

Governor Joe Lombardo  
*Chairman*

Amy Stephenson  
*Clerk of the Board*



Attorney General Aaron D. Ford  
*Member*

Secretary of State Francisco V. Aguilar  
*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 10, 2023, 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 Joe Lombardo  
Secretary of State Francisco Aguilar  
Attorney General Aaron Ford

**STAFF PRESENT:**

Amy Stephenson, Clerk of the Board

**OTHERS PRESENT:**

Marcie Ryba, Director, Department of Indigent Defense Services  
Megan Peterson, Deputy Superintendent, Department of Education  
Peter Zutz, Administrator, Department of Education  
Kevin Doty, Division Administrator, Department of Administration  
Timothy Galluzi, Division Administrator, Department of Administration

## MEETING MINUTES

### 1. Call to Order / Roll Call

**Governor:** Welcome, everybody, to the public meeting of the State of Nevada Board of Examiners. The date being January 10, 2023 at 10:00 a.m. Let's call to order. Clerk, can you please take the roll?

**Clerk of the Board:** Yes, sir. Governor Lombardo?

**Governor:** Here.

**Clerk of the Board:** Secretary of State Aguilar.

**Secretary of State:** Here.

**Clerk of the Board:** Attorney General Ford.

**Attorney General:** Here.

**Clerk of the Board:** Let the record reflect we have a quorum.

**2. Public Comment** The first public comment period is limited to comments on items on the agenda. No action may be taken upon a matter raised under this public comment period unless the matter itself has been specifically included on the agenda as an action item. The Chair of the Board has imposed a time limit of three minutes.

**Governor:** Moving on to agenda item number 2, *Public Comment*. The first public comment period is limited to comments on items on the agenda. No action may be taken upon the matter raised under this public comment period unless the matter itself has been specifically included on the agenda as an action item. Comments will be limited to 3 minutes. Do we have any public comment here in Carson City? None. Do we have anybody to the south?

**Attorney General:** No, sir.

**Governor:** Hearing none.

**3. Approval of the December 13, 2022 Meeting Minutes** (For possible action)

**Governor:** Item number 3, *Approval of the December 13, 2022 Meeting Minutes* for possible action. Do I have a motion for approval?

**Attorney General:** Move approval.

**Secretary of State:** Second.

**Governor:** Just as matter of procedure, I won't seek a second on any items in the future. That's within the law, correct, Attorney General?

**Attorney General:** Yes, sir. You're fine with that.

**Governor:** We have a motion on the floor. All those in favor, say aye. Motion approves unanimously.

**4. 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 James Whalen to provide his expertise and knowledge as a project manager for the Department of Transportation, Nevada Shared Radio System project through Master Service Agreement #21167 with Knowledge Services.

**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 Harold Wickham to act as Deputy Director of Programs for the Department of Corrections through Master Service Agreement #23928 with HAT Limited Partnership dba Manpower.

**C. Department of Transportation**

Pursuant to NRS 333.705, subsection 1, the department requests authority to contract with former employee Michael Attardo, currently employed with C.A. Group, Inc., to perform construction engineering services for the I-15 North Phase 3 project.

**D. Department of Transportation**

Pursuant to NRS 333.705, subsection 1, the department requests authority to contract with former employee Mark Cooper, currently employed by C.A. Group, Inc., to perform construction engineering services for the I-15 North Phase 3 project.

**E. Department of Health and Human Services – Division of Public and Behavioral Health**

Pursuant to NRS 333.705, subsection 1, the division requests authority to contract with former employee Carmen Ponce, currently employed by the Center for Disease Control and Prevention Foundation, to support the Public Health Investigations and Epidemiology program with public health activities.

**Governor:** Agenda item number 4, *Authorization to Contract with a Current and/or Former State Employee*. Clerk, do we have any changes or deletions?

**Clerk of the Board:** Yes, sir. Note item 4-B from the Department of Administration, Purchasing Division has been withdrawn.

There are five requests under this agenda item. The first request is from the Department of Administration, Purchasing Division. This item requests authority to contract with the former employee to provide his expertise and knowledge as a project manager for the Department of Transportation, Nevada Shared Radio System Project. This individual will be employed by Knowledge Services from January 16, 2023 through June 30, 2025 on a full-time basis.

