

In The Matter Of:
Public Employees' Benefits Program Board
Videoconferenced Open Meeting

December 20, 2019

Capitol Reporters
123 W. Nye Lane, Ste 107

Carson City, Nevada 89706

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1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

PUBLIC EMPLOYEES' BENEFITS PROGRAM BOARD
TRANSCRIPT OF PROCEEDINGS
VIDEOCONFERENCED OPEN MEETING
FRIDAY, DECEMBER 20, 2019
CARSON CITY, NEVADA

The Board: PETER LONG, Chairman
LINDA FOX, Member
DON BAILEY, Member
LEAH LAMBORN, Member
TOM VERDUCCI, Member
JOHN PACKHAM, Member
MANDY HAGLER, Member

For the Board: BRANDEE MOONEYHAN, Deputy
Attorney General

For Staff: LAURA RICH
Operations Officer
CARI EATON
Chief Financial Officer
NANCY SPINELLI
Public Information Officer
WENDI LUNZ
Executive Assistant

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1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

AGENDA ITEM	PAGE
1 - Open meeting; Roll call	3
2 - Public comment	4
3 - PEBP board disclosures for applicable board meeting agenda items	8
4 - Discussion and possible action regarding appointment of Laura Rich as Interim Executive Officer of PEBP, in unclassified service, beginning upon the effective date of the resignation of PEBP's current Executive Officer, Damon Haycock	10
5 - Public comment	14
6 - Adjournment	14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

FRIDAY, DECEMBER 20, 2019, 9:00 A.M.

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CHAIRMAN LONG: I'd like to call the meeting of the Public Employees' Benefits Program Board to order. If you could call the roll, please.

MS. LUNZ: Don Bailey.

MEMBER BAILEY: Here.

MS. LUNZ: Linda Fox.

MEMBER FOX: Here.

MS. LUNZ: Mandy Hagler.

MEMBER HAGLER: Here.

MS. LUNZ: Leah Lamborn.

MEMBER LAMBORN: Here.

MS. LUNZ: Peter Long.

CHAIRMAN LONG: Here.

MS. LUNZ: Jet Mitchell is excused.

John Packham.

MEMBER PACKHAM: Here.

MS. LUNZ: David Smith, excused.

Tom Verducci.

MEMBER VERDUCCI: Here.

MS. LUNZ: Christine Zack is excused.

And we have a quorum.

CHAIRMAN LONG: Thank you.

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1 Moving on to Item Number 2 on the agenda, public
2 comment. Public comment will be taken during this agenda
3 item. No action may be taken on any matter raised under this
4 item unless the matter is included on a future agenda as an
5 item in which action may be taken. Public comments to the
6 board will be taken under advisement but will not be answered
7 during the meeting.

8 Comments may be limited to three minutes per
9 person at the discretion of the chairperson. And I do intend
10 to keep comments two or three minutes.

11 Additional comment periods shall be limited to
12 comments relevant to the agenda item under consideration by
13 the board. Persons unable to attend meeting and persons
14 whose comments may extend past the three-minute time limit
15 may submit their public comment in writing to PEBP.

16 Persons making public comment need to state and
17 spell their name for the record at the beginning of their
18 testimony.

19 Is there any public comment at this time in the
20 north?

21 Good morning. Please proceed.

22 MS. LOCKARD: Good morning, Mr. Chair. My name
23 is Marlene Lockard, L-o-c-k-a-r-d. And I'm representing the
24 Retired Public Employees of Nevada.

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1 I would just briefly like to comment that I would
2 like to congratulate Laura Rich with her new assignment to
3 be, I assume, gratified in just a little bit by this board.
4 And -- Congratulations or condolences, I'm not sure.

5 But I would also like to comment that there has
6 been such an incredible sweeping change both with board
7 members and now staff on the PEBP board that the retired RPEN
8 would like to ask that this board establish a process to do
9 an extensive search for a permanent executive director for
10 PEBP. I think the continuity of experience and service on
11 this board because of the changes recently leaves this board
12 vulnerable in a number of areas. And I think that it would
13 be in the best interest to see what else is out there, if
14 there are individuals in the national search that may have
15 had extensive experience in a position such as the executive
16 director. Thank you very much.

17 CHAIRMAN LONG: Thank you.

18 MR. ERVIN: Good morning. My name is Kent Ervin,
19 E-r-v-i-n, representing the Nevada Faculty Alliance for the
20 statewide association of faculty at all eight NSHE
21 institutions.

