

STATE OF NEVADA
BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Administrative Procedures Oversight Committee Meeting
Held virtually (via Zoom) at 2:00pm, Thursday, March 30, 2023

Committee members participating were committee chair Angelo Spata, PE; Brent Wright, PE/SE; Lynnette Russell, PE and Thomas Matter, public member. Also joining were Patty Mamola, Executive Director; Murray Blaney, Operations/Compliance; Michael Kidd, PLS and Board Chair.

1. Meeting conducted by Committee Chair Angelo Spata, call to order and roll call to determine presence of quorum. Committee members: Thomas Matter, Brent Wright, Lynnette Russell.

It was determined a quorum was present.

2. Public Comment Period.

There was no public comment.

3. Approval of November 8, 2022, Administrative Procedures Oversight Committee meeting minutes.

APOC 23-1 A motion was made by Ms Russell, seconded by Mr Wright to approve the November 8, 2022, APOC meeting minutes. The motion passed.

4. Consider purchasing office artwork.

Ms Mamola reviewed the agenda item. She said the artwork is in the Reno office and has been part of a program to support Nevada artists where we pay a twice-yearly fee of \$600 and work by local artists is rotated in and out. Ms Mamola said the artwork being considered for purchase (10 pieces) is the current abstract artwork in the office – which works well with the office and boardroom décor – and the purchase amount reflects a credit of the amount paid “renting” the specific pieces to date.

APOC 23-2 A motion was made by Mr Wright, seconded by Ms Russell to recommend to the board the approval of the artwork purchase. The motion passed.

5. Consider the executive director work performance and salary.

Mr Spata said this agenda item is the annual review of the ED’s work performance and consideration of salary. He asked for guidance on how this process typically works.

Ms Mamola said APOC considers the performance evaluation of the director and makes recommendations on salary adjustments to the board, and the full board then considers the review and any recommendations from APOC and then votes.

Mr Spata asked Mr Kidd as board chair for his input.

Mr Kidd said he has not yet added his input to the review but had some comments on what he would like to see included in the evaluation. He said it would be beneficial to include metrics related to the efficiency gains in the licensure process, and data points about the overall productivity of the board functions. Mr Kidd added review should also acknowledge Ms Mamola's role in establishing pathways for board members to participate on national committees, and her guidance once board members are serving.

Mr Spata said he agreed. And added with the suggestion of additional edits to the review, we should get input now from members of the committee on the call now. Mr Kidd agreed.

Mr Spata said the number of regulations that have been reviewed and amended to date and the effort and now being undertaken in the second major regulations update. The board functions have been significantly streamlined over the past five years under Patty's leadership. He said he only had positive things to say about the leadership and commitment of the ED. Mr Spata said when it comes to areas of improvement, he struggled to identify any.

Ms Russell said she echoed the comments of others that had spoken and agreed that adding supporting statistics to the evaluation would be a good thing. She said as a new board member, Ms Mamola has provided a lot of clarification and guidance in her first term with the board. Ms Russell added that she couldn't come up with any items or opportunities for improvements.

Mr Wright said he has been impressed with everything that Ms Mamola has done and that all interactions with her have been very professional. He added that he too could not identify any areas that needed improvement.

Mr Matter said he didn't just view Ms Mamola as an ED but more as a mentor. Having the experience as a past board member and board chair, her guidance with best practices and her knowledge of statutes and regulations are of great benefit to us as board members. He added that he couldn't identify an area for development.

Mr Spata said in addition to supporting data to the review, as supervisor, getting feedback from staff could be valuable. He suggested that Mr Kidd connect with board staff regarding any areas for self-development that would round out Ms Mamola's review. Mr Kidd agreed. Mr Spata added that committee should schedule another meeting to reconsider the evaluation when it is complete following the recommendations made today.

Ms Mamola said she would poll members for their availability before the May 11, 2023 full board meeting. (ACTION Item)

Mr Spata said guidance or recommendation for salary should also be part of the next meeting.

Mr Kidd said he is attending the meeting in an interest only capacity not as a voting member, but he did recall Ms Mamola did receive a good bump at the last annual review and understood that there were limitations on the upper level of the salary range that are set out in statute.

