

**In The Matter Of:**  
*Public Works Division*  
*Public Workshop*

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*Friday*  
*October 2, 2015*

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*Capitol Reporters*  
*208 N. Curry Street*

*Carson City, Nevada 89703*

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1 STATE OF NEVADA  
 2 DEPARTMENT OF ADMINISTRATION  
 3 PUBLIC WORKS DIVISION  
 4 PUBLIC WORKSHOP  
 5 FRIDAY, OCTOBER 2, 2015  
 6 9:00 A.M.  
 7 CARSON CITY, NEVADA

11 THE BOARD: GUS NUNEZ, Administrator  
 12 CHRIS CHIMITS,  
 13 Deputy Administrator  
 14 BRYCE CLUTTS, Member

15 FOR THE BOARD: SUSAN STEWART,  
 16 Construction Law Counsel

17 DENESA JOHNSTON,  
 18 Administrative Assistant

22 REPORTED BY: CAPITOL REPORTERS  
 23 BY: Nicole Alexander,  
 24 Nevada CCR #446  
 25 123 West Nye Lane  
 Carson City, Nevada 89706

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1 CARSON CITY, NEVADA; FRIDAY, OCTOBER 2, 2015; 9:00 A.M.  
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 3  
 4 ADMINISTRATOR NUNEZ: This is time and place  
 5 for the Public Workshop for the Department of Public  
 6 Works Division on proposed regulations. It's a little  
 7 bit after 9:00 o'clock, so we're good to go. Probably  
 8 the best thing to do hopefully, is there -- Do we have a  
 9 sign-up sheet in the south?

10 MS. JOHNSTON: Yes.

11 ADMINISTRATOR NUNEZ: And we've got one up  
 12 here. I'm Gus Nunez. I'm the Administrator of the  
 13 Public Works Division, and we'll go around and introduce  
 14 ourselves here in the north, and then we'll go to the  
 15 south. So, Susan?

16 COUNSEL STEWART: I'm Susan Stewart, Deputy  
 17 Attorney General and construction law counsel for the  
 18 State Public Works Division.

19 DEPUTY ADMINISTRATOR CHIMITS: Chris Chimits,  
 20 Public Works.

21 ADMINISTRATOR NUNEZ: And then we have?

22 MS. JOHNSTON: Denesa Johnston, Public Works.

23 ADMINISTRATOR NUNEZ: And our court reporter  
 24 taking notes.

25 THE COURT REPORTER: Nicole.

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1 AGENDA/INDEX  
 2 AGENDA ITEM PAGE

3 1. Call to Order/Introductions 3  
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 8 NAC Sections 338.450, 338.460, 338.240, and  
 9 338.285  
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 13 5. Review of proposed draft regulations for 22  
 14 State Public Works Division, Buildings &  
 15 Grounds, NRS 331.070, 331.110, and 331.120  
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1 ADMINISTRATOR NUNEZ: That's all of us here,  
 2 and if you guys don't mind, one of you guys can get  
 3 started over there.

4 MR. MILLIKEN: Gary Milliken, AGC/NCA.

5 MS. MUJICA: Leslie Mujica, IBEW/NECA, LMCC.

6 MS. JACOB: And Joanna Jacob with public  
 7 affairs, AGC/NCA.

8 ADMINISTRATOR NUNEZ: Welcome, everyone, and  
 9 we have Bryce Clutts, one of our board members, just came  
 10 in to join us for the workshop.

11 A couple of just minor housekeeping items.  
 12 If you have a cell phone, you'll have to turn them off  
 13 because it will interfere with the video conferencing  
 14 equipment, so if you could do that. The other thing that  
 15 I will ask is when we start taking public input from you  
 16 all, if you could please identify yourself before you  
 17 start your discussion with us.