22 First, since I was unable to attend the previous
23 meeting, I would like to put on the record our appreciation
24 to Damon Haycock for his years of service with PEBP and his
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1 engagements with the Public Employee Coalition Partners. We
2 appreciated his willingness to discuss PEBP issues with us
3 and provide information to help us with our advocacies as
4 board members and the legislature and executive branches. I
5 personally have appreciated his enthusiasm for advancing the
6 state employee benefits program and to engage in discussion
7 on facts and figures even when we haven't entirely agreed on
8 policy details. So, thank you, Damon, and good luck in your
9 future endeavors.

10 We welcome Peter Long as chair to the board. It
11 is a turning point, as Ms. Lockard mentioned, for the PEBP
12 board. And we look forward to your leadership and you using
13 your broad experience in state government in resource
14 management to advance PEBP for state employees.

15 We congratulate John Packham in his appointment
16 just yesterday by Governor Sisolak as chair of the new
17 Patient Protection Commission. That's a great opportunity,
18 John. I know you'll serve the citizens of Nevada well. We
19 do regret that you'll have to leave the PEBP board and we'll
20 miss the steady advocacy for PEBP participants and the
21 program.

22 Today's appointment of an internal candidate as
23 an interim executive officer is entirely appropriate and I
24 echo Marlene Lockard. We support Laura Rich as the interim
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1 and it's a pleasure to operate with you in our advocacy and
2 we hope to open strong lines of communication during this
3 period.

4 And I would also like to echo what Ms. Lockard
5 said about the need to have an open national regional search
6 for executive officer. This board deserves to know who all
7 the candidates are out there and whoever you choose as the
8 best person available to advance the program. It's not easy
9 for a public body with open meeting rules to conduct
10 searches. I think you'll probably want to talk to your legal
11 counsel about how to do that. But it can be done and you can
12 work through that process.

13 Finally, the future, of course, of PEBP is in the
14 balance with all the changes that have been mentioned. The
15 2017 legislature adopted an attempt to move PEBP under the
16 direct management of the executive branch, referring to have
17 the board act as an independent policy body that manages its
18 own staff.

19 Nevertheless, PEBP is a state agency, must work
20 in corroboration with both the executive administration and
21 the legislature to accomplish its and our goals. The new
22 process enacted in 2019 for approvals of expenditures of
23 excess reserves by the Interim Finance Committee is a serious
24 check on the ability of PEBP to act independently and

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1 especially to react in a timely manner to changes in the
2 landscape.

3 I believe at this turning point that the board
4 itself, meaning the board in its official actions and you
5 individually as members, need to reengage in resuming the
6 independent assessment and policy needs to the stakeholders
7 in the legislature and executive branch.

8 That's how the statute is written. It's intended
9 in part to avoid a repeat of the financial bailout -- And I'm
10 going way back here -- of the health care insurance program
11 in the 1990s. That's really why the board was set up in this
12 manner as an independent body.

13 So, as advocates for public employees, we pledge
14 to work with the chair, the interim executive officer, and
15 the board in advocating with the other branches on behalf of
16 our participants. Thank you very much.

17 CHAIRMAN LONG: Thank you.

18 Any further comment in Carson City? Any comment
19 in the south?

20 MEMBER FOX: No comment in the south.

21 CHAIRMAN LONG: Thank you. Moving on to Agenda
22 Item Number 3, PEBP board disclosures for applicable board
23 meeting agenda items. Brandee Mooneyhan.

24 MS. MOONEYHAN: Thank you, Mr. Chair. For the
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1 record, my name is Brandee Mooneyhan, deputy attorney
2 general, counsel to the board.

3 Pursuant to Nevada law, I'm making this
4 disclosure on behalf of the board members who are eligible
5 for PEBP benefits. Most of the current board members are
6 eligible for benefits. Specifically, Mr. Verducci is not
7 eligible for PEBP benefits and Ms. Zack as an adjunct
8 professor in the Nevada System of Higher Education may have
9 been or may be eligible for PEBP but she is not currently
10 receiving any benefits through PEBP.

11 All other board members are eligible for the
12 program, which means that they, their spouses, dependants may
13 receive health, dental, life insurance, and other benefits
14 through PEBP. I note that when PEBP members vote on matters
15 affecting benefits for themselves, their spouses, and/or
16 their dependants, that may trigger disclosure requirements
17 under NRS 281A.420.

18 I further note that the law does not preclude
19 those board members from voting on such items as long as the
20 benefit or detriment to them is not greater than that for
21 similarly-situated members.

22 None of the items on today's agenda are related
23 directly to the benefits available to PEBP members. However,
24 I would still like to offer this general disclosure on behalf
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1 of the board members who are PEBP participants and who will
2 be voting on today's agenda items.

3 Thank you, Mr. Chair, for allowing me to make
4 this disclosure. And I invite any member who has anything to
5 add in this regard to do so now.