The second request is from the Department of Transportation. The department requests authority to contract with the former employee, currently employed with C.A. Group, Inc., to provide his expertise to perform construction engineering services for the I-15 North Phase 3 Project. This individual will be employed from January 2023 through January 2025 on a full-time basis.

The third request is from the Department of Transportation. The department requests authority to contract with the former employee currently employed by C.A. Group, Inc. to perform construction engineering services, also for the I-15 North Phase 3 Project from January 2023 through March 2025 on a full-time basis.

The last request is from the Department of Health and Human Services, Division of Public and Behavioral Health. This item requests authority to contract with the former employee through a subaward issued from the division to the CDC Foundation to serve as a Senior Chronic Disease Epidemiologist from January 11, 2023 through June 30, 2023 on a full-time basis. Are there any questions on these items?

**Governor:** Thank you. Any questions for the Board Members?

**Attorney General:** None here. Move approval.

**Governor:** We have a motion for approval. All those in favor, say aye. The motion passes unanimously. Item 4-B was removed.

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

**A. Department of Education**

Pursuant to NRS 353.268, the department requests the Board's recommendation to the Interim Finance Committee for an allocation of \$1,330,540 from the Interim Finance Committee Contingency Account to cover costs associated with the Infinite Campus System.

## **B. 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 \$62,582 from the Interim Finance Committee Contingency Account to reimburse Elko and Humboldt counties' costs associated with the maximum contribution amount for indigent defense related costs.

## **C. 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 \$38,916 from the Interim Finance Committee Contingency Account to reimburse Douglas and White Pine counties' costs associated with the maximum contribution amount for indigent defense related costs.

## **D. Office of the Lieutenant Governor**

Pursuant to NRS 353.268, the office requests the Board's recommendation to the Interim Finance Committee for an allocation of \$31,960 from the Interim Finance Committee Contingency Account for per diem and travel expenses when traveling in his official capacity of the position.

**Governor:** Moving on to item number 5, *Request for a Recommendation of Approval to the Interim Finance Committee for an Allocation Amount from the Contingency Account*. Do we have any changes or deletions?

**Clerk of the Board:** Yes, sir. Item 5-A for the Department of Education has been withdrawn. There now are three requests under this agenda item. Would you like to take these together or separately, sir?

**Governor:** I'd like to go through these individually. I have a couple of questions.

**Clerk of the Board:** The first item is from Department of Indigent Defense Services with a request for a positive recommendation to the Interim Finance Committee pursuant to NRS 353.268 for an allocation of \$62,582 from the Interim Finance Committee Contingency Account to reimburse Elko and Humboldt counties' costs associated with the maximum contribution amount for indigent defense related costs. I believe there is a member of the agency here for any questions.

**Governor:** I think it's procedural, the question.

**Marcie Ryba:** Good morning, Governor. My name is Marcie Ryba, Director of the Department of Indigent Defense Services.

**Governor:** My question is, if you read the narrative, we have two counties included in one item. So, I'm to understand under the item, the amounts are delineated individually for each county? Is that correct?

**Marcie Ryba:** Thank you, Governor. In each of the actions, they were split into two separate subparts because the State of Nevada is involved in a lawsuit with the American Civil Liberties Union. We've entered into a stipulated consent judgment where some rural counties are considered 'Davis counties' because they're listed as part of that. What we have been requested to do is to group together the Davis counties as and the same for the non-Davis counties.

The first request in subsection B is for those non-Davis counties that are not part of the Davis stipulated consent judgment, but they do still fall under the maximum contribution formula and they have outlaid additional funds in order to comply with the requirements that were set in place by that lawsuit.

**Governor:** Procedurally, Clerk, there is no issue with including two counties on one item?

**Clerk of the Board:** Correct, no issue.

**Governor:** That was the clarification I needed. Then, if you would provide me the Davis counties, so I know them. Do you know them?

