

	<b>Minutes</b>		
	<b>Nevada Commission On Homeland Security Finance Committee Meeting</b>		
<b>Attendance</b>	<b>Date</b>	September 16, 2019	
	<b>Time</b>	10:30 a.m.	
	<b>Northern Location</b>	<b>Legislative Counsel Bureau</b>	
		<b>Legislative Building – Room 2135</b>	
		401 S. Carson Street Carson City, Nevada 89701	
	<b>Southern Location</b>	<b>Legislative Counsel Bureau</b>	
		<b>Grant Sawyer Building – Room 4401</b>	
		555 E. Washington Avenue Las Vegas, Nevada 89101	
	<b>Method</b>	Video-Teleconference	
<b>Recorder</b>	Karen Hall		
<b>Committee Members</b>	<b>Present</b>	<b>Legislative &amp; Ex-Officio Members, Staff, And Others</b>	<b>Present</b>
Joseph Lombardo - Chair	X	Justin Luna	X
Greg Herrera – Vice Chair	X	Samantha Ladich	X
Michael Brown	Abs		
Christopher Lake	Abs	Karen Hall - DEM	X
Carolyn Levering	X	Meagan Werth-Ranson - DEM	X
Erin Lynch	X	Kendall Herzer – DEM	X
Stan Smith	X		
Bill Welch	Abs		

**1. Call to Order and Roll Call**

Chair, Sheriff Joseph Lombardo, Las Vegas Metropolitan Police Department, called the meeting to order. Karen Hall, Division of Emergency Management and Homeland Security (DEM/HS) performed roll call. Quorum was established for the meeting.

**2. Public Comment**

Chair Lombardo opened discussion for public comment. No comment was presented in either the Carson City or Las Vegas venue.

**3. Approval of Minutes**

Chair Lombardo called for a motion to approve the draft minutes as presented from the July 10, 2019, Finance Committee (Committee) meeting. Carolyn Levering, City of Las Vegas, motioned to approve the minutes as presented with no changes, and Chief Deputy Greg Herrera, Washoe County Sheriff’s Office, seconded the motion. No discussion was provided on the motion by the Committee, and all members were in favor of the motion with no opposition. Motion passed unanimously.

**4. Discussion on the Development of Strategic Capacities to be Maintained for the Federal Fiscal Year (FFY) Homeland Security Grant Program (HSGP).**

Chair Lombardo opened discussion on the development of strategic capacities for maintenance in the FFY20 HSGP process. Ms. Levering spoke to this agenda item as a carryover from last year where the Nevada Commission on Homeland Security (NCHS) designated recurring investments categorized as strategic capacities that were recommended to be maintained and vetted by the Urban Area Working Group (UAWG) and the Nevada Resilience Advisory Committee (NRAC). Other projects outside of the strategic capacities would be considered during the rank prioritization process and reviewed by both the UAWG and the NRAC as appropriate. Today, the Committee is determining whether it wants to retain what was proposed last year in the way of strategic capacities to be maintained, or to consider changes to the strategic capacities for the FFY20 process. Chief Justin Luna, DEM/HS, thanked Ms. Levering for her overview, and based on the previous Committee meeting, it was his understanding that the Committee wanted a more involved role in looking at the strategic capacities to be maintained for FFY20. This agenda item is an attempt to review the strategic capacities approved during the FFY19 HSGP process. HSGP financial information within the member packets are provided for reference for FFY16 through FFY18 HSGP expenditure status.

Chair Lombardo asked for clarification on the priorities that drive the HSGP process, the NRAC's recommendations on what should be funded for the year, and the subsequent perceived "rubber stamp" of the Committee on such recommendations. Ms. Levering spoke to some of the sentiment she was aware of regarding the perception of the Committee as a rubber stamp for the UAWG and the NRAC (formerly the Homeland Security Working Group) recommendations, and the challenges which may have led to that perception including the tight timeframe of when such recommendations are presented to the Committee during the process, making any change difficult. Chair Lombardo asked for clarification by Ms. Levering if she was aware of who brought forward the strategic capacities to be maintained, with Ms. Levering indicating her belief that it was the former Chief Caleb Cage, State Administrative Agent (SAA), and current Deputy Chief John Steinbeck, Urban Area Administrator (UAA), that collaborated on this initiative and presented strategic capacity recommendations to the UAWG and the NRAC. Ms. Levering indicated that she did not believe that the Committee had any input into that process previously; however, she did indicate that she may have missed that in meetings she was unable to attend. The strategic capacities were announced at the start of the FFY19 HSGP process. Chair Lombardo indicated that this agenda item allows the Committee to determine whether to forward the identified strategic capacities to be maintained to the NRAC, and Ms. Levering indicated that this is an opportunity for the Committee to have input into what gets forwarded for consideration. Discussion ensued on the prioritization of strategic capacities, and who would be responsible for prioritizing the capacities. Ms. Levering stated her understanding is that it would depend on what projects were received, and then subsequent vetting and rank prioritization by the UAWG and the NRAC. As far as this agenda item is concerned, the Committee would be approving the recommendations for strategic capacities to be maintained for the FFY20 HSGP process. Chief Luna said the intent was to allow the Committee to weigh in on the strategic capacities to be maintained, and have input into that process moving into the FFY20 HSGP process.