6 CHAIRMAN LONG: Thank you.

7 Moving on to Item Number 4, discussion and
8 possible action regarding appointment of Laura Rich as
9 interim executive officer of PEBP, in unclassified service,
10 beginning upon the effective date of resignation of PEBP's
11 current executive officer, Damon Haycock, approximately
12 January 1st, 2020, subject to the governor's approval.

13 I would like to say that a recruitment was
14 conducted internally, specific to PEBP staff, and the
15 applications were received and reviewed. And the
16 recommendation from the board today is Laura Rich, who does
17 meet the minimum qualifications. So I would like to open
18 that up to discussion.

19 MEMBER VERDUCCI: Yes, Mr. Chair. Tom Verducci
20 for the record. I would like to discuss how the national
21 search would work and would there be a subcommittee and what
22 would the process and timeline consist of?

23 CHAIRMAN LONG: Thank you, Mr. Verducci. I would
24 ask for advice from the DAG. But I think that that would be
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1 something that we would have on a future agenda to have that
2 discussion. So this would be specific to regarding
3 appointment of Laura Rich.

4 MEMBER VERDUCCI: Okay. And as a follow-up
5 comment, if Laura Rich took the position as the interim
6 executive officer, who would be handling the existing
7 responsibilities of the operations officer, in which she
8 currently holds?

9 CHAIRMAN LONG: I would defer to PEBP staff. But
10 at this point I think Laura would be required to wear two
11 hats. And we could address that should the board at a future
12 meeting address the type of recruitment, the length of the
13 recruitment, and if it's necessary to backfill her current
14 position while we're waiting to fill the interim director.

15 MEMBER VERDUCCI: Thank you.

16 CHAIRMAN LONG: Any other discussion? If not, I
17 would accept a motion for the appointment of Laura Rich as
18 interim executive officer of PEBP, effective approximately
19 January 1st, 2020, subject to the governor's approval. Do I
20 have a motion?

21 MEMBER FOX: Mr. Chair, Linda Fox for the record.
22 May I just read a comment from Board Member Jet Mitchell?
23 She was unable to be here today, but she asked me to read
24 this statement.

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1 CHAIRMAN LONG: Of course.

2 MEMBER FOX: Due to the previously-scheduled,
3 all-day medical testing I am undergoing today at Dana-Farber
4 Cancer Institute in Boston, I'm unable to join the meeting.
5 As such, I requested that Linda Fox, Vice Chair, read the
6 following. Although I understand that by not being present
7 at this meeting, I am unable to vote, I would like to add my
8 support for Laura Rich as interim executive officer for PEBP.
9 Based on my interactions with Laura, as well as my knowledge
10 of her background, I believe her qualifications and
11 experience are suited for her to perform this role.

12 So that's the end of Jet's statement. But I
13 would like to also add my own, and that is that my
14 understanding is that already if Damon is absent or out for
15 whatever reason, Laura is already handling his
16 responsibilities, so it makes sense to me that she would
17 continue to do that as interim while we recruit or whatever
18 we decide to do for a permanent position. So I also support
19 Laura in this role. Thank you.

20 CHAIRMAN LONG: Thank you. Could you provide a
21 copy of the statement that you read to staff for the record?

22 MEMBER FOX: I will do that, yes.

23 CHAIRMAN LONG: Thank you. So still awaiting a
24 motion or further comment.

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1 MEMBER LAMBORN: Leah Lamborn for the record. I
2 would like to make a motion to appoint Laura Rich as the
3 interim director of Public Employees' Benefits Program.

4 CHAIRMAN LONG: We have a motion. Is there a
5 second?

6 MEMBER HAGLER: This is Mandy Hagler for the
7 record. I will second the motion.

8 CHAIRMAN LONG: Thank you. We have a motion and
9 a second. Discussion? Okay. Then all those in favor of
10 aye -- all those in favor please say aye.

11 (The vote was unanimously in favor of the motion)

12 CHAIRMAN LONG: Opposed? The motion passes
13 unanimously. Thank you.

14 It appears, Laura, that you, as soon as the
15 governor's office approves, you will be the acting interim
16 executive officer. Congratulations.

17 MS. RICH: For the record Laura Rich. Thank you
18 very much. I appreciate the opportunity, the support from
19 both the board members and the advocates, the nice kind words
20 that were said.

21 PEBP has some challenges ahead of itself in the
22 next few months that are going to basically pave the path for
23 the next few years. So I'm excited at the opportunity to
24 lead that charge in the next few months as the interim.

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1 Thank you.

2 CHAIRMAN LONG: Thank you. I will reach out to
3 the governor's office after the meeting today to seek the
4 governor's approval and let you know.

