

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 East Musser Street, Room 200 / Carson City, Nevada 89701-4298
Phone: (775) 684-0222 / Fax: (775) 684-0260
<http://budget.nv.gov/Meetings>

Date and Time: January 11, 2022, 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
Dale Ann Luzzi, Board Secretary
Rosalie Bordelove, Board Counsel

OTHERS PRESENT:

Robbie Burgess, Administrator, Department of Administration

MEETING MINUTES

1. Call to Order / Roll Call

Governor: I would like to call today's meeting of the Nevada Board of Examiners for Tuesday, January 11th, 2022 at 10 a.m. to order. If I could 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.

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 we set aside for public comment. Anyone wishing to address the board on any item on today's agenda, please step forward and identify yourself for the record. Comments will be limited to three minutes. Do we have anyone in Las Vegas for public comment? Is there anyone in Carson City?

Clerk of the Board: We have one person in Carson City.

Public Comment: Attachment A

Governor: Thank you for your comments. Is there anyone else in Carson City wishing to speak?

Clerk of the Board: There's nobody in the room here in Carson City.

Governor: Thank you. Is anybody online or any written comment?

Clerk of the Board: We did not have anybody call in and ask for the number for online public comment.

Governor: Thank you. I'll close public comment.

3. Approval of the December 14, 2021 Meeting Minutes (For possible action)

Governor: Item number three, *Approval of the December 14, 2021 Meeting Minutes*.

Secretary of State: I move for approval.

Governor: We have a motion on the floor from Secretary Cegavske. 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.

AGENCY NAME	# OF VEHICLES	NOT TO EXCEED:
Department of Administration – Fleet Services	4	\$150,176
Department of Conservation & Natural Resources – Division of Environmental Protection	1	\$38,048
Department of Public Safety – State Fire Marshal Division	1	\$42,477
Department of Public Safety – State Fire Marshal Division	1	\$137,790
Total	7	\$368,491

Governor: Item number four, state vehicle purchases.

Clerk of the Board: Good morning. There are four requests for vehicles in this agenda item. The first request is from the Department of Administration, Fleet Services to purchase three new vehicles and one replacement vehicle for an amount up to \$150,176. Funds for these vehicles are included in agency budgets. I would just note that these vehicles were approved by the board at their October 2021 meeting, and they are being re-requested due to price increases.

The second request is from the Department of Conservation and Natural Resources, Division of Environmental Protection to purchase one replacement vehicle for an amount up to \$38,048. The vehicle being replaced has met the age and/or mileage requirements in the State Administrative Manual (SAM). Funding for this is included in the agency budget.

The next request is from the Department of Public Safety, State Fire Marshal Division to purchase one replacement vehicle for an amount up to \$42,477. The vehicle being replaced has met the age and mileage requirements in SAM. Funding for this vehicle is contingent upon IFC approval at the February IFC meeting.

The final request is also from the Department of Public Safety, State Fire Marshal Division, to purchase one vehicle for an amount up to \$137,790. Funding for this is available in the agency budget. Are there any questions on any of these items?

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

Secretary of State: Yes, I do.

Governor: Secretary of State Cegavske, go ahead.

Secretary of State: Thank you, Governor. I just wanted to find out why the original quote wouldn't be honored on the price of the first vehicle for Fleet Services. I'm going to vote 'yes' but I'm just curious as to why they wouldn't honor the price they had given.

Robbie Burgess: Good morning, Governor, and fellow board members. We initially put these vehicles up before the board last year. Predominantly, all the vehicles that we ordered were Chevrolets because of the cost. We were fulfilling the agency's requests with the Chevrolet vehicles because they were at a lower cost. Right after BOE, Chevrolet abruptly canceled all of the government sales so, we had to look for another avenue and that's the reason we went to a price increase and we went from Chevrolet to Ford because overall, Chevrolet was not going to sell any government vehicles whatsoever because they had stopped production.

Secretary of State: Okay, thank you for that explanation, I appreciate it. Thank you, Governor.

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

Secretary of State: I move for approval.

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

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 Daralyn Dobson to oversee and manage the Fiscal Management branch for the Division of Environmental Protection 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 Colleen Murphy to provide fiscal and administrative duties on either a full time or part-time basis to various agencies as needed through Master Service Agreement #18404 with HAT Limited Partnership, doing business as Manpower.

