

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

MEETING MINUTES

Date and Time: June 13, 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 V. Aguilar
Attorney General Aaron Ford

STAFF PRESENT:

Amy Stephenson, Clerk of the Board
Rosalie Bordelove, Board Counsel

OTHERS PRESENT:

Richard Manhattan, Member of the Public

1. Call to Order / Roll Call

Governor: I'll call to order the Nevada State Board of Examiner's schedule for today, June 13, 2023 at 10:00 A.M. Could I have the Clerk call the roll, please?

Clerk of the Board: Governor Lombardo.

Governor: Present.

Clerk of the Board: Secretary of State Aguilar.

Secretary of State: Present.

Clerk of the Board: Attorney General Ford.

Attorney General: Here.

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

Governor: We'll close agenda item number one.

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: We'll move on to public comment. This is the first public comment period. It 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. Please limit your comments to three minutes. Do we have any public comment there to the south?

Secretary of State: No public comment, Governor.

Governor: Do we have any here in Carson City?

Richard Manhattan: Attachment A

Governor: Thank you. Do we have any additional public comment? Do we have anything on the phone? Hearing none and seeing none, we will close the public comments section.

3. Approval of the May 9, 2023 and May 17, 2023 Meeting Minutes
(For possible action)

Governor: Item number three, *Approval of the May 9, 2023 and May 17, 2023 Meeting Minutes*. Do we have any questions or concerns by any Board Member?

Secretary of State No questions. Motion to approve.

Governor: All those in favor, say aye. Are any opposed? Hearing and seeing none. The motion passes unanimously. We will close agenda item number three.

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 Odalys Carmona to provide grant and program management, bilingual outreach, and translation services for the Department of Employment, Training and Rehabilitation through Master Service Agreement #23928 with HAT Limited Partnership, dba Manpower.

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 Paige Menicucci to provide technical and administrative support to the Laboratory Certification Program and Bureau of Safe Drinking Water for the Department of Conservation and Natural Resources, Division of Environmental Protection through Master Service Agreement #23927 with Marathon Staffing Group, Inc.

C. Department of Administration – Purchasing Division

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee Roger Trott to assist with training staff and reviewing permits and projects for the Department of Transportation through Master Service Agreement #23927 with Marathon Staffing Group, Inc.

D. 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 Cathy Robinson, currently employed by the CDC Foundation to support the Public Health Investigations and Epidemiology program with public health activities.

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 CDC Foundation to support the Public Health Investigations and Epidemiology program with public health activities.

F. Department of Transportation

Pursuant to NRS 333.705, subsection 1, the department requests authority to contract with former employee Eric Dimit to perform roadway construction inspector services through HDR Engineering, Inc.

G. Department of Transportation

Pursuant to NRS 333.705, subsection 1, the department requests authority to contract with former employee Douglas Wright to perform roadway construction inspector services through HDR Engineering, Inc.

H. Nevada State Athletic Commission

Pursuant to NRS 333.705, subsection 1, the Nevada State Athletic Commission (NSAC) requests authority to contract with Michael Chavez, a current Correctional Officer with the Department of Corrections, to provide inspector services at NSAC sanctioned weigh-ins and events.

Governor: Agenda item number 4. *Authorization to Contract with a Current and/or Former State Employee.* Do any of the Board Members need to hear any of these items separately?

Attorney General: No, Governor.

Secretary of State: No.

Governor: We'll take this as a consent.

Secretary of State: Motion to approve items under agenda item 4, items A through H.

Governor: We have a motion. All those in favor, signify by saying aye. Are any opposed? The motion passes unanimously. Closing agenda item number four.

5. Request to Designate Positions in State Government as Critical Labor Shortages (For possible action)

Department of Public Safety – Director's Office

Pursuant to NRS 286.523, the Department of Public Safety requests that the Board of Examiners designate DPS Officer I and DPS Officer II positions as "critical labor shortages" and grant a Public Employees Retirement System exemption for the reemployment of qualifying retired employees to fill positions for which a critical labor shortage has been appropriately designated.