**Marcie Ryba:** If you would give me a second, Governor, I can read them off for you. The Davis counties appear to have been counties that didn't have an organized public defender's office at the time. There are three ways of providing indigent defense services across the State of Nevada. Counties with a population of more than 100,000 are required to have a county office of a public defender. Rural counties can also form such an office, but they're not required to, and they could opt in to the Nevada State Public Defender. The third way that you could provide indigent defense services is to contract with individual attorneys to provide that representation.

At the time of the lawsuit, these counties are listed as the rural counties for those purposes and they all chose to go with the third system of providing indigent defense service attorneys on a contract basis. Churchill County, they did not meet the maximum contribution this year. Douglas County, which we're requiring a request for reimbursement for. Esmeralda County, which had not reached their maximum. Eureka County, which did meet their maximum, but they didn't have any spending coming in after the fact. You see our request today because bills are allowed to come in 60 days after the case is closed. So, this is kind of late billing from fiscal year 2022. Lander County, did not meet its maximum. Lincoln County, did not. Lyon County, did. Mineral County, did. Nye County, did, and White Pine County, did. Douglas and White Pine had those late expenses come in and we're asking for that reimbursement.

**Governor:** Thank you. Since we're doing them separately, we need an action on each one of those. I'll accept a motion on item number 5-B?

**Attorney General:** Motion to approve on 5-B.

**Governor:** All those in favor? The motion passes unanimously.

Item 5-C.

**Clerk of the Board:** Item 5-C is also from the Department of Indigent Defense Services with a request for positive recommendation to the Interim Finance Committee pursuant to NRS 353.268 for an allocation of \$38,916 from the Interim Finance Committee Contingency Account to reimburse Douglas and White Pine counties' costs associated with the maximum contribution amount for indigent defense-related costs.

**Governor:** Are there any questions from Board Members? Do I have a motion for approval?

**Attorney General:** Move approval.

**Governor:** All those in favor? The motion passes unanimously.

Item number 5-D.

**Clerk of the Board:** Thank you, sir. This item is from the Office of the Lieutenant Governor with a request for a positive recommendation to the Interim Finance Committee pursuant to NRS 353.268 for an allocation of \$31,960 from the Interim Finance Committee Contingency Account for per diem and travel expenses when traveling in his official capacity of his position. Are there any questions on this item?

**Governor:** Are there any questions from any Board Members?

**Attorney General:** None here.

**Governor:** Just an interesting amount. Do we have a motion for approval?

**Attorney General:** Move approval.

**Governor:** All those in favor? The motion passes unanimously.

## **6. Approval of Proposed Leases** (For possible action)

**Governor:** Item number 6, *Approval of Proposed Leases* for possible action.

**Clerk of the Board:** There are six leases under agenda item number 6 for approval by the Board. Lease number 4 is a retroactive extension of an existing lease. Are there any questions on these items?

**Governor:** Any questions from Board Members?

**Attorney General:** None here. Move approval.

**Governor:** We have a motion. All those in favor? Item number 6 passes unanimously.

## **7. Approval of Proposed Contracts** (For possible action)

**Governor:** Moving on to item number 7, *Approval of Proposed Contracts*.

**Clerk of the Board:** There are 18 contracts under agenda item number 7 for approval by the Board. Please note that contract number 6 with the Office of Federal Assistance and IGX solutions has been withdrawn. Are there any questions on these items?

**Governor:** Any questions from the Board Members on any of the items?

**Secretary of State:** No, sir.

**Attorney General:** None here.

**Governor:** I have a question on contract number 7. I notice the term. Did we get clarification on that? I want a clarification as to the reason why this is a shorter term than a 12-month term.

**Clerk of the Board:** We did not, sir. We should have someone from the Department of Education to answer your question.

**Megan Peterson:** Good morning. Megan Peterson for the Department of Education. I'm going to defer this question to Peter Zutz, our director and who oversees that contract.

**Peter Zutz:** Good morning. Peter Zutz for the record, Office of Assessment, Data, and Accountability Management, the Department of Education. The department is requesting to extend this contract so that we stay in compliance with both state and federal law around the requirement to administer, score, and report a college and career readiness assessment for all grade 11 students in Nevada. Earlier in 2022, the department went out to RFP (Request for Proposal) per state purchasing process. That RFP required the approval of the State Board of Education. That was denied, and so the department is currently working to go out to RFP again. In the meantime, we're asking for this contract to be approved so that we stay compliant with both federal and state law. Thank you.

