

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: April 13, 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.

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

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, April 13, 2021 to order. If I could ask the Clerk to take the roll.

Board Secretary: Governor Sisolak.

Governor: Here.

Board Secretary: Secretary of State Cegavske.

Secretary of State: Here.

Board Secretary: Attorney General Ford.

Attorney General: Here.

Board Secretary: Let the record reflect 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: Item number 2, *Public Comment*. This is the first time set aside for public comment. Anyone wishing to address the Board on any items on the agenda, please come forward, identify yourself for the record and comments will be limited to three minutes. Do we have anyone for Carson City for public comment? Do we have anyone for Las Vegas for public comments? Do we have any written public comments?

Clerk of the Board: We do not.

Governor: I will close the public comments.

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

Governor: Moving on to item number 3, *Approval of the March 9th, 2021 Minutes*. Do I have a motion on the minutes?

Secretary of State: Move for approval.

Governor: We have a motion for approval from Secretary Cegavske. Do we have 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.

AGENCY NAME	# OF VEHICLES	NOT TO EXCEED:
Colorado River Commission	1	\$35,210
Department of Corrections	1	\$5,431
Total	1	\$40,641

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

Clerk of the Board: There are two requests for vehicles in this agenda item. The first request is from the Colorado River Commission to purchase one replacement vehicle for \$35,210. The vehicle that is being replaced meets the age requirements in State Administrative Manual and the agency was legislatively approved to replace this vehicle.

The second request is from the Department of Corrections to purchase one replacement vehicle for \$5,431. The agency is proposing the purchase of a used vehicle. The vehicle that is being replaced meets the age and mileage requirements in the State Administrative Manual and the department is proposing to use insurance recoveries plus the salvage amount to fund this purchase. Are there any questions on these items?

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

Secretary of State: Not here. 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 unanimously.

5. 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 Todd Hartline to be the Law Enforcement Liaison for northern Nevada Department of Public Safety. This contract is through Master Service Agreement #18405 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 Penelope A. C. Hampton to perform revenue projection oversight and training on a part-time basis to the Department of Taxation through Master Service Agreement #18404 with HAT Limited Partnership, dba Manpower.

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

Clerk of the Board: Item 5 includes two requests to contract with former employees pursuant to NRS 333.705, subsection 1. The first request is from the Department of Administration, Purchasing Division to contract with a former employee to function as the law enforcement liaison for the Department of Public Safety, Office of Traffic Safety in northern Nevada. This individual will be employed by Marathon Staffing Group.

The second request is from the Department of Administration, Purchasing Division to contract with a former employee to perform revenue projection oversight and training on a part-time basis for the Department of Taxation. This individual will be employed through Manpower. Are there any questions on these items?

Governor: Do we have any questions on the former employee contracts?

Secretary of State: None. Move for 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. 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 \$1,381,740.30 from the Statutory Contingency Account, to Frederick Steese, representing compensation for his wrongful conviction.

Governor: Item number 6, *Request for Approval of Payment from the Statutory Contingency Account*.

Clerk of the Board: Item number 6 is a request for compensation for wrongful conviction from the statutory contingency account. The 2019 Legislature approved Assembly Bill 267, which provides compensation and other properly related matters to certain persons who are wrongfully convicted. The legislation requires the court to enter Certification of Innocence and determine the proper amount of the award. A Certificate of Innocence and a Stipulation of Relief were granted to Mr. Frederick Steese by the 8th Judicial District Court pursuant to NRS 41.950. The amount of the award is \$1,381,740.30. The current balance in the statutory contingency account is \$1,428,883. If this item is approved, the remaining amount would be \$47,143. A bill draft request has been submitted to the 2021 Legislature to replenish this account. Are there any questions on this item?

Governor: Do we have any questions? Go ahead, Secretary Cegavske.

Secretary of State: Thank you. Again, I still have the same concerns about this, that we don't have the money and I don't know what the bill is or the bill number and how much is being asked but we are in pretty dire straits so, I'm just a little concerned about where we're getting the money and how we're paying this out.

I know we will most likely approve this one but I'm just talking about it in the future, I'm concerned about where we're going and I know there was a list of 11 that had to be compensated so, I'm just curious about that. Then, if there could be any back compensations for anybody that was wrongfully accused in the past. Thank you.

Governor: Secretary, those are good points. Do we know what is the bill asking for? How much did we replenish the account?

Clerk of the Board: The current request that was submitted to the Legislature is \$12.8 million and that includes the projections of what we know of as far as wrongfully convicted. That bill draft has been submitted but has not been introduced in the Legislature. We do expect to be working with the Legislative Counsel Bureau, Legal Division on that in the very near future as the supplemental or one-shot appropriations and fund replenishments will be heard sometime in May.