18 At this point, what I'd like to do is we're  
 19 going to allow for public comments both before and after  
 20 we go over the regs, so at this point, I'd like to ask if  
 21 there is any public comments before we get started with  
 22 going over the regs, the proposed regulations. Okay.  
 23 Hearing none, what we'll do is we'll get started with the  
 24 proposed regulations, and to give us an overview that  
 25 would be under this Agenda Item Number 3, I'm going to

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1 turn it over to Susan. Please take this.  
2 COUNSEL STEWART: For the record, Susan  
3 Stewart, Deputy Attorney General, construction law  
4 counsel. And we'll start as noted in the Agenda Item  
5 Number Three, the regs related to Section 338. And if  
6 you have your copy of draft regulations, that's what I'm  
7 going to be going through.  
8 I did talk to LCB and the individual that  
9 will be helping the State Public Works Division finalize  
10 the regulations so that they're ready to be codified, and  
11 there were some minor edits that she proposed and little  
12 really no substantive changes, just on some, as I said,  
13 some minor edits. And also, where there's changes to one  
14 place in the regulations, make sure that those revisions  
15 are consistent throughout the rest of the regulations.  
16 They're very good at that.  
17 So I'm just going to jump right in here. The  
18 first, it's fairly straightforward. As some of you may  
19 know during the last session, AB 62 was passed, and it  
20 revised the veteran's preference, so there are two  
21 categories now. Initially, there was just one category  
22 for contracts under \$100,000. They've added an  
23 additional category where if the business is owned by a  
24 veteran with a service-connected disability that has been  
25 determined to be 50 percent or more, those individuals

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1 then get a five percent preference on contracts over  
2 \$100,000, but less than \$250,000.  
3 And so the purpose of the draft regulations  
4 that you have, specifically 338.450, and then for  
5 purposes of reference, you'll see 338.460, that number, I  
6 just picked that number. That may in fact not be the  
7 final number that goes into the regulations, but that is  
8 just for ease of reference for our purposes. And so that  
9 is adding the new requirement. In talking to LCB, I  
10 wanted to clarify that NAC 338.250 sub 4, which generally  
11 talks about the reference, the preferences in our NAC.  
12 That section will be revised to reflect that there are  
13 now two different preferences that are available.  
14 Also, in the 338.460 that you have in front  
15 of you, that Subsection 1 makes a reference to AB 62,  
16 Section 22. That actually should be Section 19. And  
17 those are the regs that we've proposed to address the  
18 changes to the veteran's preference that were made in the  
19 law last session.  
20 Gus, I don't know. Do you want to take --  
21 Would it make sense to take comment on this, or do you  
22 want me to go through all of 338? I don't know what  
23 everybody's preference is. It's a pretty small group.  
24 It might be easier if we -- I defer to you.  
25 ADMINISTRATOR NUNEZ: Actually, I prefer to

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1 go section by section, so I'd like to ask at this point  
2 if there is any comments on this particular section  
3 related to AB 62. Okay. Hearing none, I'll guess we'll  
4 move on.  
5 COUNSEL STEWART: Pretty straightforward.  
6 They changed the law. The reg has been put in place to  
7 address the changes.  
8 The next section that we've proposed to  
9 revise is NAC 338.245. And for those of you that have  
10 been around a while, you may recall several years ago,  
11 Public Works implemented a process where we perform an  
12 evaluation of the prime contractor upon completion of the  
13 contract or the public work. And in our regulations,  
14 that evaluation is to be performed, so currently in our  
15 regs, the requirement is that we perform the contractor  
16 evaluation for contracts under \$100,000 as well as over  
17 \$100,000. And it has been reported to me that the value  
18 added by doing the contractor evaluation on contracts  
19 under \$100,000 is de minimis.  
20 And for those of you that are familiar with  
21 the process, you do an initial evaluation. The  
22 contractor gets to respond. It's quite a lengthy  
23 process. And those of you may know that the award of  
24 contracts under \$100,000 is informal, so there's less --  
25 as I said, I guess there's less value added by performing

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1 this on contracts under \$100,000. And so for that  
2 reason, the regulation proposes deleting that from the  
3 qualification of contractors under \$100,000.  
4 The other thing is just a technicality, but  
5 it's one that has some merit, is if you look at 338.245,  
6 which I think is on the second page of your reg package,  
7 and you look at Section 1B, and it's pretty much right in  
8 the middle of NAC 338.245, you'll see that I have  
9 stricken from this reg the language, "From the award of  
10 any contract." And the reason for that is we're asking  
11 if a prime contractor has been disqualified. And the  
12 phrase, "From the award of any contract" does not make  
13 sense here because the disqualification is related to a  
14 prevailing wage violation or a failure to be qualified by  
15 a public body. And so, "From the award of a contract" is  
16 language that is not necessary, and I think in fact, it  
17 actually muddies the water.  
18 One of the things that I discussed with LCB  
19 is that this language, "From the award of any contract,"  
20 is also found in NAC 338.240, which is qualifications  
21 over \$100,000, and it's also found in 338.270, which is  
22 subcontractor qualification. So for purposes of  
23 consistency, when we're referencing disqualification  
24 pursuant to qualification process by a public body or  
25 prevailing wage violation, the, "From the award of any