C. Nevada Department of Transportation

Pursuant to NRS 333.705, subsection 1, the Department of Transportation requests authority to contract with former employee Hoang Hong, presently employed by C.A. Group, Inc. to provide design and program support services for statewide projects within the Traffic Operations Center.

Governor: Item number five, *Authorization to Contract with a Current and/or Former State Employee*. I'll take these all together. Go ahead, Susan.

Clerk of the Board: Item number five contains three requests to contract with former employees pursuant to NRS 333.705, subsection 1. Item 5-A is from the Department of Administration, Purchasing Division to contract with a former employee to provide training for the fiscal management section for the Division of Environmental Protection. This individual will be employed on a part-time basis through Marathon Staffing Group and the duration of the contract is expected to be approximately six months.

Item 5-B, from the Department of Administration, Purchasing Division, is to contract with a former employee to provide fiscal administrative duties to various agencies. This individual will be employed through Hat Limited Partnership, doing business as Manpower. It is my understanding this person would also be working part-time and the duration of this contract is expected to be approximately one year and three months.

Item 5-C is from the Department of Transportation to contract with a former employee, to provide design and program support services for statewide projects within the traffic operations center. This individual will be employed on a full-time basis through CA Group Incorporated and the duration of this contract is approximately 11 months. Are there any questions on these items?

Governor: Do we have a motion on item number five?

Attorney General: Move to approve.

Governor: I've got a motion for approval from General Ford? Is there any discussion? Hearing and seeing none. All in favor, signify by saying aye. Are any opposed? The motion passes.

6. Request for a Recommendation of Approval to the Interim Finance Committee for an Allocation Amount from the Contingency Account
(For possible action)

Department of Indigent Defense Services

Pursuant to NRS 353.268, the Department requests the Board's recommendation to the Interim Finance Committee for an allocation of \$62,010 from the Interim Finance Contingency Account to fund a data analyst contract to conduct a wage salary survey, incentive program and oversight project for indigent defense services.

Governor: Item number six, *Request for a Recommendation of Approval to the Interim Finance Committee for an Allocation Amount from the Contingency Account.*

Clerk of the Board: Agenda item six includes one request for a positive recommendation to the Interim Finance Committee pursuant to NRS 353.268. The general fund contingency account has an approximate balance of \$26.4 million to cover unanticipated costs for the remainder of the 2021 - 2023 biennium. If this item is approved, the remaining balance in the account would still be approximately \$26.4 million. This request is from the Department of Indigent Defense for an allocation of \$62,010, to cover the cost of a data analyst contract, to conduct a wage salary survey, incentive program and oversight project for Indigent Defense Services. Are there any questions on this item?

Governor: Do we have any questions on item number six? We're seeing none, do we have a motion. We have a motion for approval from General Ford. Is there any discussion? Hearing and seeing none. All in favor, signify by saying aye. The motion passes.

7. 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 the Technology Investment Notification and Cloud Investment Notification process:
 - a. SAM Chapter 1618 Technology Investment
 - b. SAM Chapter 1622 Utilization of EITS Services Budgeted

Governor: Item number seven, *Request Approval of Proposed State Administration Manual Changes.*

Clerk of the Board: Item number seven is a request for approval to revise the State Administrative Manual, chapter 1600, section 1618 and 1622. These revisions are requested to correct and clarify processes for Technology Investment Notifications and

Cloud Investment Notifications and to update terminology within the SAM. Are there any questions on this item?

Governor: Do you have any questions on item number seven? Do I have a motion?

Attorney General: Move approval.

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

8. Request to Pay a Cash Settlement (For possible action)

Pursuant to Article 5, Section 21 of the Nevada Constitution, the State Board of Examiners may approve, settle, or deny any claim or action against the state, any of its agencies, or any of its present or former officers, employees, immune contractors, or State Legislators.

Department of Transportation

The Department requests approval to pay a judgment in the amount of \$1,740,725.31 in the inverse condemnation matter of Jenifer Walker, Matthew Walker vs State of Nevada, ex rel. Department of Transportation, Eighth Judicial District Court Case No. A-18-782849-C. This amount constitutes payment of the judgment, interest, attorneys' fees and costs awarded by the court.

