

Governor Steve Sisolak
Chairman

Susan Brown
Clerk of the Board



Attorney General Aaron D. Ford
Member

Secretary of State Barbara K. Cegavske
Member

STATE OF NEVADA BOARD OF EXAMINERS

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

MEETING MINUTES

Date and Time: September 10, 2019, 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 – Present in Las Vegas
Attorney General Aaron Ford
Secretary of State Barbara Cegavske – Present in Las Vegas

STAFF PRESENT:

Susan Brown, Clerk of the Board
Rosalie Borderlove, Board Counsel, Deputy Attorney General – Present in Las Vegas
Dale Ann Luzzi, Board Secretary

OTHERS PRESENT:

Andrew Clinger, Chief Financial Officer, Nevada System of Higher Education

1. Call to Order / Roll Call

Governor: Good morning. I would like to call today's meeting for September 10, 2019 of the State of Nevada Board of Examiners to order. Could I ask the Clerk to call the roll please?

Secretary: Good morning.

Governor Sisolak.

Governor: Here.

Secretary: Secretary of State Cegavske.

Secretary of State: Here.

Secretary: Attorney General Ford.

Attorney General: Here.

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: The second item, item number 2 is *Public Comment*. This is the first time 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.

General Ford, do we have anybody in the North?

Attorney General: No, Mr. Governor.

Governor: Thank you and there is no one down here. Hearing and seeing no one, we will close public comment.

3. Approval of the August 9, 2019 Minutes (For possible action)

Governor: Going on to agenda item number 3, *Approval of the August 9, 2019 Minutes*. Do we have a motion?

Secretary of State: Move to approve.

Attorney General: Second.

Governor: We have a motion on the floor, any discussion? All in favor signify by saying aye. Motion passes.

4. State Vehicle Purchases (For possible action)

Pursuant to Nevada Revised Statute (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 Agriculture	5	\$212,767
Department of Conservation and Natural Resources – Division of State Parks	4	\$148,483
Department of Conservation and Natural Resources – Environmental Protection Division	1	\$32,131
Gaming Control Board	1	\$23,729
Department of Public Safety – Fire Marshal	2	\$85,234
Department of Wildlife	16	\$547,976
Total	29	\$1,050,320

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

Clerk: Good morning, Governor and Members of the Board. On item 4 this morning, there are six requests for 29 vehicles in this agenda item.

The first request is from the Department of Agriculture to purchase 5 replacement vehicles for a total of \$212,767. The vehicles being replaced have met the age and mileage requirements in the State Administrative Manual (SAM) and were included in the agency’s legislatively approved budget.

The second request is for the Department of Conservation and Natural Resources, Division of State Parks for 3 replacement and 1 new vehicle for a total of \$148,483. The vehicles being replaced have met the age and mileage requirements in SAM. Funding was included in the agency’s legislatively approved budget.

The third request is for the Department of Conservation and Natural Resources, Environmental Protection Division to purchase 1 replacement vehicle for \$32,131. This vehicle has met the age and mileage requirements in SAM. An amount of \$31,435 was funded in the agency’s legislatively approved budget, the balance for this vehicle will be paid from available grant funds.

The fourth request is for the Gaming Control Board for the purchase of 1 vehicle for a total of \$23,728.25 using federal forfeiture funds.

The fifth request is for the Department of Public Safety, Fire Marshal to purchase 2 new vehicles for a total of \$85,234. An amount of \$81,366 was included in the agency’s

legislatively approved budget. The balance for these vehicles will be paid from available grant funds.

The sixth and final request on this item is for the Department of Wildlife to purchase 16 replacement vehicles for a total of \$547,976. The vehicles being replaced meet the age and mileage requirements in SAM and were included in the agency's legislatively approved budget.

Representatives from these agencies are available to answer any questions you may have.

Governor: Thank you. Do we have any questions regarding any of these state vehicle purchases?

Attorney General: None here.

Secretary of State: Move for approval.

Governor: We have a motion on the floor for approval, is there any discussion? Hearing and seeing none, all in favor signify by saying aye. Are there any opposed? Motion passes.

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

Board action under this item only grants permission to the employing agency. Current and former employees are still subject to all ethical requirement of NRS chapter 281A, specifically including subsection 550 which restricts certain former employees and state agencies.

A. Department of Administration – Purchasing Division

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division, on behalf of Department of Agriculture, requests authority to contract with current employee David Voth to perform livestock brand inspector duties on an intermittent, on-call basis. The employee will be hired through Master Service Agreement (MSA) #18404, with HAT Ltd Partnership, DBA Manpower.