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1 contract" would be stricken from all of those sections.  
2 So that would just be consistent throughout.  
3 So I did these in order, so the one thing I  
4 just wanted to add, NAC 338.245, if you skip over to page  
5 five, and you'll see there in the middle of the page NAC  
6 338.285, all this does is it kind of piggybacks on the  
7 prior regulation regarding the contractor evaluation, and  
8 it just makes clear that that evaluation requirement only  
9 applies to contracts over \$100,000. So it's just  
10 following up so that it's consistent throughout. And  
11 those are the changes related to the qualification  
12 process involving the contractor evaluation and the  
13 deletion of the language, "From the award of any  
14 contract." Are there any questions about that particular  
15 section of the reg revisions? Okay. Hearing none, I'm  
16 going to keep talking.  
17 All right. The last change that we're  
18 proposing in our regulations pertains to qualifications  
19 of contractors over \$100,000. And if you look on page  
20 four of the packet, you'll see that we are asking for  
21 additional information regarding the prime contractor,  
22 principal personnel, and each of their business entities  
23 associated with the principal personnel during the five  
24 years immediately preceding the date of the application.  
25 And if you look throughout the qualification

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1 criteria, that group, meaning the prime, the principal  
2 personnel, and the associated businesses, that's  
3 consistent with what we ask for throughout this  
4 regulation, and that's to ensure that someone doesn't  
5 form a new business and not be required to disclose  
6 relevant history related to a business that they were a  
7 principal personnel part of that business.  
8 One thing I did want to point out in meeting  
9 with LCB is this proposed revision would also be included  
10 in NAC 338.370, which is the subcontractor qualification  
11 as well. And the reasoning for that is, as you may know,  
12 subcontractors are presumed qualified unless we receive  
13 information that calls into question that qualification.  
14 And at that time, they are asked to qualify as if they  
15 were a prime, and so we would want the information  
16 consistent.  
17 One of the things -- I'm sure Gus will want  
18 to weigh in on this particular reg. A couple of things I  
19 wanted to point out about this revision. It is only  
20 related to Public Works projects, so we're just asking  
21 for their experience with Public Works. And what we were  
22 finding as an agency is that by not asking for prior  
23 litigation history, we were missing a lot of information  
24 about the way a particular contractor may conduct  
25 themselves when they're performing Public Works. And so

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1 this information, we thought, was important. We wanted  
2 to know that, and so this is the reason for adding this  
3 to the regulation.  
4 And, Gus, I don't know if you wanted to add  
5 anything at this point or open it up for comment.  
6 ADMINISTRATOR NUNEZ: Before that, just for  
7 the record, Gus Nunez. Just wanted to point out that  
8 again, reiterate what Susan just said on the point that  
9 we only want this information for Public Works projects,  
10 not every project that the firm may have, number one.  
11 Number two is we'll still have, should we  
12 move ahead into the regs, the next step will be to sit  
13 down with the Board and bring some recommendations and  
14 have some deliberation with the Board as to how this  
15 particular section here, the litigation history of the  
16 firm, is going to be scored.  
17 As you know, we have a scoring system that  
18 we've developed which is utilized for the qualification  
19 process. We start at 150 points, and then you're allowed  
20 to lose up to 30, and then at that point beyond 30, you  
21 become disqualified. So how this is to be scored is to  
22 be the subject of future meetings with the Board to  
23 develop a system as to how this particular section is  
24 going to be scored as part of all of the other scoring  
25 that we do to determine the qualifications of a

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1 contractor. That's all I have.  
2 So at this time, we might as well just open  
3 it up. If you have any questions or comments, this would  
4 be the time to do it, and if you do have anything, just  
5 remember to state your name first, please.  
6 MEMBER CLUTTS: I have a question, Gus.  
7 Bryce Clutts, for the record. In Item G, it notes the  
8 past performance history of the prime contractor, and  
9 then it's got Subsection 1, and then subsection I or -- I  
10 think it's what that is, one through six.  
11 ADMINISTRATOR NUNEZ: Sure. One.  
12 MEMBER CLUTTS: So when you're talking about  
13 past performance history here, it's specifically as it  
14 relates to Subsection 1 with regards to civil judgments,  
15 findings of fact, administrative proceedings, etcetera?  
16 That's what past performance history is meant to  
17 represent?  
18 ADMINISTRATOR NUNEZ: Well, there are other  
19 things that we look at right now with respect to past  
20 work performance, so this would just be one additional  
21 item that we would look at within the NRS that says one  
22 of the items that we can look at is past performance of a  
23 contractor. Under that section, this would just be one  
24 more item that we look at. I mean, we look at did you  
25 complete the project on time, did you complete the punch