5 Moving on, Item 5, is there any other public
6 comment either in the north or in the south?

7 Seeing none, I would ask for a motion to adjourn.

8 MEMBER HAGLER: This is Mandy Hagler. I'll make
9 the motion to adjourn.

10 CHAIRMAN LONG: Do I have a second?

11 MEMBER LAMBORN: Leah Lamborn. I'll second that.

12 CHAIRMAN LONG: All of those in favor say aye.

13 (The vote was unanimously in favor of the motion)

14 CHAIRMAN LONG: We are adjourned. Thank you
15 everyone.

16 (Hearing concluded at 9:20 a.m.)

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I, CHRISTY Y. JOYCE, Official Court Reporter for the State of Nevada, Public Employees' Benefits Program Board, do hereby certify:

That on Friday, the 20th day of December, 2019, I was present at The Legislative Building, 401 South Carson Street, Carson City, Nevada, for the purpose of reporting in verbatim stenotype notes the within-entitled public meeting;

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

Dated at Reno, Nevada, this 22nd day of December, 2019.

CHRISTY Y. JOYCE, CCR
Nevada CCR #625

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A	12:3	B	12:4	5:4;13:16
<p>ability (1) 7:24</p> <p>absent (1) 12:14</p> <p>accept (1) 11:17</p> <p>accomplish (1) 7:21</p> <p>act (2) 7:17,24</p> <p>acting (1) 13:15</p> <p>action (3) 4:3,5;10:8</p> <p>actions (1) 8:4</p> <p>add (3) 10:5;12:7,13</p> <p>Additional (1) 4:11</p> <p>address (2) 11:11,12</p> <p>adjourn (2) 14:7,9</p> <p>adjourned (1) 14:14</p> <p>adjunct (1) 9:7</p> <p>administration (1) 7:20</p> <p>adopted (1) 7:15</p> <p>advance (2) 6:14;7:8</p> <p>advancing (1) 6:5</p> <p>advice (1) 10:24</p> <p>advisement (1) 4:6</p> <p>advocacies (1) 6:3</p> <p>advocacy (2) 6:20;7:1</p> <p>advocates (2) 8:13;13:19</p> <p>advocating (1) 8:15</p> <p>affecting (1) 9:15</p> <p>agency (1) 7:19</p> <p>agenda (9) 4:1,2,4,12;8:21,23; 9:22;10:2;11:1</p> <p>agreed (1) 6:7</p> <p>ahead (1) 13:21</p> <p>all-day (1)</p>	<p>Alliance (1) 5:19</p> <p>allowing (1) 10:3</p> <p>Although (1) 12:6</p> <p>and/or (1) 9:15</p> <p>answered (1) 4:6</p> <p>appears (1) 13:14</p> <p>applicable (1) 8:22</p> <p>applications (1) 10:15</p> <p>appoint (1) 13:2</p> <p>appointment (5) 6:15,22;10:8;11:3, 17</p> <p>appreciate (1) 13:18</p> <p>appreciated (2) 6:2,5</p> <p>appreciation (1) 5:23</p> <p>appropriate (1) 6:23</p> <p>approval (3) 10:12;11:19;14:4</p> <p>approvals (1) 7:22</p> <p>approves (1) 13:15</p> <p>approximately (2) 10:11;11:18</p> <p>areas (1) 5:12</p> <p>assessment (1) 8:6</p> <p>assignment (1) 5:2</p> <p>association (1) 5:20</p> <p>assume (1) 5:3</p> <p>attempt (1) 