

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>

MEETING MINUTES

Date and Time: October 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 V. Aguilar
Attorney General Aaron Ford

STAFF PRESENT:

Amy Stephenson, Clerk of the Board
Rosalie Bordelove, Board Counsel
Denice Castillo, Board Secretary

OTHERS PRESENT:

Marni Watkins, Bureau Chief, Office of the Attorney General

1. Call to Order / Roll Call

Governor: Good morning, everybody. I'm going to call to order the State of Nevada Board of Examiners meeting scheduled for October 10, 2023 at 10:00 am. Could I have the Clerk please call the roll.

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

Governor: Present.

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. Public comment may be provided in person or via telephone. To provide public comment on an item on the agenda via telephone, dial 775-321-6111 or 702-329-3435. When prompted to provide the meeting ID, please enter 946 495 096#. When the Chair opens the public comment period, dial *5 to request to be unmuted. To resolve any issues related to dialing in to provide public comment for this meeting, please call (775) 684-0222.

Governor: Moving onto agenda item number 2, *Public Comment*. The comment period is limited to comments on items on the agenda. No action may be taken upon a matter raised under the public comment period unless the matter itself has been specifically included on the agenda as an action item. The Chair of the Board will impose a three-minute time limit, which I will do. Public comment may be provided in person or via telephone. If you wish to call in via phone, there are two available phone numbers, 775-321-6111 or 702-329-3435, and the access code, the meeting ID number is 946 495 096#. As I open the public comment area, if you wish to talk, if you are calling by phone, please dial *5. As a matter of practice, we will give it approximately 60 seconds for anybody that was to call by phone, to get situated. Is there any public comment there in Carson City?

Denice Castillo: No, there is not.

Governor: Do we have any here in Las Vegas? None. Do we have any public comment on the phone? None. We will close the public comment section.

3. Approval of the September 12, 2023 Meeting Minutes (For possible action)

Governor: Agenda item number 3, *Approval of the September 12, 2023 Meeting Minutes*. I will entertain the motion.

Attorney General: Move approval.

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

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 and Natural Resources – Division of Environmental Protection	1	\$32,913
Department of Conservation and Natural Resources – Division of Water Resources	2	\$72,005
Department of Public Safety – Investigation Division	10	\$323,438

Governor: Agenda item number 4, *State Vehicle Purchases*. Ms. Stephenson.

Clerk of the Board: Thank you, sir. There are three requests under agenda item number 4. The first request is from the Department of Conservation and Natural Resources, Division of Environmental Protection. They request approval to purchase one replacement vehicle for a total amount not to exceed \$32,913. The vehicle being replaced has met the age and/or mileage requirements in the State Administrative Manual (SAM) and funds are available for this purchase.

The second request is from the Department of Conservation and Natural Resources, Division of Water Resources. They request approval to purchase two replacement vehicles for a total amount not to exceed \$72,005. The vehicles being replaced have met the age and/or mileage requirement in SAM and funds are available for this purchase.

The last request is from the Department of Public Safety, Investigation Division. The Division requests approval to purchase 10 replacement vehicles for a total amount not to exceed \$323,438. The vehicles being replaced have met the age and/or mileage requirements in SAM and funds are available for these purchases. Are there any questions on any of these items?

Governor: Are there any questions from any Board Member?

Attorney General: No.

Secretary of State: No questions. Motion to approve.

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

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

A. Department of Health and Human Services – Division of Public and Behavioral Health

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee Susan Genzler to assist with fiscal operations including training new hires for the Community Health Nursing Program for the Department of Health and Human Services, Division of Public and Behavioral Health through statewide contract 99SWC-S4106 with Marathon Staffing Group, Inc.

B. Department of Business and Industry – Division of Insurance

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee Timothy Ghan to assist staff with reducing the backlog of filings created by staff attrition and an increase in insurance filings for the Department of Business and Industry, Division of Insurance through statewide contract 99SWC-S4106 with HAT Limited Partnership dba Manpower.