1 list on time, those type of things.  
2 We're already looking at, under past history,  
3 we're already looking at other matters besides just  
4 litigation. This would just be one more thing that we  
5 would like to see regarding their litigation history on  
6 Public Works projects.  
7 MEMBER CLUTTS: So with respect to just this  
8 added section though, that's what it specifically relates  
9 to here?  
10 ADMINISTRATOR NUNEZ: Correct.  
11 MEMBER CLUTTS: And so my next question, just  
12 curious. Are we having -- Are you seeing that we're  
13 having problems on these projects with contractors who do  
14 have a past history? Are we expecting that we're going  
15 to? What's driving this? I'm all for less regulation,  
16 less cumbersome. It just seems like when you prepare  
17 these packages anymore, they're so cumbersome, and for  
18 smaller firms, the amount of paperwork just continues to  
19 grow and grow and grow, and it takes quite a staff to be  
20 able to put that stuff together. So I'm just wondering,  
21 are we adding this because we're seeing a pattern, a  
22 history here, or are we trying to be consistent with  
23 other entities? What's driving the change?  
24 ADMINISTRATOR NUNEZ: Driving the change is  
25 basically recent experience in this area that we find

1 reg ask for past performance. It appears in several  
2 different sections. And so what she proposed is that it  
3 would be consolidated, so it would essentially be in a  
4 cleaner format to remove some of the redundancies.  
5 The other thing is the qualification only  
6 needs to be done every two years. And then another thing  
7 that we did because we understood that for the smaller  
8 businesses, it could be burdensome. And so several years  
9 ago, we changed the qualification for under \$100,000, and  
10 so that is essentially a two-page form that they have to  
11 send in. So we have tried to address that because we are  
12 mindful of the burden, but then at the same time,  
13 representing the State, and we want contractors who are  
14 interested in performing well, but at the same time, not  
15 being too much of a burden.  
16 And as I was explaining to the LCB rep, a lot  
17 of times what happens is that they'll put something on  
18 the list, and our program analyst will call them back and  
19 say, "We need some additional information." And so it's  
20 a very, I would say, user-friendly system that we've  
21 tried to set up. I mean, you've seen the contractors  
22 come before us, and it's not an adversarial situation at  
23 all. So I think we're mindful of that, but at the same  
24 time, we feel like we need to do our due diligence to  
25 ensure that these contractors are interested and able to

1 out, you know, we've ended up in litigation and we found  
2 out that actually, the contractor had considerable --  
3 some of those folks had considerable history with other  
4 and many other public agencies. So it would be good to  
5 know when we're qualifying these folks that what kind of  
6 behavior we can expect from these folks once they become  
7 qualified, if they become qualified. So like I said, we  
8 still need to look at other areas, but this area here can  
9 become very problematic for us as to what we can expect  
10 from contractors on similar projects.  
11 And it would be good to know if we are going  
12 to contract with one of these folks, it would be good to  
13 know upfront if they do become qualified what we can  
14 expect and how we should conduct ourselves accordingly.  
15 But that's basically what's driving, what drove us to  
16 bring this to the forefront. We're going, "Well, how can  
17 we address this issue?" We're certainly allowed to look  
18 at past performance, so I think with this, hopefully this  
19 will be a good solution, at least know what we're getting  
20 into if we do contract with these folks.  
21 COUNSEL STEWART: I just wanted to chime in  
22 real quick too just to respond to a couple of your  
23 comments. Susan Stewart, for the record. In talking to  
24 LCB, one of the things that she recommended is that this  
25 would be, if you look, past performance portions of the