7:15</p> <p>attend (2) 4:13;5:22</p> <p>attorney (1) 9:1</p> <p>available (2) 7:8;9:23</p> <p>avoid (1) 8:9</p> <p>awaiting (1) 12:23</p> <p>aye (3) 13:10,10;14:12</p>	<p>back (1) 8:10</p> <p>backfill (1) 11:13</p> <p>background (1) 12:10</p> <p>Bailey (2) 3:6,7</p> <p>bailout (1) 8:9</p> <p>balance (1) 7:14</p> <p>Based (1) 12:9</p> <p>basically (1) 13:22</p> <p>beginning (2) 4:17;10:10</p> <p>behalf (3) 8:15;9:4,24</p> <p>benefit (1) 9:20</p> <p>Benefits (10) 3:4;6:6;9:5,6,7,10, 13,15,23;13:3</p> <p>best (2) 5:13;7:8</p> <p>bit (1) 5:3</p> <p>Board (31) 3:4;4:6,13;5:3,6,7, 8,11,11;6:4,10,12,19; 7:6,17;8:3,4,11,15, 22,22;9:2,4,5,11,19; 10:1,16;11:11,22; 13:19</p> <p>body (3) 7:9,17;8:12</p> <p>Boston (1) 12:4</p> <p>both (3) 5:6;7:20;13:19</p> <p>branch (2) 7:16;8:7</p> <p>branches (2) 6:4;8:15</p> <p>Brandee (2) 8:23;9:1</p> <p>briefly (1) 5:1</p> <p>broad (1) 6:13</p>	<p>candidate (1) 6:22</p> <p>candidates (1) 7:7</p> <p>care (1) 8:10</p> <p>Carson (1) 8:18</p> <p>Chair (9) 4:22;6:10,16;8:14, 24;10:3,19;11:21; 12:5</p> <p>CHAIRMAN (20) 3:3,15,24;5:17; 8:17,21;10:6,23;11:9, 16;12:1,20,23;13:4,8, 12;14:2,10,12,14</p> <p>chairperson (1) 4:9</p> <p>challenges (1) 13:21</p> <p>change (1) 5:6</p> <p>changes (3) 5:11;7:14;8:1</p> <p>charge (1) 13:24</p> <p>check (1) 7:24</p> <p>choose (1) 7:7</p> <p>Christine (1) 3:22</p> <p>citizens (1) 6:18</p> <p>City (1) 8:18</p> <p>Coalition (1) 6:1</p> <p>comment (15) 4:2,2,11,15,16,19; 5:1,5;8:18,18,20; 11:5,22;12:24;14:6</p> <p>comments (5) 4:5,8,10,12,14</p> <p>Commission (1) 6:17</p> <p>Committee (1) 7:23</p> <p>communication (1) 7:2</p> <p>concluded (1) 14:16</p> <p>condolences (1) 5:4</p> <p>conduct (1) 7:9</p> <p>conducted (1) 10:14</p> <p>congratulate (2) 5:2;6:15</p> <p>Congratulations (2)</p>	<p>consideration (1) 4:12</p> <p>consist (1) 10:22</p> <p>continue (1) 12:17</p> <p>continuity (1) 5:10</p> <p>copy (1) 12:21</p> <p>corroboration (1) 7:20</p> <p>counsel (2) 7:11;9:2</p> <p>course (2) 7:13;12:1</p> <p>current (3) 9:5;10:11;11:13</p> <p>currently (2) 9:9;11:8</p>
		C		D
		<p>call (2) 3:3,5</p> <p>can (2) 7:11,11</p> <p>Cancer (1)</p>		<p>DAG (1) 10:24</p> <p>Damon (4) 5:24;6:8;10:11; 12:14</p> <p>Dana-Farber (1) 12:3</p> <p>date (1) 10:10</p> <p>David (1) 3:19</p> <p>DECEMBER (1) 3:1</p> <p>decide (1) 12:18</p> <p>defer (1) 11:9</p> <p>dental (1) 9:13</p> <p>dependants (2) 9:12,16</p> <p>deputy (1) 9:1</p> <p>deserves (1) 7:6</p> <p>details (1) 6:8</p> <p>detriment (1) 9:20</p> <p>direct (1) 7:16</p> <p>directly (1) 9:23</p> <p>director (4) 5:9,16;11:14;13:3</p> <p>disclosure (4) 9:4,16,24;10:4</p> <p>disclosures (1) 8:22</p>