B. Department of Corrections

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Tamara Bartel, a current Correctional Sergeant with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with David Bequette, a current Correctional Vocation Trainer with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Dennis Ciciliano, a current Combination Welder II with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Christian Jones, a current Electronics Technician III with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with John Julio, a current Food Services Manager II with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Rudolph Martinez, a current Supply Technician I with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Bryan Nason, a current Locksmith I with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Sandy Rose, a current Correctional Vocational Trainer with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Lashawn Smith, a current Correctional Caseworker Specialist III with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Beverly Stewart, a current Accounting Assistant III with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Michael Thalman, a current Correctional Sergeant with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Duane Wilson, a current Food Service Manager III with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Pamela Bellinger, a current Correctional Officer with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Greg Ingham, a current Senior Correctional Officer with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Jacques Graham, a current Administrative Assistant IV with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Danyele Sipes, a current Administrative Assistant I with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Sheryl Drew, a current Supply Technician I with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

Pursuant to NRS 333.705, subsection 1, the Department requests authority to contract with Karl Grimmer, a current Senior Correctional Officer with the Nevada Department of Corrections, to deliver packages to inmates. Deliveries are completed on an as needed basis through December 31, 2019.

C. Nevada Department of Transportation (NDOT)

Pursuant to NRS 333.705, subsection 1, the Department requests to contract with a former employee, Thor Dyson. Atkins North America, Inc. plans to utilize Mr. Dyson to fill the Principal Engineer/Project Manager position in the augmentation of NDOT Construction Crew 907 in District II for Contract 3745.

Pursuant to NRS 333.705, subsection 1, the Department requests to contract with a former employee, Deena Rose. Atkins North America, Inc. plans to utilize Ms. Rose to fill an Inspector Level III position in the augmentation of NDOT Construction Crew 907 in District II for Contract 3745.

Governor: Item number 5, *Authorization to Contract with a Current and/or Former State Employee*.

Clerk: Item 5 includes three requests to contract with 21 current and/or former employees, pursuant to NRS 333.705(1).

The first request is from the Department of Administration, Purchasing Division on behalf of the Department of Agriculture to contract with a current employee to perform brand inspections. This work will be performed off hours. This individual will be employed for these services through Manpower MSA #18404.

The second request is from the Department of Corrections to contract with 18 current employees to continue to deliver packages to inmates through December 31, 2019. The deliveries will occur off hours.

The third request is from the Department of Transportation to allow contracted vendors to use former employees on projects awarded to the vendor. The first request is for a Principal Engineer/Project Manager to augment the NDOT Crew 907 in District II.

The second request is for an Inspector to augment the same crew and this is for the US 50 widening in Lyon County.

Representatives from the departments are available to answer any questions the Board may have.

Governor: Do we have any questions that relate to the authorization to contract with a current and/or former employee?

Secretary of State: None.

Governor: General Ford?

Attorney General: No.

Governor: Okay. Do we have a motion?

Secretary of State: Move for approval.

Governor: We have a motion for approval, any discussion? All in favor signify by saying aye. The motion passes.

6. Requests for the Allocation and Disbursement of Funds for Salary Adjustments (For possible action)

The 2017 Legislature, through Assembly Bill (AB) 517 and Senate Bill (SB) 368, made appropriations from the General Fund and the Highway Fund to the Board of Examiners to meet salary deficiencies that may be created between the appropriated money of the State's respective departments, commissions, and agencies and the salary requirements for the personnel of those departments, commissions, and agencies. The Board of Examiners, upon recommendation of the Director of the Governor's Finance Office, may allocate and disburse amounts, from the appropriate fund, to the departments, commissions and agencies of the State for the purpose of paying personnel salary deficiencies.

The following department, commission and agency requests for allocations from the General Fund and/or Highway Fund salary adjustment accounts are recommended by the Director of Finance:

BA#	BUDGET ACCOUNT NAME	GENERAL FUND ADJUSTMENT	HWY FUND ADJUSTMENT
2992	Nevada System of Higher Education – University of Nevada, Las Vegas – Law School	\$127,495	
	Total	\$127,495	
1003	Office of Science, Innovation and Technology	\$5,920	
	Total	\$5,920	

Governor: Item number 6, *Request for the Allocation and Disbursement of Funds for Salary Adjustments.*

Clerk: In Sections 4, 5, 6 and 7 of AB 517 and Sections 2, 3, 4 and 5 of SB 368 from the 2017 Legislative Session approved Salary Adjustment funds to the Board of Examiners to cover vacancy salary savings built into agency budgets, as well as the cost-of-living adjustments (COLA) effective on July 1, 2017 and July 1, 2018, which were not included in agency budgets. An agency whose actual salaries exceed their budgeted amount due to the vacancy savings or the COLAs is allowed to request salary adjustment dollars from the Board of Examiners.