1 perform in the best interest of the State.  
2 ADMINISTRATOR NUNEZ: Is there any other  
3 questions or comments on this particular item?  
4 MS. JACOB: Yes. Gus, hi. Joanna from AGC.  
5 I just had a quick question for you when you were talking  
6 about the litigation history or you're stating in your  
7 experience contractors with considerable history, you had  
8 said with other agencies. Are you also going to be  
9 looking at out-of-state -- When you're talking about any  
10 Public Works construction project, are we looking both in  
11 Nevada and then out-of-state Public Works as well?  
12 ADMINISTRATOR NUNEZ: To stay consistent with  
13 all of the other requirements that we look at on the  
14 prior, we're asking for information in other areas, and  
15 we always go back five years on all projects. And I  
16 think to stay consistent with what we're asking now, we  
17 don't limit it to the State of Nevada right now.  
18 MS. JACOB: Okay.  
19 ADMINISTRATOR NUNEZ: We just ask for all of  
20 the information.  
21 COUNSEL STEWART: Well, I'm going to  
22 contradict you.  
23 ADMINISTRATOR NUNEZ: Okay. With respect to  
24 some of the national companies like --  
25 COUNSEL STEWART: Correct. Correct. Susan

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1 Stewart, for the record. We do have companies that come  
2 in that are, I don't know, I can't think of the name of  
3 one. Oh, okay. Granite is a perfect example, and they  
4 do business nationwide. And for prevailing wage  
5 violations, we just look at Nevada. And one of the  
6 things -- and that is our policy. I don't think that  
7 that is clear throughout our regulations, and actually, I  
8 would be happy to ask the LCB person if we could clarify  
9 that if you think that would be appropriate, Gus, to just  
10 limit it to Nevada because it has been an issue. The  
11 statute is not clear, the reg isn't clear, and I think it  
12 would be appropriate to just limit it to Nevada.

13 ADMINISTRATOR NUNEZ: Well, first of all, I  
14 stand corrected. Gus Nunez, for the record. Susan is  
15 correct. When it comes to some of these items that we've  
16 looked at past performance of some of these companies  
17 that do work throughout the country, we've pretty much,  
18 when we're qualifying the, let's say, for instance, like  
19 a Granite Construction, we look at the Nevada Division as  
20 to how they've been performing, and that's been a matter  
21 of policy. And like Susan said, it's not clear.

22 I like consistency. I think we should stay  
23 consistent with the way we do all of the other items. So  
24 again, we'll go over this item here with the Board and  
25 see how they want to score it, and maybe at that time, we

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1 can ask for direction from the Board, Susan, as to how  
2 they, from a policy perspective, how they want us to  
3 handle these things.

4 COUNSEL STEWART: Yes. And for the record,  
5 Susan Stewart. If you look at NRS 338.1375, what we see  
6 in the statute is a reference to, in some areas, it talks  
7 about this state, and then in other areas, it talks  
8 about, for example, whether the applicant has been  
9 disciplined or fined by the State Contractor's Board or  
10 another state or a federal agency for conduct that  
11 relates to the ability of the applicant to perform public  
12 works.

13 So those are the OSHA violations, State  
14 Contractor's Board violations, and in that particular  
15 place, it references, it specifically says, "Another  
16 state or federal agency." When we're talking about the  
17 performance history of an applicant, it talks about  
18 similar contracts, and so references to other states is  
19 not included.

20 And my argument would be if they wanted us to  
21 consider other states, that would be included in that  
22 section as well. Does that make sense? So that may be  
23 something that would, you know, we may need to clarify in  
24 the upcoming legislative session, but I think for my  
25 purposes when we're talking about performance history, it

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1 doesn't reference other states. And so I would stand by  
2 my initial response.

3 MS. JACOB: I think well, the consensus down  
4 here -- Joanna Jacob for public affairs for NCA again,  
5 for the record. The consensus down here, I wasn't really  
6 opining about whether we should be looking at in-state  
7 and out-of-state, and I think what we were kind of  
8 discussing down here is that it's not consistent. It  
9 wouldn't be fair, I guess, to have a contractor have a  
10 violation in Arizona and then come to Nevada and play by  
11 the rules and then be qualified, so I wasn't really  
12 opining one way or the other. I just was seeking  
13 clarification on that. So that was good to hear about  
14 how you enforce this, your policies when you're dealing  
15 with companies that work in other states as well as  
16 Nevada. So I think it's something that we can take back  
17 to our members and discuss in further detail, especially  
18 if you're going to have future discussions at the court  
19 level.