Governor: The \$12.8 million would cover what Secretary Cegavske is speaking of, the ten or eleven that are outstanding.

Clerk of the Board: The projection includes all of those individuals. Then, there are additional costs that are paid out of this account and it includes projections for those additional costs that we pay from this account.

Governor: I know it doesn't satisfy your questions Secretary Cegavske but does that information help?

Secretary of State: I'm grateful for that and again, thank your staff for all their hard work and always answering our questions but I just don't see that the \$12.8 million is going to be enough for those because we don't know yet what the court is going to award, in my opinion. So, just a concern. I keep raising the issue to make sure that we keep looking at it but thank you.

Governor: Thank you.

Clerk of the Board: I would just offer, Secretary, that in the interim, if this account were to be depleted, we do have the ability also to go to the Interim Finance Committee (IFC) contingency fund for replenishment. So, if there are costs that we're not aware of, we do put funds in the IFC contingency account that would be accessible as well.

Secretary of State: I don't know how much is in there either and it just concerns me that the state of the State right now is not healthy. So, that's why I'm just even more concerned but thank you, Susan.

Governor: Thank you very much, Secretary Cegavske and Director Brown.

Do we have a motion on this item?

Attorney General: I move for approval, Mr. Governor.

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 Designations of Bad Debts (For possible action)

Pursuant to NRS 232.605, subsection 2, the Advisory Council to the Division of Industrial Relations requests that the Board of Examiners designate the following debts as bad debts, as they have been determined to be uncollectible:

Occupational Safety and Health Administration Fines/Penalties	\$170,985.81
Uninsured Employer Claim Account	\$567,168.26
Worker's Compensation Administrative Fines and Premium Penalties	\$190,548.40
Business and Industry, Division of Industrial Relations - Total	\$928,702.47

Governor: Item number 7, *Request for Designations of Bad Debts*.

Clerk of the Board: Most 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's books unless the Board of Examiners designates the bad debt as uncollectible.

Under Nevada Revised Statute (NRS) 232.605, the Advisory Council to the Division of Industrial Relations is required 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 shall notify the State Controller to remove the debt from the State's books.

This item includes one request to designate debts as a bad debt under the provision of NRS 232.605. This request is from the Department of Business and Industry, Division of Industrial Relations to designate \$928,702.47 as bad debt for the purpose of removing the debt from the State's books. Are there questions on this item?

Governor: Do we have any questions on Item 7 for the removal of bad debts? Do I have a motion?

Attorney General: I move approval.

Governor: We have a motion for approval. Is there any discussion on the motion? Seeing none. All in favor signify by saying aye. The motion passes.

8. Request for Exemption from the Furlough Process – Nevada Gaming Control Board (For possible action)

Pursuant to Section 131.4 of Assembly Bill 3 of the 31st Special Legislative Session, the department requests a 4.6% pay reduction in place of participating in the furlough process from January 1, 2021 to June 31, 2021 for all Gaming Control Board Commission members.

Governor: Item number 8, *Request for Exemption from the Furlough Process – Nevada Gaming Control Board*.

Clerk of the Board: There is one request for exemption from furloughs from the Gaming Control Board, for commission members only, pursuant to Assembly Bill 3, section 131. Employees are required to take furlough or request an exemption which results in a 4.6 percent pay reduction. This request, if approved, would reduce the pay of these commission members for the period of January 1, 2021 to June 30, 2021 by 4.6 percent. I would just note that, per statute, these members are required to devote such time to the business of the commission as may be necessary to the discharge of their duties. These are not employees who have regularly scheduled hours that we could just prorate and do the furlough for. Are there any additional questions on this item?

Governor: Do we have any questions on this item for the exemption for the furlough process for Gaming Control Board?

Attorney General: None here. Move for approval.

Governor: Thank you. Now, this is just for the commission, not for the board.

Clerk of the Board: This is just for the five commission members. It is not for the staff of the Gaming Control Board.

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

9. Approval of Proposed Leases (For possible action)

Governor: Item 9, *Approval of Proposed Leases*.

Clerk of the Board: There are seven leases in Agenda Item 9 today. Lease number 2 with the Department of Health and Human Services, Division of Public and Behavioral Health and JS Park Sahara has been withdrawn by the agency. So, there are six leases for approval. Are there any questions on any of these items?

Governor: Do we have questions on any of the leases?

Attorney General: None here. 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.

10. Approval of Proposed Contracts (For possible action)

Governor: Item 10, *Approval of Proposed Contracts*.