C. Department of Education

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee Tina Statucki to support and monitor the implementation of the statewide performance evaluation system and implementation of the micro-credentialing platform for the Department of Education through statewide contract 99SWC-S4106 with HAT Limited Partnership dba Manpower.

D. Office of the Secretary of State

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee Sherry Valdez to train new and existing staff on all accounts receivable duties and provide recommendations for streamlining job duties for the Office of the Secretary of State through statewide contract 99SWC-S4106 with HAT Limited Partnership dba Manpower.

Governor: Move on to agenda item number 5, *Authorization to Contract with a Current and/or Former State Employee*.

Clerk of the Board: There are four requests under agenda number 5. Request A is from the Department of Health and Human Services, Division of Public and Behavioral Health through the Department of Administration, Purchasing Division. The Division intends to

contract with a former employee from October 23, 2023 through April 22, 2024, on a part-time basis, through Marathon Staffing Group.

Request B is from the Department of Business and Industry, Division of Insurance through the Department of Administration, Purchasing Division. They intend to contract with a former employee from October 10, 2023 through December 31, 2023, on a part-time basis, through Manpower.

Request C is from the Department of Education through the Department of Administration, Purchasing Division. They request approval to contract with a former employee from October 16, 2023 through February 16, 2024, on a part-time basis, through Manpower. The last request is from the Office of the Secretary of State through the Department of Administration, Purchasing Division. They request to contract with a former employee from November 11, 2023 through May 10, 2024, on a part-time basis, up to 30 hours per week, working remotely. Are there any questions on these items?

Governor: Do we have any questions on agenda item number 5?

Attorney General: No.

Secretary of State: No questions.

Governor: I'll entertain a motion for approval.

Attorney General: I'll move approval.

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

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:

A. Claimant: Estate of Carlos Perez/Victor Perez
Claim No: TC20576
Settlement Amount: \$1,600,000
Date of Loss: November 12, 2014

B. Claimant: Donald Walden, Jr., *et al.*, *etc.*
Claim No: TC20769
Settlement Amount: \$18,965.57
Date of Loss: May 12, 2011

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

Clerk of the Board: Pursuant to NRS 41.036, the Office of the Attorney General submits the two following Tort Claims for approval. Item A, Claimant is Estate of Carlos Perez/Victor Perez, Claim Number TC20576. The settlement amount is \$1,600,000. Date of loss is November 12, 2014.

The second request is for Claimant Donald Walden, Jr., et al., Claim Number TC20769. The settlement amount is \$18,965.57. Date of loss is May 12, 2011. Are there any questions on these items?

Governor: Do we have any questions on item number 6?

Secretary of State: No questions.

Attorney General: I have no questions.

Governor: We have no questions. I will entertain a motion for approval.

Secretary of State: Motion to approve.

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

7. Request for Approval to Offer a Tort Claim Payment Pursuant to NRS 40.652, 41.031 and 41.036 (For possible action)

Pursuant to NRS 40.652, 41.031, and 41.036, the Office of the Attorney General requests approval to serve an offer of judgment to avoid continuing cost of litigation. Payment is contingent upon acceptance by counterclaimants, and payable from the Tort Claim account:

Counter claimant: Elvin and Sylvia Fred
Claim: In re: 3587 Desatoya Drive, Case No. 15 OC 00074 IB; Fred v. State of Nevada, ex rel. Investigation Division of Dep't of Public Safety, Case No. 15 OC 00137 IB
Offer Amount: Up to \$350,000
Date of Loss: August 12, 2019
Agency: Department of Public Safety, Investigation Division ("NDI")

Governor: Agenda item number 7, *Request for Approval to Offer a Tort Claim Payment Pursuant to NRS 40.652, 41.031 and 41.036.*

Clerk of the Board: Pursuant to NRS 40.652, 41.031, and 41.036, the Office of the Attorney General requests approval to serve an offer of judgment to avoid continuing cost of litigation. Payment is contingent upon acceptance by counterclaimants and payable from the Tort Claim account: Counterclaimant is Elvin and Sylvia Fred, Claim is in regard to 3587 Desatoya Drive, Case No. 15 OC 00074 IB, Fred versus State of Nevada, Investigation

Division of Department of Public Safety. Case number 15 OC 00137 IB. Offer amount is up to \$350,000. Date of loss is August 12, 2019 and the Agency is Department of Public Safety, Investigation Division. Are there any questions on this item?