Governor: Item number eight, *Request to Pay a Cash Settlement*.

Clerk of the Board: Item number eight, pursuant to article 5, section 21 of the Nevada Constitution, the State Board of Examiners may approve, settle, or deny any claim or action against the state, any of its agencies or any of its present or former officers, employees, immune contractors, or state legislators. In this request, the Department of Transportation is requesting approval to pay a judgment in the amount of \$1,740,725.31 in the inverse condemnation matter of Jennifer Walker, Matthew Walker vs. State of Nevada, Department of Transportation. This amount constitutes payment of the judgment, interest, attorney's fees, and costs awarded by the court and will be paid from the highway fund. Are there any questions on this item?

Governor: No. Do we have any questions on item number eight? This isn't a settlement, it's a judgment.

Attorney General: It's a judgment, that's right. I think the title of number eight is incorrect, but the description is accurate. Now that, as I understand it, that makes it okay.

Governor: So that's okay?

Rosalie Bordelove: Sir, yes, the heading is incorrect, entitling it as a settlement but the description on the posted agenda states that it is a judgment and has accurate information.

Governor: We have a motion from General Ford. Is there any discussion on this matter? 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 number nine, *Approval of Proposed Leases*.

Clerk of the Board: There are seven leases under agenda item nine for approval by the board today. Are there any questions on any of these items?

Governor: I do not have any but again, I want to thank you, Susan and your staff, for briefing me and for answering all the questions we had during our briefing.

Do we have any questions on item number nine? Do we have a motion?

Attorney General: Move approval.

Governor: General Ford moves 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 Contracts (For possible action)

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

Clerk of the Board: There are 27 contracts in agenda item 10 today for approval by the Board. Are there any questions on these items?

Governor: I don't have any questions; Do we have any questions on item number 10, anybody?

Secretary of State: Governor, I would just like to echo what you said and thank your staff for reaching out to us and answering our questions as well. Thank you.

Governor: Thank you. Do we have a motion?

Attorney General: I 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.

Director Brown, I want to compliment Secretary Cegavske. I know she's always very complimentary of your staff's work. All of the meetings don't go this smoothly, believe it or not, that we sit in on, the group of us here, and this is very smooth because of the work that's done prior to the meeting happening. So, we really do appreciate what you're doing.

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

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

Clerk of the Board: Thank you. There are two master service agreements under agenda item 11 for approval by the Board. Are there any questions on these items?

Secretary of State: Yes, Governor. I have to make a disclosure on agenda item number 11, contract number two, and it's the master service agreement with Opportunity Village. Can I make that now?

Governor: Please.

Secretary of State: I do not believe the independence of judgment of a reasonable person in my situation would be materially affected by my relationship with Opportunity Village as a board member. Based on the nature of my relationship with Opportunity Village, I'm not going to recuse myself from voting on contract number two of the agenda item 11. I now ask the Deputy Attorney General if that disclosure is satisfactory under NRS 281A.

Rosalie Bordelove: Yes, it is, Secretary.

Secretary of State: Thank you, Governor.

Governor: Thank you. And while I'm not on the board of Opportunity Village, I'm a huge fan of the charity and the work that they do so, I don't need to disclose that and it will not affect my ability to consider this agreement. Do we have a motion?

Secretary of State: 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.

12. Approval of Proposed Work Plan (For possible action)

Governor: Item number 12, *Approval of Proposed Work Plan*.

Clerk of the Board: There is one work plan under agenda item 12 for approval by the Board. Are there any questions on this item?

Governor: I do not have any questions. Do we have any questions on item number 12? Do we have a motion?

Attorney General: I move approval.

Governor: General Ford moves 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 \$100,000. Per direction from the September 14, 2021 meeting of the Board of Examiners, the Board wished to receive an informational item listing all approvals applicable to the new threshold (\$10,000 - \$99,999). Attached is a list of all applicable approvals for contracts and amendments approved from November 19, 2021 through December 22, 2021.

Governor: Next item is information only, *Clerk of the Board Contracts*. Do we have any questions on these items? This is an information item. No questions.