<p>discretion (1) 4:9</p> <p>discuss (2) 6:2;10:20</p> <p>discussion (6) 6:6;10:7,18;11:2,16;13:9</p> <p>Don (1) 3:6</p> <p>done (1) 7:11</p> <p>Due (1) 12:2</p> <p>during (3) 4:2,7;7:2</p>	<p>6:7</p> <p>everyone (1) 14:15</p> <p>excess (1) 7:23</p> <p>excited (1) 13:23</p> <p>excused (3) 3:16,19,22</p> <p>executive (15) 5:9,15;6:4,23;7:6,16,20;8:7,14;10:9,11;11:6,18;12:8;13:16</p> <p>existing (1) 11:6</p> <p>expenditures (1) 7:22</p> <p>experience (4) 5:10,15;6:13;12:11</p> <p>extend (1) 4:14</p> <p>extensive (2) 5:9,15</p>	<p style="text-align: center;">G</p> <p>general (2) 9:2,24</p> <p>goals (1) 7:21</p> <p>Good (4) 4:21,22;5:18;6:8</p> <p>government (1) 6:13</p> <p>Governor (1) 6:16</p> <p>governor's (5) 10:12;11:19;13:15;14:3,4</p> <p>gratified (1) 5:3</p> <p>great (1) 6:17</p> <p>greater (1) 9:20</p>	<p>Institute (1) 12:4</p> <p>institutions (1) 5:21</p> <p>insurance (2) 8:10;9:13</p> <p>intend (1) 4:9</p> <p>intended (1) 8:8</p> <p>interactions (1) 12:9</p> <p>interest (1) 5:13</p> <p>interim (13) 6:23,24;7:23;8:14;10:9;11:5,14,18;12:8,17;13:3,15,24</p> <p>internal (1) 6:22</p> <p>internally (1) 10:14</p> <p>invite (1) 10:4</p> <p>issues (1) 6:2</p> <p>Item (8) 4:1,3,4,5,12;8:22;10:7;14:5</p> <p>items (4) 8:23;9:19,22;10:2</p>	<p>Laura (15) 5:2;6:24;10:8,16;11:3,5,10,17;12:8,9,15,19;13:2,14,17</p> <p>law (2) 9:3,18</p> <p>lead (1) 13:24</p> <p>leadership (1) 6:12</p> <p>Leah (3) 3:12;13:1;14:11</p> <p>leave (1) 6:19</p> <p>leaves (1) 5:11</p> <p>legal (1) 7:10</p> <p>legislature (4) 6:4;7:15,21;8:7</p> <p>length (1) 11:12</p> <p>life (1) 9:13</p> <p>limit (1) 4:14</p> <p>limited (2) 4:8,11</p> <p>Linda (3) 3:8;11:21;12:5</p> <p>lines (1) 7:2</p> <p>little (1) 5:3</p> <p>LOCKARD (5) 4:22,23;6:11,24;7:4</p> <p>L-o-c-k-a-r-d (1) 4:23</p> <p>LONG (23) 3:3,14,15,24;5:17;6:10;8:17,21;9:19;10:6,23;11:9,16;12:1,20,23;13:4,8,12;14:2,10,12,14</p> <p>look (1) 6:12</p> <p>luck (1) 6:8</p> <p>LUNZ (8) 3:6,8,10,12,14,16,19,22</p>
<p style="text-align: center;">E</p> <p>easy (1) 7:8</p> <p>echo (2) 6:24;7:4</p> <p>Education (1) 9:8</p> <p>effective (2) 10:10;11:18</p> <p>eight (1) 5:20</p> <p>either (1) 14:6</p> <p>eligible (5) 9:4,6,7,9,11</p> <p>else (1) 5:13</p> <p>Employee (2) 6:1,6</p> <p>Employees (3) 4:24;6:14;8:13</p> <p>Employees' (2) 3:4;13:3</p> <p>enacted (1) 7:22</p> <p>end (1) 12:12</p> <p>endeavors (1) 6:9</p> <p>engage (1) 6:6</p> <p>engagements (1) 6:1</p> <p>enthusiasm (1) 6:5</p> <p>entirely (2) 6:7,23</p> <p>Ervin (2) 5:18,18</p> <p>E-r-v-i-n (1) 5:19</p> <p>especially (1) 8:1</p> <p>establish (1) 5:8</p> <p>even (1)</p>	<p style="text-align: center;">F</p> <p>facts (1) 6:7</p> <p>Faculty (2) 5:19,20</p> <p>favor (5) 13:9,10,11;14:12,13</p> <p>few (3) 13:22,23,24</p> <p>figures (1) 6:7</p> <p>fill (1) 11:14</p> <p>Finally (1) 7:13</p> <p>Finance (1) 7:23</p> <p>financial (1) 8:9</p> <p>First (1) 5:22</p> <p>following (1) 12:6</p> <p>follow-up (1) 11:4</p> <p>forward (1) 6:12</p> <p>Fox (8) 3:8,9;8:20;11:21,21;12:2,5,22</p> <p>FRIDAY (1) 3:1</p> <p>further (3) 8:18;9:18;12:24</p> <p>future (5) 4:4;6:9;7:13;11:1,11</p>	<p style="text-align: center;">H</p> <p>Hagler (6) 3:10,11;13:6,6;14:8,8</p> <p>handling (2) 11:6;12:15</p> <p>hats (1) 11:11</p> <p>Haycock (2) 5:24;10:11</p> <p>health (2) 8:10;9:13</p> <p>Hearing (1) 14:16</p> <p>help (1) 6:3</p> <p>Higher (1) 9:8</p> <p>holds (1) 11:8</p> <p>hope (1) 7:2</p>	<p style="text-align: center;">J</p> <p>January (2) 10:12;11:19</p> <p>Jet (2) 3:16;11:22</p> <p>Jet's (1) 12:12</p> <p>John (3) 3:17;6:15,18</p> <p>join (1) 12:4</p>	<p style="text-align: center;">K</p> <p>keep (1) 4:10</p> <p>Kent (1) 5:18</p> <p>kind (1) 13:19</p> <p>knowledge (1) 12:9</p>
		<p style="text-align: center;">I</p> <p>included (1) 4:4</p> <p>incredible (1) 5:6</p> <p>independent (3) 7:17;8:6,12</p> <p>independently (1) 7:24</p> <p>individually (1) 8:5</p> <p>individuals (1) 5:14</p> <p>information (1) 6:3</p>	<p style="text-align: center;">L</p> <p>Lamborn (6) 3:12,13;13:1,1;14:11,11</p> <p>landscape (1) 8:2</p>	<p style="text-align: center;">M</p> <p>makes (1) 12:16</p> <p>making (2) 4:16;9:3</p> <p>management (2) 6:14;7:16</p> <p>manages (1) 7:17</p>