This item requests access to those funds by Nevada System of Higher Education, University of Nevada, Las Vegas (UNLV), Law School to cover vacancy savings and the cost of the COLAs in the amount of \$127,495 in General Funds and the Office of Science, Innovation and Technology to cover the costs of COLAs in the amount of \$5,920 in General Funds. These are the final requests for Fiscal Year 2019.

Representatives from the agencies are available to answer any questions.

Governor: I just have one question. Why are these so slow in coming through, these two? Are they behind? These are the last two we have, right?

Clerk: These are the last two we have and I believe they're behind as these were discovered as the agencies were trying to close their budgets and released that they had missed the mark just a little bit on their final salary categories in these two budgets. So, this will allow these two budgets to close.

Governor: OK. Do we have the representative? Do they want to explain why they were behind?

Andrew Clinger: Good morning, Governor, Members of the Board. For the record, Andrew Clinger, C.F.O for the Nevada System of Higher Education. For the Nevada System of Higher Education, we have submitted these since May and this last one it's just that there were funds left over that were available for the UNLV Law School and so we applied for those.

Governor: The question is, why was this so far behind all of the other requests?

Andrew Clinger: Governor, the System is given a pool of money to draw from and we don't know until the end if there are going to be funds left for some of our institutions. So, after we did our draws in May and June and I think we did one in July, we applied for some accounts that we had left and this was one of them.

Governor: So, if I understand, after you did all your draws, you found there was some money left, so you just applied for that?

Andrew Clinger: Some money left in the Board of Examiners Salary Adjustment Pool.

Secretary of State: They all do it.

Governor: OK.

Secretary of State: I don't like it either.

Governor: I've have a question for Susan. Is this just standard that everybody just applies for whatever's left?

Clerk: They have to demonstrate a need for the funds and that need was demonstrated for this account.

Governor: OK.

Do we have a motion on item number 6?

Secretary of State: Move for approval.

Governor: We have a motion on the floor. Is there any discussion? All in favor, signify by saying aye. Are any opposed? The motion passes.

7. Approval of Proposed Leases (For possible action)

Governor: Item number 7, *Approval of Proposed Leases*.

Clerk: There are eight leases in agenda item 7 for approval by the Board this morning. Do any of the Members have any additional questions on these items?

Governor: I do not. I appreciate it, my questions were answered in my briefing.

Secretary of State: I'd just like to say that your staff was wonderful in responding to us. We had questions on different things and they answered our questions, we really appreciate it and appreciate them. I'll make a motion to approve the leases, Governor.

Governor: Do you have any questions, General Ford?

Attorney General: I have none, thank you.

Governor: We have a motion on the floor. Is there any discussion on the motion? All in favor, signify by saying aye. Are any opposed? The motion passes.

8. Approval of Proposed Contracts (For possible action)

Governor: Item number 8, *Approval of Proposed Contracts*.

Clerk: There are 41 contracts in agenda item 8 this morning. Contract #26 with the Adjutant General and National Guard has been withdrawn. That item will need some corrections and will be returned to the October Board of Examiners meeting. Do any of the Members have any additional questions on any other items under this agenda item?

Secretary of State: Again, they've answered mine.

Governor: Mine as well. General Ford, any questions?

Attorney General: No questions.

Governor: Thank you. Do I have a motion to approve the proposed contracts with the exception of item #26 being withdrawn?

Attorney General: So moved.

Governor: We have a motion on the floor. Any discussion on that motion? All in favor, signify by saying aye. Any opposed? Motion passes.

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

Governor: Item number 9, *Approval of Proposed Master Service Agreements*.

Clerk: Item number 9 - there are 11 Master Service Agreements in this agenda item this morning for approval by the Board this morning. Do any of the Members have any additional questions on these items?

Governor: No and again, Susan, I commend you and your staff for always going to my briefing and following-up with whatever information I ask for and mine have all been answered.

Attorney General: No questions here.

Secretary of State: Mine as well, Governor. Move for approval.

Governor: We have a motion on the floor for approval. Any discussion? All in favor, signify by saying aye. The motion passes.