Clerk of the Board: There are 36 contracts in Agenda Item 10 for approval by the Board this morning. Are there any additional questions on these items?

Governor: No. I want to thank you for my briefing where you went over all these and we had the discussion. Do we have any questions on any of these proposed contracts? Do I have a motion?

Attorney General: 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. The motion passes.

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

Governor: Item number 11, *Approval of Proposed Master Service Agreements*.

Clerk of the Board: There are 13 master service agreements under Agenda Item 11 for approval today. Are there any questions on these items?

Governor: Do we have any questions on any of the master service agreements?

Attorney General: None. 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.

12. Information Item – Clerk of the Board Contracts

Pursuant to NRS 333.700, the Clerk of the Board may approve all contract transactions for amounts less than \$50,000. Per direction from the August 13, 2013 meeting of the Board of Examiners, the Board wished to receive an informational item listing all approvals applicable to the new threshold (\$10,000 - \$49,999). Attached is a list of all applicable approvals for contracts and amendments approved from February 13, 2021 through March 22, 2021.

Governor: Item 12, *Information Item – Clerk of the Board Contracts*.

Clerk of the Board: There are 41 contracts under the \$50,000 threshold that were approved by the Clerk between February 13, 2021 and March 22, 2021. Are there any questions on these items?

Governor: Do we have any questions in any of the Clerk approved contracts?

Attorney General: None here.

Governor: Hearing and seeing none.

13. Information Item Reports

A. Governor’s Finance Office – Stale Claims Account, Emergency Account, Statutory Contingency Account and General Fund Balance

Pursuant to NRS Chapter 353, the Governor’s Finance Office, Budget Division presents a reconciled fund balance report for the TORT Claim Fund, Statutory Contingency Account, Stale Claims Account, Emergency Account, Disaster Relief Account, IFC Unrestricted Contingency Funds and IFC Restricted Contingency Funds as of March 11, 2021.

TORT Claim Fund	\$ 4,838,198.82
Statutory Contingency Account	\$ 1,679,614.44
Stale Claims Account	\$ 350,531.20
Emergency Account	\$ 114,972.00
Disaster Relief Account	\$ 12,652,301.35
IFC Unrestricted Contingency Fund General Fund	\$ 7,526,654.77
IFC Unrestricted Contingency Highway Fund	\$ 1,638,068.35
IFC Restricted Contingency Fund General Fund	\$ 10,457,242.94
IFC Restricted Contingency Highway Fund	\$ 2,287,561.00

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 first quarter of State Fiscal Year 2021 report for the period beginning July 1, 2020 and ending September 30, 2020.

Governor: We will move on to Item 13, *Information Item Reports*.

Clerk of the Board: There are two informational reports under Item 13. The first is an informational report on the available balances in the various contingency accounts managed by the Board of Examiners or the Interim Finance Committee as of March 11, 2021. These accounts will cover various contingencies through the remaining portion of this biennium, which is through June 30, 2021. I would be happy to answer any questions the Board may have on this.

Governor: Do we have any questions on the emergency accounts and contingency accounts?

Attorney General: None here.

Governor: We will move on to Complete Streets. That's always my favorite.

Clerk of the Board: This item is the report from the Department of Motor Vehicles on the voluntary contributions collected by counties pursuant to NRS 482.480, known as the Complete Streets program, for the period of July 1, 2020 through September 30, 2020. During the first quarter of fiscal year 2021, the Department collected \$116,562.93 compared to \$89,353 in the same period in fiscal year 2020. Of the amount collected, approximately 75.9 percent was from Clark County, just under 18 percent from Washoe County, 3.12 percent from Carson City and just under 3 percent from Douglas County. After deducting 1 percent to administer the collection and distribution of contributions, the Department distributed \$115,397.30 for this quarter. Approximately 13 percent of those registering a vehicle during the quarter contributed to the Complete Streets program during this period. Are there any questions on this item?

Governor: Do we have any questions on the Complete Streets program? Hearing and seeing none.

14. Public Comment (This public comment period is for any matter that is within the jurisdiction of the public body. No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board will impose a time limit of three minutes.

Governor: I'll move on to Item 14, *Public Comment*. This is the second time set aside for public comment. Anyone wishing to address the Board on any item, please come forward, identify yourself for the record and comments will be limited to three minutes. Do we have anyone for Carson City that would like to speak? Do we have anyone for Las Vegas? None. Do we have any submitted written comments?

Clerk of the Board: We have no written comments.

Governor: I'll close public comment.

15. Adjournment (For possible action)

Governor: Do I have a motion to adjourn?

Attorney General: So, moved.

Governor: Any further comments from the Board Members? We are adjourned. Thank you, everybody.