<p>Mandy (3) 3:10;13:6;14:8 manner (2) 8:1,12 Marlene (2) 4:23;6:24 matter (2) 4:3,4 matters (1) 9:14 may (11) 4:3,5,8,14,15;5:14; 9:8,9,12,16;11:22 meaning (1) 8:4 means (1) 9:12 medical (1) 12:3 meet (1) 10:17 meeting (10) 3:3;4:7,13;5:23; 7:9;8:23;11:12;12:4, 7;14:3 MEMBER (19) 3:7,9,11,13,18,21; 8:20;10:4,19;11:4,15, 21,22;12:2,22;13:1,6; 14:8,11 members (12) 5:7;6:4;8:5;9:4,5, 11,14,19,21,23;10:1; 13:19 mentioned (2) 6:11;7:14 minimum (1) 10:17 minutes (2) 4:8,10 miss (1) 6:20 Mitchell (2) 3:16;11:22 months (2) 13:22,24 Mooneyhan (3) 8:23,24;9:1 morning (3) 4:21,22;5:18 Most (1) 9:5 motion (12) 11:17,20;12:24; 13:2,4,7,8,11,12; 14:7,9,13 move (1) 7:15 Moving (4) 4:1;8:21;10:7;14:5 much (3) 5:16;8:16;13:18 must (1)</p>	<p>7:19</p>	<p>3:4 out (4) 5:13;7:7;12:14; 14:2 own (2) 7:18;12:13</p>	<p>6:8;7:17;8:6 position (4) 5:15;11:5,14;12:18 possible (1) 10:8 preclude (1) 9:18 present (1) 12:6 previous (1) 5:22 previously-scheduled (1) 12:2 probably (1) 7:10 proceed (1) 4:21 process (4) 5:8;7:12,22;10:22 professor (1) 9:8 Program (7) 3:4;6:6,21;7:8; 8:10;9:12;13:3 Protection (1) 6:17 provide (2) 6:3;12:20 Public (13) 3:4;4:1,2,5,15,16, 19,24;6:1;7:9;8:13; 13:3;14:5 Pursuant (1) 9:3 put (1) 5:23</p>	<p>9:10 recently (1) 5:11 recommendation (1) 10:16 record (9) 4:17;5:23;9:1; 10:20;11:21;12:21; 13:1,7,17 recruit (1) 12:17 recruitment (3) 10:13;11:12,13 reengage (1) 8:5 referring (1) 7:16 regard (1) 10:5 regarding (2) 10:8;11:2 regional (1) 7:5 regret (1) 6:19 related (1) 9:22 relevant (1) 4:12 repeat (1) 8:9 representing (2) 4:23;5:19 requested (1) 12:5 required (1) 11:10 requirements (1) 9:16 reserves (1) 7:23 resignation (1) 10:10 resource (1) 6:13 responsibilities (2) 11:7;12:16 resuming (1) 8:5 Retired (2) 4:24;5:7 reviewed (1) 10:15 Rich (11) 5:2;6:24;10:8,16; 11:3,5,17;12:8;13:2, 17,17 role (2) 12:11,19 roll (1) 3:5 RPEN (1) 5:7</p>	
	<p>N</p>	<p>name (4) 4:17,22;5:18;9:1 national (3) 5:14;7:5;10:20 necessary (1) 11:13 need (3) 4:16;7:5;8:5 needs (1) 8:6 Nevada (5) 4:24;5:19;6:18;9:3, 8 Nevertheless (1) 7:19 new (3) 5:2;6:16;7:21 next (3) 13:22,23,24 nice (1) 13:19 None (2) 9:22;14:7 north (2) 4:20;14:6 note (2) 9:14,18 NRS (1) 9:17 NSHE (1) 5:20 Number (4) 4:1;5:12;8:22;10:7</p>	<p>P</p>	<p>Packham (3) 3:17,18;6:15 part (1) 8:9 participants (3) 6:20;8:16;10:1 Partners (1) 6:1 passes (1) 13:12 past (1) 4:14 path (1) 13:22 Patient (1) 6:17 pave (1) 13:22 PEBP (28) 4:15;5:7,10,24;6:2, 11,14,19,20;7:13,15, 19,24;8:22;9:5,7,9, 10,14,14,23;10:1,9, 14;11:9,18;12:8; 13:21 PEBP's (1) 10:10 per (1) 4:8 perform (1) 12:11 period (1) 7:3 periods (1) 4:11 permanent (2) 5:9;12:18 person (2) 4:9;7:8 personally (1) 6:5 persons (3) 4:13,13,16 Peter (2) 3:14;6:10 please (3) 3:5;4:21;13:10 pleasure (1) 7:1 pledge (1) 8:13 point (3) 6:11;8:3;11:10 policy (3)</p>	<p>Q</p>
	<p>O</p>	<p>offer (1) 9:24 office (2) 13:15;14:3 officer (10) 6:23;7:6;8:14;10:9, 11;11:6,7,18;12:8; 13:16 official (1) 8:4 oOo- (1) 3:2 open (4) 7:2,5,9;10:17 operate (1) 7:1 operations (1) 11:7 opportunity (3) 6:17;13:18,23 Opposed (1) 13:12 order (1)</p>	<p>Q</p>	<p>qualifications (2) 10:17;12:10 quorum (1) 3:23</p>	<p>R</p>
			<p>raised (1) 4:3 reach (1) 14:2 react (1) 8:1 read (4) 11:22,23;12:5,21 really (1) 8:11 reason (1) 12:15 receive (1) 9:13 received (1) 10:15 receiving (1)</p>		