Governor: Any questions?

Attorney General: No.

Governor: I have a question. Is this the result of any task force investigation?

Marni Watkins: Yes.

Governor: So, is there is a cost sharing identified with the offer?

Marni Watkins: Yes. If they accept it, then there is a cost sharing where the two other entities involved that would have to split the cost equally and we can then recover against them.

Governor: They are fully aware of that?

Marni Watkins: Yes.

Governor: Alright, thank you.

Marni Watkins: Thank you, sir.

Governor: I will entertain a motion for approval.

Secretary of State: Motion to approve.

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

8. 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 Administration – Nevada State Library and Archives

Pursuant to NRS 353.268, the department requests the Board's recommendation to the Interim Finance Committee for an allocation of \$35,125 from the Interim Finance Contingency Account to fund an increase in digital equipment approved in Assembly Bill 486 of the 82nd Legislature.

B. Department of Business and Industry

Pursuant to NRS 353.268, the department requests the Board's recommendation to the Interim Finance Committee an allocation of \$150,000 from the Interim Finance Committee Contingency Account to support one Deputy Director position and associated costs for the newly created Office of Nevada Boards, Commissions, and Councils Standards.

C. Office of the Military

Pursuant to NRS 353.268, the department requests the Board's recommendation to the Interim Finance Committee for an allocation of \$88,382 from the Interim Finance Committee Contingency Account to cover costs associated with providing PC/LAN computer support for a missed budget item from the 2023 legislative session.

Governor: Agenda item number 8, *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, Governor. There are three requests under agenda item number 8. The first is from the Department of Administration, Nevada State Library and Archives. Pursuant to NRS 353.268, the Department requests the Board's recommendation to the Interim Finance Committee for an allocation of \$35,125 from the Interim Finance Contingency Account to fund an increase in digital equipment approved in Assembly Bill 486 of the 2023 Legislature Session.

The second request is from the Department of Business and Industry. Pursuant to NRS 353.268, the Department requests the Board's recommendation to the Interim Finance Committee for an allocation of \$150,000 from the Interim Finance Committee Contingency Account to support one Deputy Director position and associated costs for the newly created Office of Nevada Boards, Commissions, and Councils Standards.

The last request is from the Office of the Military. Pursuant to NRS 353.268, the Department requests the Board's recommendation to the Interim Finance Committee for an allocation of \$88,382 from the Interim Finance Committee Contingency Account to cover costs associated with providing PC/LAN computer support. Are there any questions on any of these items?

Attorney General: No.

Secretary of State: No questions.

Governor: No questions. I will entertain a motion for approval.

Attorney General: Move approval.

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

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

Governor's Finance Office

Pursuant to NRS 41.950 and NRS 41.970, the office requests the Board of Examiners to approve a payment of \$10,000.00 from the Statutory Contingency Account to DeMarlo Berry representing remaining relief for his wrongful conviction.

Governor: Agenda item number 9, *Request for Approval of Payment from the Statutory Contingency Account*.

Clerk of the Board: Thank you, Governor. There is one request under this agenda item from the Governor's Finance Office. Pursuant to NRS 41.950 and NRS 41.970, the Office requests the Board of Examiners to approve a payment of \$10,000 from the Statutory Contingency Account to DeMarlo Berry representing remaining relief for his wrongful conviction. Are there any questions on this item?

Governor: Do we have any questions on this particular item?

Secretary of State: No.

Attorney General: No.

Governor: I have a question. What was the date of the original award? For some reason, I remember personally providing testimony to this case.

Attorney General: Yes.

Governor: Several years ago. Why would it rise to another additional \$10,000.