**Governor:** This serves as an interim.

**Peter Zutz:** Correct, Governor.

**Governor:** That's correct on September 30th as the expiration?

**Peter Zutz:** That is correct.

**Governor:** Thank you for your clarification. Do we have a motion for approval?



**Secretary of State:** Motion.

**Governor:** We have a motion. All those in favor? The motion passes unanimously.

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

**Governor:** Moving on to agenda item number 8, *Approval of Proposed Master Service Agreements*.

**Clerk of the Board:** There are four Master Service Agreements under agenda item number 8 for approval by the Board today. Are there any questions on any of these items?

**Governor:** Any questions from Board Members?

**Attorney General:** None here.

**Governor:** On item 8, number 1. We had an exponential increase in costs versus what was previously charged. Do we have an explanation for that?

**Kevin Doty:** Good morning, Governor, Members of the Board. I'm Kevin Doty, Administrator for the Purchasing Division. With me this morning is the Administrator for EITS who can probably explain this.

**Timothy Galluzi:** For the record, Timothy Galluzi, Administrator of the Division of Enterprise IT Services. So, at the November Interim Finance Committee meeting, Division of Enterprise IT Services was awarded a significant American Rescue Plan Act (ARPA) grant to replace the core of the state's Wide Area Network infrastructure, SilverNet. We wanted to go for ARPA funding for this because we were trying to avoid a significant rate spike for general funded agencies going into the next biennium and wanted to leverage this once-in-a-lifetime opportunity for federal funding to replace this core infrastructure. The ConvergeOne, Inc. contract that you're seeing in this Master Service Agreement has been competitively bid through the Purchasing Division, and it is a vehicle that we have a lot of experience using.

**Governor:** So, it's a complete replacement.

**Timothy Galluzi:** Yes, Governor.

**Governor:** Thank you. Any further question by any Board Members on item number 8?

**Secretary of State:** None, move approval.

**Governor:** We have a motion on the table. All those in favor, say aye. The motion passes unanimously. Thank you.

## 9. Information Item – Clerk of the Board Contracts

Pursuant to NRS 333.700, the Clerk of the Board may approve all contract transactions for amounts less than \$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 18, 2022 through December 19, 2022.

**Governor:** Moving on to agenda item number 9, *Information Item, Clerk of the Board Contracts*.

**Clerk of the Board:** There are 63 contracts over \$10,000 and under the \$100,000 threshold that were approved by the Clerk of the Board between November 18, 2022 through December 19, 2022. This item is informational. Are there any questions on any of these items?

**Governor:** Are there questions by any Board Member?

**Attorney General:** None here.

**Governor:** This is informational only.

## 10. Information Item Report

### Department of Motor Vehicles – Complete Streets Program

Pursuant to NRS 482.1825, subsection 2, the Department of Motor Vehicles shall certify monthly to the 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 submittal reports program activities for the month of November for fiscal year 2023.

**Governor:** Agenda item number 10. *Information Item Report, Department of Motor Vehicles, Complete Streets Program*.

**Clerk of the Board:** There is one informational report under agenda item number 10 today 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 month of November for fiscal year 2023.

In November, the Department collected \$31,178. Approximately 78 percent was from the Clark County, 16 percent from Washoe County, and 3 percent from both Carson City and Douglas County. After deducting 1 percent to administer the collection and distribution of contributions, the Department distributed \$30,866.22 for the month. Are there any questions on this item?

**Attorney General:** None here.

**Secretary of State:** None here.

**Governor:** This is informational only. Thank you.

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

**Governor:** Moving on to item number 11, *Public Comment*. This public comment period is for any matter that is within the jurisdiction of the Board. No action may be taken upon a matter raised under this public comment period unless the matter itself has been specifically included on the agenda as an action item, and comments are limited to 3 minutes. Do we have any public comment to the north? Seeing none. Any in the south?

**Attorney General:** No, sir.

**Governor:** That closes the public comment portion.

**12. Adjournment**

**Governor:** Item 12, *Adjournment*.

**Secretary of State:** We are adjourned. Thank you, everybody, for your time. Appreciate it.