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Chief Deputy Herrera inquired if the Committee's input would still end up being vetted by the NRAC, with Chief Luna indicating that is the current process. Erin Lynch, Nevada Department of Health and Human Services, indicated that she does not have any issue with the strategic capacities provided, but presented concern as to whether the "recommended to be maintained" terminology would be problematic in controlling what projects are approved; specifically the building of capacity would cost more money versus the maintenance of a capacity. Referencing the financial handouts provided, Ms. Lynch spoke to numerous projects with significant balances, and she was unsure whether those projects reflected maintenance of capacity or whether they were for new projects.

Chief Luna spoke to FFY19 being the first year that strategic capacities to be maintained was introduced into the HSGP process formally. FFY16 HSGP expenditures are nearing close-out, and an extension has been requested to finalize some of the remaining projects. FFY17 HSGP's performance period expires in August of 2020, which is why the spend-down appears slow, and FFY18's HSGP performance period expires in August of 2021 and many of those projects are just getting started. During the FFY19 HSGP process, many projects were submitted as sustainment projects, and supplementary projects were submitted as enhancement projects and considered separately in the rank prioritization process. Ms. Levering spoke to Ms. Lynch's concern on being able to tell if projects were sustaining in nature versus building new capacity. Noting the repetitive nature of many of the projects displayed in the financial handouts, Ms. Levering spoke to many capacities being built and maintained over the course of several years as to not lose ground. In the FFY19 HSGP process, when the SAA and UAA determined what strategic capacities to be maintained were, the intent was to maintain existing capacity when funding is uncertain. Noting when the Urban Area received no funding in 2013, Ms. Levering spoke to some of those capacities having to be rebuilt as a result over the past several years, and the challenges which ensued in having funding left over to put toward innovative capacities. The goal in the end is to maintain, enhance, and be innovative in support of building strategic capacity. Ms. Levering spoke to several capacities that were missing from the SAA and UAA recommendations in the FFY19 HSGP process to include Metropolitan Medical Response Systems (MMRS) and the Las Vegas Fire and Rescue (LVFR) hazardous materials (hazmat) capacity. Ms. Levering indicated that the LVFR hazmat team is the only Type 1 team in southern Nevada, and explanations given to her as to why this was not included as a strategic capacity included that if hazmat was opened up statewide as a strategic capacity, existing projects may not receive the funding they require. Ms. Levering feels strongly that this should have been included within the strategic capacities to be maintained. And this year, under this agenda item, the Committee is being given the opportunity to provide feedback on what should be considered moving forward. Ms. Lynch thanked Ms. Levering for her overview of the process, and then asked about the performance period of the HSGP grants. Per Chief Luna, typically the performance period is three years, and DEM/HS puts forth a two-year performance period for projects with additional time for extensions if necessary.

Chair Lombardo referenced the nine strategic capacities to be maintained on the handout provided, and indicated that he would like to see any resultant motion include MMRS and LVFR hazmat. Ms. Lynch emphasized that she would like to ensure that enhancements are not included with the "maintenance" of strategic capacity. Chair Lombardo spoke to his concerns with cybersecurity presented as a strategic capacity when nearly every entity that participates in the HSGP process has an ad-hoc idea to address cyber-related issues.

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There have been funding issues with these types of projects in the past, and Chair Lombardo indicated he did not know the full need of the rural communities with regards to cybersecurity capacity. Chair Lombardo added that he would like to see cybersecurity evaluated by the NRAC as a prioritized necessity. Chief Luna spoke to the MMRS concern last year, and that it should have been included. Chief Luna inquired if there was an area that MMRS could fit in within the existing strategic capacities to be maintained or whether it required a separate category on its own. Ms. Levering spoke to having an Operational Coordination category in the past that MMRS fit into, but because that category appears to be a “catch-all” for many project submissions, that may be the reason that Operational Coordination was not considered a strategic capacity on its own last year. Ms. Levering indicated that perhaps MMRS could fit under the Planning strategic capacity category; however, this is usually reserved for personnel or software. Chief Luna agreed that it may be able to be placed under Planning, and as for the LVFR hazmat project, it was his understanding that there was concern adding hazmat as a strategic capacity due to the potential number of projects that could come in which may take away funding for existing needs. Due to the limited funding and need to maintain capacity, there needs to be a balance as to how much is added into the strategic capacities to be maintained versus what is left for enhancement projects. Ms. Levering expressed concern that under the Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) category, LVFR hazmat was not included last year, and she feels that it could be included there for future reference. That project comes to the table annually and has a good track record of managing funding awards. Therefore, it deserves more consideration.