Ms Mamola said that was correct. Statute dictates that her salary cannot exceed 95% of what the

governor is paid. She said the latest reports have the governor's remuneration, including the PERS contribution as \$208k, with the salary portion being \$194k. Ms Mamola said the last approved salary range approved by the board was based on a salary study compiled in 2017 – which hasn't been updated since. She said an updated study had been on the to do list but was bumped in priority by the Governor's Executive Orders.

Mr Kidd, recalling a discussion from the previous year's performance evaluation, asked Mr Wright for his thoughts relating to salary adjustments for performance.

Mr Wright said understanding the salary is important and we don't want to moving beyond the range. But whatever the range is, there's no question in my mind that Patty is the best of the best at what she does, and her compensation should reflect that. He added we just need to find out what the range is, where the top of that range is, and that's where Ms Mamola ought to be.

Mr Spata asked if Ms Mamola could pull the existing salary study and range for consideration at the next APOC meeting. (ACTION Item)

6. Consider proposed budget for fiscal year July 1, 2023, to June 30, 2024.

Mr Spata said the proposed budget has been included in the meeting materials for review and discussion. He asked Ms Mamola to review the areas highlighted in the attached narrative.

Ms Mamola reviewed the narrative included in the committee packet to highlight the significant changes to the proposed budget.

- propose the comity application fee of \$125 include the applicant's initial license fee which is pro-rated

- propose increase in staff salaries and retaining an additional staff member to allow current staff time to focus on deferred items in the NVBPELS Business Plan

- outline of deferred expenses and the budgeted amounts to each item

Ms Mamola asked committee members if they had questions.

Mr Spata asked if the inclusion of the first pro-rated licensing fee had been previously approved by the board.

Ms Mamola said it had not. She said it was proposed as an item to be discussed by this committee as an avenue to stem the board's revenue gains. The reserve fund levels are above the levels recommended by the LCB. She added it is an item that would need further discussion and ultimate approval by the full board.

Mr Spata requested that the item be deferred to the next scheduled APOC meeting and be listed as a specific agenda item. (ACTION Item)

Mr Spata asked Ms Mamola to expand on detail related to the proposed increase in salaries and the deferred expense item that include salary for staff realignment.

Ms Mamola said although we have one budget (the budget for our everyday operating), we outline the areas that we see as deferred costs – items that are outlined as such in the board’s business plan. With that, we assign a salary and burden dollar figure for staff that are working on those items and show it separate from salary related to our operational budget. She added that the amount was approved by APOC and the board last year, but we haven’t been able to free up any significant time to address the deferred items yet. Relating to the proposed increase in salary relating to the operation, we would like room to bring on additional staff in the next financial year. Our compliance investigator indicated that he would be available for 2 – 3 years when we brought him onboard two year’s ago. We are coming up on 2 years and would like to have a transition plan in place. We would be looking for a candidate to come in at a high level and be able to deliver in technical investigations and help drive continuing education programs for licensees. She added that the working title of the position would be director of professional standards or something similar.

Mr Spata asked if the labor burden related to the operational salary would increase relative to the salary amount increase.

Ms Mamola said based on amount shown year-to-date in the current budget(2/3 through the FY), the proposed burden would likely be adequate (we are currently under budget for this FY with the current staffing levels) and no burden increase would need to be budgeted.

A discussion ensued about the cash balance reserves and timeline projections for bringing the balance in alignment with directives from the LCB.

Mr Wright suggested that options be explored that could be of some tangible benefit to existing licensees to accelerate the reduction of the reserve.

Mr Spata recommended a thorough evaluation be made for consideration by APOC. He said running analysis of various options would help in the discussion of determining what action to take. (ACTION Item)

Ms Mamola said with further discussion needed relating to reserves, the proposed inclusion of the pro-rated license fee would be removed for the draft budget. She said a revised draft would be presented at the next scheduled APOC meeting. (ACTION Item)

7. Consider staff and committee action items.

There were no outstanding items to review.

8. Open discussion of items related to Administrative Procedures Oversight Committee.

There were no items put forward by the committee.

9. Public Comment Period.

There was no public comment.

10. Adjourn.

Mr Spata thanked the committee for their participation and adjourned the meeting at 2:49pm.

Respectfully,

Patty Mamola
Executive Director