20 ADMINISTRATOR NUNEZ: And that is correct.  
21 All of these and your input today will be discussed with  
22 the Board at a future meeting and ask for direction in  
23 moving forward with those regulations. And then after  
24 the regulations are passed, we're still going to come  
25 back to the Board and then address the issues as to how

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1 to score this matter here. There would be also further  
2 discussion on that. It may all happen at the same time,  
3 but the way we see it is we get the regs set. Once the  
4 reg is set, then we look at the scoring because things  
5 can change in the meantime.

6 COUNSEL STEWART: And for the record, Susan  
7 Stewart. Our qualification application has not been  
8 updated in some time, and the contractor evaluation  
9 requirement was added approximately five years ago, so  
10 contractors have been on notice for the past five years  
11 that their projects are being evaluated, and now it's  
12 time to revise our qualification process so that those  
13 contractor evaluations will also be part of the scoring.  
14 So it will be a fairly significant revision to the form  
15 itself, and we'll have to make some modifications on the  
16 scoring because we're going to be getting the additional  
17 information regarding the contractor evaluation on their  
18 prior projects. And you'll all get notice of that and be  
19 invited to the party so we can have your input on it.

20 MS. JACOB: Thank you.

21 COUNSEL STEWART: Well, it makes for a better  
22 process.

23 ADMINISTRATOR NUNEZ: Is there anything else  
24 you would like to comment on or ask any questions on this  
25 matter?

1 MS. JACOB: I don't think we have any down  
2 here. Thank you.  
3 ADMINISTRATOR NUNEZ: Thank you very much.  
4 COUNSEL STEWART: Bryce, anything else?  
5 MEMBER CLUTTS: No, ma'am.  
6 ADMINISTRATOR NUNEZ: We'll move on to the  
7 next item here. Do we need to take, since we've been  
8 taking public comments all the way along?  
9 COUNSEL STEWART: Well, I guess to stick with  
10 the agenda, you should probably ask, but I don't think  
11 anybody is going to have anything.  
12 ADMINISTRATOR NUNEZ: All right. That  
13 concludes --  
14 COUNSEL STEWART: Oh, I'm sorry.  
15 ADMINISTRATOR NUNEZ: You've still got one  
16 more?  
17 COUNSEL STEWART: I have one more. Sorry.  
18 ADMINISTRATOR NUNEZ: That's all right.  
19 COUNSEL STEWART: Well, it's related to  
20 before we move onto the regulations for Buildings and  
21 Grounds, Susan Stewart, for the record. And I just want  
22 to clarify. The Division is a little unique in that our  
23 regulations for Public Works need to be approved by the  
24 Public Works Board. Our regulations for the Buildings  
25 and Grounds section can be approved by the Administrator,

1 us through those, please?  
2 COUNSEL STEWART: Sure. Susan Stewart, for  
3 the record. And you guys don't need to stay if you don't  
4 want to. I know how fascinated you'll be by all of this.  
5 In the last legislative session -- Well,  
6 actually, several. I'll start a little bit earlier than  
7 that. Two legislative sessions ago, State Public Works  
8 Board and Buildings and Grounds Division merged into the  
9 State Public Works Division of the Department of  
10 Administration and under that Division is Buildings and  
11 Grounds section now.  
12 In the last session, Buildings and Grounds  
13 got specific authority to develop regulations, and prior  
14 to last session, it wasn't clear that they had that  
15 authority. And so in the last session, that authority is  
16 spelled out, and it is also referenced in Public Works  
17 NRS 341. If you look at page one of your packet at the  
18 top of the page, draft regulations, State Public Works  
19 Division of the Department of Administration, Buildings  
20 and Grounds section, one of the things that Buildings and  
21 Grounds does is they are responsible for negotiating,  
22 approving, and overseeing the leasing of office rooms  
23 outside of State buildings. And page one of the draft  
24 regulations, and they actually have an LCB number:  
25 R09815, simply outlines that particular process.

1 Gus Nunez. So it's a little bit of a different process.  
2 And so that's why we've kind of kept them separate to try  
3 and keep that clear as much as we can. But related to  
4 the Public Works side of the shop, and we have a minor  
5 housekeeping revision in NAC 341, and it's 341.171, and  
6 this is the regulation that talks about the building  
7 officials, the fees that they charge for plan check and  
8 inspection, and there's a reference in that regulation to  
9 Public Works website, and the address for the Public  
10 Works website has changed. And so the only thing we're  
11 doing in that reg is updating the website.  
12 And I actually talked to LCB, and they said  
13 that they could just make the change, but since we're  
14 doing regulations, we might as well just give notice of  
15 it, and so that's the reason for letting you all know  
16 that. And that's just a minor change, and that's NAC  
17 341.171. Okay. Now we can talk.  
18 ADMINISTRATOR NUNEZ: Are there any comments  
19 on this matter from the public? Okay. Hearing none,  
20 then we're going to, at this point, we'll move on to Item  
21 Number 5, and these are proposed draft regulations for  
22 State Public Works Division, Buildings and Grounds,  
23 Nevada Revised Statutes NRS 331.070, 331.110, and  
24 331.120.  
25 So at this point, Susan, do you want to take