Chair Lombardo paused the meeting for a moment, and upon resuming the meeting, Chief Luna inquired if Deputy Chief John Steinbeck, Clark County Fire Department and UAA, was present at the meeting in the south, as he may be able to provide additional information due to his work with former Chief Cage on this initiative. Ms. Levering indicated that Deputy Chief Steinbeck was not present, but she did reference prior communications with Deputy Chief Steinbeck regarding the LVFR hazmat project. Ms. Levering also spoke to the cybersecurity strategic capacity category, referencing past missteps with several projects, and the guidance by the NCHS in the past for cybersecurity to be a priority. Both the UAWG and the Homeland Security Working Group (HSWG), now NRAC, have worked diligently to put forth recommendations for successful cybersecurity projects, but that has proven difficult. Ms. Levering suggested that as the FY20 HSGP process unfolds, to possibly remove cybersecurity as a strategic capacity to be maintained in lieu of making cybersecurity, as a capacity, more competitive in nature.

Chair Lombardo indicated that Stan Smith, Boyd Gaming, wanted to know if any members of the public were interested in providing input into this process. Chair Lombardo opened discussion for public feedback, and none was presented. Chair Lombardo called for a motion to be developed to include the items discussed so far today. Ms. Levering motioned to accept the strategic capacities to be maintained which originated on March 26, 2019, to move forward in the FFY20 HSGP process with the recommendation to add LVFR hazmat under the CBRNE strategic capacity to be maintained, to add MMRS under the Planning strategic capacity to be maintained, and removing cybersecurity as a strategic capacity to be maintained due to this capacity’s developmental status. Chief Deputy Herrera seconded the motion. No discussion was presented on the motion, and all were in favor with no opposition. Motion passed unanimously.

## **5. Public Comment**

Chair Lombardo opened discussion for public comment. Ms. Levering spoke to the Committee historically reviewing the provision of reports on grant related expenditures, balances, deobligations, reobligations, and percentages spent, and appreciates the SAA's efforts in bringing forth that information. Ms. Levering also presented concern as a sub-recipient of HSGP funding, as well as other sub-recipients, being challenged with recent requirements put forth by the SAA expenditure thresholds addressed in Nevada Revised Statutes (NRS) 333 as it pertains to state agency purchasing as well as NRS 332, which addresses local expenditures and what the local agencies are accustomed to using. Ms. Levering indicated that NRS 333 specifically denotes that the processes contained within that statute are not to be used for local agencies; however, the SAA's office is directing locals to adhere to that statute. Ms. Levering understands that federal regulations require the enforcement of the most stringent rules applicable, and that she inquired about the question with other nationwide sub-recipients. Ms. Levering informed the Committee that this new requirement is making it difficult or nearly impossible to expend funding based on the rules established. Noting the suggestion she made to the state in taking over purchasing for the locals, which was not feasible, Ms. Levering spoke to the challenges posed regarding the Request for Proposal (RFP) and sole-sourcing requirements. Due to these concerns, it is the hope of Ms. Levering that the Committee may be able to provide clarity on this issue as the FFY20 HSGP process approaches. Ms. Levering requested more guidance on this issue, guidance that doesn't conflict with the Code of Federal Regulations (CFR), NRS, guidance that meets the needs and requirements for open and fair competitive bidding and allows for expenditures in a much more efficient manner. Chair Lombardo would like this item agendaized at the next Committee meeting, and Chief Luna indicated the request will be noted. Chief Luna also indicated that the strategic capacities to be maintained, as discussed today, would be presented at the next NRAC meeting as well as the next NCHS meeting.

Chair Lombardo presented concern on whether the recommendations from the Committee today were to be considered as binding, or whether if presented to the NRAC, the Committee's recommendations for strategic capacities to be maintained in the FFY20 HSGP process would be advisory only. Chief Luna indicated that the NRAC would take the recommendations from the Committee into consideration. Chair Lombardo indicated his concern with the NRAC being able to change the strategic capacity recommendations provided by the Committee today, and suggested that he speak with Chief Luna outside of this meeting regarding that issue.

## **6. Adjourn**

Chair Lombardo called for a motion to adjourn the meeting. A motion was presented by Ms. Levering, and a second was provided by Chief Deputy Herrera. All were in favor with no opposition. Meeting adjourned.