10. Clerk of the Board Contracts (Informational only)

Pursuant to NRS 333.700, the Clerk of the Board may approve all contract transactions for amounts less than \$50,000. Per direction from the August 13, 2013 meeting of the Board of Examiners, the Board wished to receive an informational item listing all approvals applicable to the new threshold (\$10,000 - \$49,999). Attached is a list of all applicable approvals for contracts and amendments approved from July 17, 2019 through August 19, 2019.

Governor: Item number 10, *Clerk of the Board Contracts*.

Clerk: Item number 10 – there were 41 contracts under the \$50,000 threshold approved by the Clerk between July 17, 2019 and August 19, 2019. This item is informational. Are there any questions on any of these items?

Secretary of State: None.

Governor: I did not have any. Do we have any up there, General Ford?

Attorney General: No, sir.

Governor: OK. Information only, thank you very much.

11. Reports (Informational only)

A. Statewide Quarterly Overtime Report – Fiscal Year 2019 4th 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 4th Quarter Overtime Report and analysis for Fiscal Year 2019.

B. Department of Motor Vehicles – Complete Streets Program

Pursuant to NRS 482.1825, Subsection 2, the Department shall certify to the State Board of Examiners the amount of the voluntary contributions collected for each county by the department and its agents, and that the money has been distributed as provided in statute. This is the fourth quarter of State Fiscal Year 2019 report for the period beginning April 1, 2019 and ending June 30, 2019.

Governor: Item number 11, *Reports*.

Clerk: There are two informational reports under this agenda item.

The first report is on overtime and accrued compensatory (comp) leave for the fourth quarter of FY 2019. My staff summarized the report into a two-page summary, so I will not read the details, I will hit a couple of highlights. For fiscal year 2019 overtime pay and compensatory leave account for a total of approximately \$46.23 million or 4.27% of total base pay, this is a 0.1% decrease from fiscal year 2018.

The Department of Corrections had the highest amount of overtime and comp time at \$3.32 million or 7.8% of their base pay, followed by the Department of Health and Human Services at \$2.4 million or 3.03% of base pay.

For the fiscal year ending June 30, 2019 the Department of Corrections incurred \$12.3 million in overtime and comp time or 7.8% of base pay. This is actually a reduction from the overtime that was paid in fiscal year '18 and DHHS incurred \$11.6 million in overtime and comp time or 3.77% of base pay. Those two agencies account for about 52% of overtime and comp time for fiscal year 2019.

Are there any questions on this report?

Governor: I do not have any questions. General Ford, any questions?

Attorney General: None here.

Governor: OK.

Clerk: The second report is from the Department of Motor Vehicles on the voluntary contributions collected by the counties pursuant to NRS 482.480, also known as the Complete Streets Program, for the period from April 1, 2019 to June 30, 2019. During the final quarter of FY '19 the Department collected \$90,595, compared to \$89,642 in the same period last year and \$89,186 collected last quarter. For the year, the Department collected \$348,918 which is a 3.8% increase from the prior year.

Of the amount collected, approximately 79% was from Clark County, 15.3% from Washoe County and just under 3% each from Douglas County and Carson City. After deducting 1% to administer the collection and distribution of contributions, the Department distributed \$345,428.82 to the four counties in Fiscal Year 2019 compared to \$332,768 in Fiscal Year 2018. Approximately 14.2% of those registering a vehicle during the fiscal year contributed to the Complete Streets Program.

Governor: Very good, thank you. Do we have any questions? General Ford?

Attorney General: No, sir.

Governor: Secretary Cegavske? None, thank you for the report. That completes item number 11.

12. 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 12, public comment. This is the second time set aside for public comment. Anyone wishing to address the Board on any item, please step forward, identify yourself for the record and comments will be limited to three minutes. I'll start down here. Do we have anybody in Las Vegas for public comment? None. Do we have anybody in Carson City for public comment?

Attorney General: None in Carson City.

Governor: Boy, this is an awful quick meeting. That concludes item number 12.

Secretary of State: I know.

13. Adjournment (For possible action)

Governor: Do I have a motion to adjourn?

Attorney General: So moved.

Governor: We have a motion on the floor, any discussion? Hearing and seeing none. All in favor, signify by saying aye. Motion passes, we are adjourned. Thank you, have a great day everybody.

Governor: Thank you very much to the staff, great job. We get very detailed briefings from you guys and it helps us get through these rather quickly, so our questions are answered. So, thank you.

Clerk: Thank you.