rules (1) 7:9	strong (1) 7:2	4:3,6,12;7:15;9:17	
S	subcommittee (1) 10:21	undergoing (1) 12:3	1
search (4) 5:9,14;7:5;10:21	subject (2) 10:12;11:19	unless (1) 4:4	1990s (1) 8:11
searches (1) 7:10	submit (1) 4:15	up (2) 8:11;10:18	1st (2) 10:12;11:19
second (5) 13:5,7,9;14:10,11	suited (1) 12:11	upon (1) 10:10	2
Seeing (1) 14:7	support (4) 6:24;12:8,18;13:18	using (1) 6:12	2 (1) 4:1
seek (1) 14:3	sure (1) 5:4	V	20 (1) 3:1
sense (1) 12:16	sweeping (1) 5:6	Verducci (8) 3:20,21;9:6;10:19, 19,23;11:4,15	2017 (1) 7:15
serious (1) 7:23	System (1) 9:8	Vice (1) 12:5	2019 (2) 3:1;7:22
serve (1) 6:18	T	vote (4) 9:14;12:7;13:11; 14:13	2020 (2) 10:12;11:19
service (3) 5:10,24;10:9	talk (1) 7:10	voting (2) 9:19;10:2	281A420 (1) 9:17
set (1) 8:11	testimony (1) 4:18	vulnerable (1) 5:12	3
shall (1) 4:11	testing (1) 12:3	W	3 (1) 8:22
similarly-situated (1) 9:21	three (2) 4:8,10	waiting (1) 11:14	4
Sisolak (1) 6:16	three-minute (1) 4:14	way (1) 8:10	4 (1) 10:7
Smith (1) 3:19	timeline (1) 10:22	wear (1) 11:10	5
soon (1) 13:14	timely (1) 8:1	welcome (1) 6:10	5 (1) 14:5
south (3) 8:19,20;14:6	today (4) 10:16;11:23;12:3; 14:3	whose (1) 4:14	9
specific (2) 10:14;11:2	Today's (3) 6:22;9:22;10:2	willingness (1) 6:2	9:00 (1) 3:1
Specifically (1) 9:6	Tom (2) 3:20;10:19	words (1) 13:19	9:20 (1) 14:16
spell (1) 4:17	took (1) 11:5	work (4) 7:12,19;8:14;10:21	
spouses (2) 9:12,15	trigger (1) 9:16	writing (1) 4:15	
staff (5) 5:7;7:18;10:14; 11:9;12:21	turning (2) 6:11;8:3	written (1) 8:8	
stakeholders (1) 8:6	two (2) 4:10;11:10	Y	
state (5) 4:16;6:6,13,14; 7:19	type (1) 11:12	years (2) 5:24;13:23	
statement (3) 11:24;12:12,21	U	yesterday (1) 6:16	
statewide (1) 5:20	unable (5) 4:13;5:22;11:23; 12:4,7	Z	
statute (1) 8:8	unanimously (3) 13:11,13;14:13	Zack (2) 3:22;9:7	
steady (1) 6:20	unclassified (1) 10:9		
still (2) 9:24;12:23	under (5)		