Governor: Moving on to agenda item number 5. *Request to Designate Positions in State Government as Critical Labor Shortages.*

Clerk of the Board: Thank you, sir. Pursuant to NRS 286.523, the Department of Public Safety requests that the Board of Examiners designate DPS Officer 1 and DPS Officer 2 positions as critical labor shortages and grant a Public Employees' Retirement System exemption for the reemployment of qualifying retired employees to fill positions for which a critical labor shortage has been designated.

Governor: Any questions of any Board Members?

Secretary of State: Motion to approve item number five.

Governor: We have a motion. All those in favor, signify by saying aye. The motion passes. We will close agenda item number five.

6. Request for Approval to Pay a Tort Claim Pursuant to NRS 41.036
(For possible action)

Pursuant to NRS 41.036, the Office of the Attorney General submits the following Tort Claim requests for approval:

Claimant: Michael Rhymes
Claim No: TC20558
Settlement Amount: \$159,500
Date of Loss: November 9, 2018

Governor: Item 6, *Request for Approval to Pay a Tort Claim Pursuant to NRS 41.036*.

Clerk of the Board: Thank you, sir. Pursuant to NRS 41.036, the Office of the Attorney General submits the following tort claim request for approval. Claimant is Michael Rimes, claim number TC20558. Settlement amount is \$159,500. Date of loss was November 9, 2018. Are there any questions on this item?

Governor: Any questions of any Board Members?

Secretary of State: No, Governor.

Governor: Could I have a motion please?

Secretary of State: Motion to approve item number 6.

Governor: Do we have a motion? All in favor, signify by saying aye. The motion passes unanimously.

7. Request for Designation of Bad Debt (For possible action)

Department of Business and Industry – Division of Industrial Relations

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:

A. Occupational Safety and Health Administration Fines/Penalties	\$69,517.88
B. Uninsured Employer Claim Account	\$1,170,930.91
C. Worker’s Compensation Administrative Fines/Premium Penalties	\$446,330.73
D. Mechanical Compliance	\$860.00
Total	\$1,687,639.52

Governor: Agenda item number 7, *Request for Designation of Bad Debt.*

Clerk of the Board: 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 debt as bad debt as they have been determined to be uncollectible. For Occupational Safety and Health Administration Fines and Penalties, \$69,517.88. Uninsured Employer Claim Account, \$1,170,930.91. Worker’s Compensation, Administrative Fines and Premium Penalties, \$446,330.73. Mechanical Compliance, \$860.00, for a total of \$1,687,639.52. Are there any questions on this item?

Governor: Are there questions from the Members? I will entertain a motion, please.

Attorney General: Motion to approve item number 7.

Governor: We have a motion. All those in favor, signify by saying aye. Motion passes unanimously.

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

Secretary of State

Pursuant to NRS 293.253, subsection 5, the Secretary of State requests the amount of \$275,061 from the Statutory Contingency Account to reimburse county clerks for the cost of publication for statewide ballot measures from the 2022 general election.

Governor: Agenda item number eight, 8. *Request for Approval of Payment from the Statutory Contingency Account.*

Clerk of the Board: Thank you sir. Pursuant to NRS 293.253 subsection 5, the Secretary of State requests the amount of \$275,061 from the Statutory Contingency

Account to reimburse county clerks for the cost of publications for statewide ballot measures from the 2022 general election. Are there any questions on this item?

Governor: Is the Secretary of State able to vote on this item?

Rosalie Bordelove: Rosalie Bordelove, Board Counsel for the record. Yes, because the request is part of the general duties of his office and not to benefit him personally in any way, he can vote on it.

Governor: Thank you. I will entertain a motion.

Secretary of State: Yes, Mr. Governor, I move for approval of agenda item number 8.

Governor: We have a motion. All those in favor, say aye. The motion passes unanimously.

