

Clerk of the Board: The COVID money is covered by CARES Act. Veterans Services also received some additional funds for that purpose.

Governor: Alright, great. Do we have any questions about the overtime report? How about the Department of Motor Vehicles, Complete Streets?

Clerk of the Board: The second item is a report from the Department of Motor Vehicles on the voluntary contributions collected by a county pursuant to NRS 482.480 or the Complete Streets program. This report is for the period of October 1, 2020 through December 31, 2020. During the second quarter, the department collected \$95,656, compared to \$79,236 in the same period last year and \$116,562 in the previous quarter. Of the amount collected, approximately 77.8% was from Clark County, 15.7% from Washoe County, 3.19% from Carson City, and 3.29% from Douglas County. After deducting the 1% to administer the collection and distribution of contributions, the Department distributed \$94,699.44 for this quarter.

Governor: Alright. Are there any questions on the Complete Streets program? Hearing and seeing none.

- 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: 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 should be limited to three minutes. Do we have any written public comments? Do we have anybody on the phone for public comment? We do not. That concludes public comment.

16. Adjournment (For possible action)

Governor: Do I have a motion to adjourn?

Attorney General: So, moved.

Governor: We have a motion to adjourn. Is there any discussion? All in favor, signify by saying aye. Are any opposed? The motion passes. Have a great day, everybody.