14. Information Item Reports

Governor’s Finance Office – Budget Division

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 November 30, 2021.

Below is the available balance for each account prior to any projected outstanding claims.

Tort Claim Fund	\$ 5,047,004.50
Statutory Contingency Account	\$ 12,084,581.09
Stale Claims Account	\$ 2,872,252.72
Emergency Account	\$ 354,763.00
Disaster Relief Account	\$ 7,005,618.81
IFC Unrestricted Contingency Fund General Fund	\$ 26,438,872.48
IFC Unrestricted Contingency Highway Fund	\$ 1,638,068.35
IFC Restricted Contingency Fund General Fund	\$ 12,042,164.00
IFC Restricted Contingency Highway Fund	\$ 334,796.00

Governor: Item number 14, *Information Item Reports*. Do we have any questions on these? No questions.

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 any item, please step forward and identify yourself for the record. Comments will be limited to three minutes. Do we have anybody for this public comment in Las Vegas? Do we have any public comment in Carson City?

Clerk of the Board: I'm not seeing any public comment in Carson City.

Governor: Do we have anyone on the phone for public comment? Hearing and seeing none.

16. Adjournment

Governor: We are adjourned. Thank you, everybody.

Attachment A

Good Morning Governor and Respected Board Members,

My name is Kevin Ranft, a retired Corrections Officer for the State of Nevada and current union representative for AFSCME Local 4041. Today I would like to speak about agenda item 10, contract number 22. This is a new Department of Corrections contract focused on providing a study of various positions which include: an analysis of vacancy and turnover rates, comparisons of salaries and benefits to other states, and ways to improve recruitment and retention. I am here to explain why you should vote NO on this contract.

Last month it was reported that the Department of Corrections had the highest amount of overtime and accrued compensatory leave in 2021, at \$6.59 million. Today I am here to save the taxpayers of Nevada from an expensive \$289,000 for this unnecessary contract in addition to the overtime and comp time you will continue to pay if things are not changed.

The answer to this problem is simple, you must treat the correctional officers better and pay them a comparable wage. The current minimum salary for State of Nevada Corrections Officers is \$49,000. In comparison, correctional officers for local governments like Washoe or Las Vegas are offered the same position for a beginning wage of \$54,000-\$59,000. When considering the maximum pay, the current salary for state correctional officers is approximately \$73,000, whereas a local government like Henderson correctional officers might top out at \$98,000. So why wouldn't they leave?

On January 6, 2022, the Treasury Department issued their final rule for the use of Coronavirus State and Local Fiscal Recovery Funding provided to the states. Nevada received \$2.7 BILLION. The Treasury Department allows these funds to be used to hire employees above the pre-pandemic baseline. We suggest that you allocate some of these funds to recruit and hire more correctional officers instead of continuing to exhaust those we have managed to retain in state service (some officers have been forced into mandatory overtime for as many as 4 days in a row).

The Treasury Department also allows for these funds to be used to reimburse state employees who lost 6 days to furlough last year. Those days equated to a 2.5% cut that negatively impacted these officers, to which the state promised a reimbursement on and has yet to deliver. To quote the Treasury Department directly they said, "reasonable increases in compensation to persuade employees to remain with the employer as compared to other employment options" is an acceptable use of these funds. Since these funds are now currently available, NOW IS THE TIME TO MAKE THIS RIGHT.

Although pay is definitely a concern, the lack of respect is also a problem. Recently, AFSCME certified bargaining units, this unit of officers included, were awarded a final and binding 3% pay increase for the current fiscal year by an arbitrator, which we hope this board will soon take up for consideration. Respect our workers by respecting their contract, including these negotiated wage increases. By not agreeing to what was bargained for, what would you be telling the correctional officers of our state?

In closing, we are all aware of the NDOC staffing shortage and that turnover is way too high. We also know that overtime is costing the state millions of dollars a year for this department, and we have just seen why. The proposed contract is not only unnecessary, but it is a slap in the face of these officers, who would rather you use the money to work towards a solution, not spend it on a deep dive into the problems we already know exist, you just have to find the will to do it. Fix these problems now, with the money you currently have and maybe, just maybe we will see a change for the better within the Department of Corrections here in our great state of Nevada.

Thank you for your consideration.