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

A. Home Means Nevada, Inc.

Pursuant to NRS 353.268, the Board of Directors of Home Means Nevada, Inc. requests the Board of Examiners' recommendation to the Interim Finance Committee for an allocation of \$230,246 from the Interim Finance Committee Contingency Account to be deposited in the account for Foreclosure Mediation Assistance and transferred to Home Means Nevada, Inc. for support of the Foreclosure Mediation Program.

B. Department of Education

Pursuant to NRS 353.268, the Department requests the Board's recommendation to the Interim Finance Committee for an allocation of \$241,874 from the Interim Finance Committee Contingency Account to cover a shortfall for the 1/5 Retirement Credit Purchase Program for fiscal year 2023.

Governor: Agenda item number 9. *Request for a Recommendation of Approval to the Interim Finance Committee for an Allocation Amount from the Contingency Account.*

Clerk of the Board: Thank you, sir. There are two requests under agenda item nine. The first one is for Home Means Nevada, Inc., which is requesting a positive recommendation from the Board of Examiners, pursuant to NRS 353.268, for an allocation of \$230,246 from the Interim Finance Committee Contingency Account to be deposited in the account for Foreclosure Mediation Assistance and transferred to Home Means Nevada, Inc. for support of the Foreclosure Mediation Program.

The second one is from the Department of Education which is requesting a positive recommendation to the Interim Finance Committee pursuant to NRS 353.268 for an allocation of \$241,874 from the Interim Finance Committee Contingency Account to cover a shortfall for the 1/5 Retirement Credit Purchase program for fiscal year 2023. Are there any questions on these items?

Attorney General: No questions.

Governor: Hearing no questions. Do I have a motion?

Secretary of State: Motion to approve item number nine.

Governor: We have a motion. All those in favor, signify by saying aye. The motion passes unanimously. We will close agenda item number nine.

10. Approval of Proposed Leases (For possible action)

Governor: Move on to number 10, *Approval of Proposed Leases*.

Clerk of the Board: Thank you, Governor. There are 10 leases under agenda item number six for approval by the Board today. There is a correction on lease number nine, that the term end of 8/31/2024 should be corrected to 8/31/2028. Lease number 10 is a retroactive extension of an existing lease. Are there any questions on this item?

Governor: Any questions of any Board Members?

Secretary of State: No questions.

Governor: I will entertain a motion.

Secretary of State: Motion to approve leases 1 through 10 under agenda item number 10.

Governor: We have a motion. Please signify your approval by stating aye. The motion passes unanimously.

11. Approval of Proposed Contracts (For possible action)

Governor: Move on to agenda item number 11, *Approval of Proposed Contracts*.

Clerk of the Board: There are 170 contracts under agenda item number 11. Please note that contract number 6 has been withdrawn. Are there any questions on any of these items?

Governor: Are there any questions of any Board Members?

Secretary of State: No questions.

Governor: I will entertain a motion.

Secretary of State: Motion to approve contracts under agenda item 11 with exception of withdrawn contract number 6.

Governor: We have a motion. All those in favor, signify by saying aye. The motion passes unanimously.

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

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

Clerk of the Board: There are nine master service agreements under agenda item 12 for approval by the Board today. Are there any questions on these items?

Governor: Do we have any questions from any Board Members?

Secretary of State: No questions.

Governor: I will entertain a motion for item number 12.

Secretary of State: Motion to approve agreements under agenda item number 12.

Governor: We have a motion. All those in favor, signify by saying aye. The motion passes. We will close item number 12.

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 April 13, 2023 through May 14, 2023.

Governor: Item number 13, *Informational Item - Clerk of the Board Contracts*.

Clerk of the Board: There are 51 contracts \$10,000 or over and under the \$100,000 threshold that were approved by the Clerk of the Board between April 13, 2023 through May 14, 2023. This item is informational. Are there any questions on any of these contracts?

Governor: Do we have any questions of any Board Members?

Secretary of State: No questions.

Governor: Mr. Ford, any questions?

Attorney General: No sir, none here.

Governor: That's informational only. We will close item number 13.