Attorney General: So, if I may, this is one of the cases of wrongful conviction. In fact, this is the first case of wrongful conviction that was brought under new statute and DeMarlo Berry was exonerated, having been incarcerated for 20 years or so maybe 21. He presented himself to my office and my office has engaged in the wrongful conviction and litigation and he received an exoneration from the court and came to the court. Now he has come to this Board for an initial allocation of funds. The statute allows him to return for additional expenses and this instance is for financial literacy and so the first amount was simply for, as I recall, and there may have been additional amounts on top of this, but certainly for, I think it was \$100,000 per year that he had been incarcerated, which was \$2.1 million dollars, plus a few other expenses at that time, and now he is returning per the statute that allows him to do so, to request additional moneys of \$10,000 for, I believe, his financial literacy that he has been taking relative to being able to manage the money that he had received.

Governor: Thank you for the explanation and I see in the last line of the information provided. Future claims for the allowable items as outlined in court order dated April 2021, there may be additional items.

Attorney General: That's right.

Governor: Are there any other questions for this item?

Secretary of State: No questions.

Governor: I will entertain a motion for approval.

Attorney General: I will move approval.

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

10. 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. Revision aligns SAM with NRS 353.097(1)
 - a. SAM Chapter 2622 Stale Claims

Governor: Agenda item number 10, *Request Approval of Proposed State Administration Manual Changes*.

Clerk of the Board: 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. This revision aligns SAM with NRS 353.097, subsection 1. Are there any questions on this item?

Attorney General: None here.

Secretary of State: Motion to approve.

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

11. Approval of Proposed Leases (For possible action)

Governor: Agenda item number 11, *Approval of Proposed Leases*.

Clerk of the Board: There are five leases under agenda item number 11 for approval by the Board. Are there any questions on these five items?

Governor: Do we have any questions?

Attorney General: None here.

Secretary of State: Motion to approve.

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

12. Approval of Proposed Contracts (For possible action)

Governor: Agenda item number 12, *Approval of Proposed Contracts*.

Clerk of the Board: There are 34 contracts under this item for the approval by the Board. Are there any questions on any of these contracts?

Governor: Are there any questions on item 12?

Attorney General: No.

Secretary of State: No questions.

Governor: I'll entertain a motion for approval.

Attorney General: Move approval.

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

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

Governor: Agenda item number 13, *Approval of Proposed Master Service Agreements*.

Clerk of the Board: There are six Master Service Agreements under agenda item number 13 for approval by the Board today. Are there any questions on any of these items?

Governor: Do we have any questions on item 13?

Attorney General: No.

Secretary of State: No. Motion to approve.

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

14. 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 August 22, 2023 through September 18, 2023.

Governor: Agenda item number 14, *Information Item – Clerk of the Board Contracts*.

Clerk of the Board: There are 61 contracts over \$10,000 and under the \$100,000 threshold that were approved by the Clerk of the Board between August 22, 2023 through September 18, 2023. Are there any questions on any of these items?

Governor: Any questions? Mr. Aguilar?

Secretary of State: No questions.

Governor: No questions. We will close item number 14.

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. Public comment may be provided in person or via telephone. To provide public comment on an item on the agenda via telephone, dial 775-321-6111 or 702-329-3435. When prompted to provide the meeting ID, please enter 946 495 096#. When the Chair opens the public comment period, dial *5 to request to be unmuted. To resolve any issues related to dialing in to provide public comment for this meeting, please call (775) 684-0222.

Governor: Agenda item number 15, *Public Comment*. This is the second opportunity for public comment. This public comment period is for any matter that is within the jurisdiction of this public body. Please limit your comments to three minutes. Once again, the dial in numbers are 775-321-6111 or 702-329-3435 with the access code 946 495 096#. Do we have any public comment there in Carson City?

Denice Castillo: We do not, sir.

Governor: Any public comment here in Las Vegas? We will wait a few minutes or a few seconds. Do we have anybody on the phone?

Denice Castillo: No, sir.

16. Adjournment (For possible action)

Governor: Agenda item number 16, I'll move for adjournment. All in favor, say aye. The motion passes unanimously. We are adjourned. Thank you everybody.