1 In talking to LCB, again, there are minor  
2 revisions to this, simply changing some of the names of  
3 the forms for consistency such as, "Budget authorization"  
4 should be, "Space request." "Space justification should  
5 be, "Space justification spreadsheet."  
6 The other thing, going over to page two, the  
7 other thing that the Buildings and Grounds section does  
8 is they allow members of other State agencies or members  
9 of the public to use Buildings and Grounds State  
10 property. And that would include, for example, here in  
11 Carson City, the Laxalt Plaza or the Capitol Mall, those  
12 grounds over there, and that is allowed through a  
13 special-use permit process. And the draft regulations  
14 simply spell out that Buildings and Grounds has the  
15 authority to do that. If you look at -- hopefully, your  
16 packet includes the rest.  
17 ADMINISTRATOR NUNEZ: Page one of two.  
18 COUNSEL STEWART: Okay, well, there's a page  
19 three and four. And page three and four is the even more  
20 fascinating subject of Buildings and Grounds is  
21 responsible for the care, maintenance, and preservation  
22 of Buildings and Grounds under their supervision and  
23 contract. And what's provided for here is temperature  
24 control set points, miscellaneous equipment in state  
25 buildings. A lot of folks like to have space heaters and

1 their own refrigerators, and those are a significant  
2 drain to state resources, and so those are prohibited.  
3 And also in our regulation because -- well, I'm going to  
4 skip the editorial comment. We will prohibit pets other  
5 than those that are allowed for law enforcement purposes  
6 or service animals as defined by the ADA.

7 The last section of the regs proposed for  
8 Buildings and Grounds is the agency's use of State-owned  
9 space. And within the Capitol Complex and other  
10 buildings that Buildings and Grounds is responsible for,  
11 we administer who actually gets to use that office space,  
12 for example, the Grant Sawyer building in Las Vegas or  
13 the Capitol building, who actually occupies those office  
14 spaces. And there is a process for that, and that is  
15 going to be implemented in the Buildings and Grounds'  
16 regulations.

17 And it looks like, for some reason, those  
18 last two pages were not included in the packet, and so  
19 I'd be happy to make sure that anybody that is interested  
20 in that, I do know that they were posted as part of the  
21 regs. They are on-line on our website. And so if you're  
22 interested in those, you can look for them on the  
23 website, or I can e-mail you them as well. And that's  
24 essentially an overview of the proposed regulations for  
25 Buildings and Grounds section.

1 ADMINISTRATOR NUNEZ: Any questions or  
2 comments on those regs? All right. Hearing none, that  
3 concludes the all of the items on the agenda, so the next  
4 item is adjournment. So I'd like to thank all of you for  
5 coming over and participating in the process.

6 We have a Board meeting this afternoon at  
7 1:00 o'clock. As I said, after we put the minutes  
8 together from the meeting today, we'll be scheduling some  
9 meetings with the Board on these regs, and you'll  
10 definitely be invited, of course, to all of those  
11 meetings in the future. So thank you for participating.

12 (The meeting concluded at 9:50 a.m.)

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1 STATE OF NEVADA, )  
2 )  
3 CARSON CITY. )  
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5

6 I, NICOLE ALEXANDER, Official Court Reporter for the  
7 State of Nevada, State Public Works Division, do hereby  
8 Certify:  
9

10 That on the 2nd day of October, 2015, I was  
11 present at said meeting for the purpose of reporting in  
12 verbatim stenotype notes the within-entitled public  
13 meeting;

14 That the foregoing transcript, consisting of pages 1  
15 through 26, inclusive, includes a full, true and correct  
16 transcription of my stenotype notes of said public  
17 meeting.

18 Dated at Carson City, Nevada, this 12th day of  
19 October, 2015.  
20  
21

22  
23  
24 NICOLE ALEXANDER, NV CCR #446  
25

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