14. Information Item Reports

A. Department of Conservation and Natural Resources – Division of State Lands – Fiscal Year 2023, 3rd Quarter

Pursuant to NRS 321.5954, subsection 4, the State Land Registrar is required to provide the Board of Examiners quarterly reports regarding lands or interests in lands transferred, sold, exchanged, or leased under the Tahoe Basin Act program. This submittal reports program activities for the 3rd quarter of fiscal year 2023.

B. Statewide Quarterly Overtime Report – Fiscal Year 2023, 3rd 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 3rd Quarter Overtime Report and analysis for fiscal year 2023.

Governor: Information Item Reports, inclusive of A and B. Mrs. Stephenson.

Clerk of the Board: There are two informational reports under agenda item 14 today. The first comes from the Department of Conservation and Natural Resources, Division of State Lands for fiscal year 2023, 3rd quarter. Pursuant to NRS 321.5954, subsection 4, the State Land Registrar is required to provide the Board of Examiners quarterly reports regarding land or interest in lands transferred, sold, exchanged, or leased under the Tahoe Basin Act program. This submittal reports program activities for the 3rd quarter of fiscal year 2023.

The second report is the Statewide Quarterly Overtime Report for fiscal year 2023, 3rd 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 a report and the analysis of the Budget Division regarding the report. The Budget Division submits the third quarter overtime report and analysis for the fiscal year 2023. Would you like me to go into further details regarding any of these reports?

Governor: Are there any questions of any Board Members of the items A or B?

Secretary of State: No questions.

Attorney General: None.

Governor: I have a question, Mrs. Stephenson. On the overtime report, you identify an 11% increase from fiscal year 2022. Is that directly related to our vacancy factor?

Clerk of the Board: Yes, sir, it is.

Governor: So it wouldn't be out of the norm?

Clerk of the Board: Correct.

Governor: Are there any other questions by any other Board Members?

Secretary of State: No questions.

Governor: Thank you. This item's information only.

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 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: Item number 15, *Public Comment*. This is the second opportunity for public comment. Please limit your comments three minutes. Mr. Aguilar, do we have anybody there to the south?

Secretary of State: No public comment, Governor.

Governor: Anybody here in Carson City? Seeing none and hearing none, we will close public comment.

16. Adjournment (For possible action)

Governor: Item 16, *Adjournment*. I move to adjourn.

Secretary of State: Motion to adjourn.

Attorney General: Motion to adjourn.

Governor: Sure, all three of us. This will close the meeting. Thank you, everybody, for your participation.

ATTACHMENT A

Richard Manhattan: Thank you. Good morning, Chair Lombardo, Members of the Board. My name is Richard Manhattan with Properion. It's a Nevada domiciled sole proprietorship based in unincorporated Clark County, Nevada. I'm here today to discuss items that are listed in contracts for approval. There are two contracts that are slated for approval that have been noticed of intent by the Nevada Department of Tourism. The first is 10TCA-S2275, Germany Representation Office, and the second is 10TCA-S2258, which is the United Kingdom representation office.

In a perfect world, I noticed that this is my first time here and there are a number of people here and so it seems time is of the essence. Thank you very much. But in a perfect world, if there is an appetite for it, it would be wonderful to pull these items out of the consent agenda for contract approval for additional discussion. I'll leave that to the board's discretion, but of course, I would generally like to discuss how my experience as a small business owner and bidding on these contracts and what I perceive and our team perceives as some practices that can be addressed perhaps by the purchasing department and by agencies at the state level to make it a little bit more feasible for small businesses to bid and compete on contracts of this nature. There is a noticeable variation in-between how agencies in Clark County bid on or allow firms to bid on contracts and how it's done at the state level. And I particularly want to say that the agency has indicated they'd like to award these firms to one German-based firm and then one UK-based firm. I will just focus on the German one for now, but if you look at the arrival statistics from both the LVCVA and the McCarran statistics, there hasn't been appreciable growth in arrival from those markets over the timeframe, over the past 10 years, and the agency has already had a 10-year long-standing relationship with one of these firms in Germany. And so I'll leave it at that and ask that if there's an opportunity to discuss this more during that timeframe, that I'll stick around in case you have time.