



## Meeting Minutes Nevada Commission on Homeland Security

<b>Attendance</b>	<b>Date</b>	October 21, 2019	
	<b>Time</b>	9:00 a.m.	
	<b>Carson City Venue</b>	<b>Legislative Counsel Bureau</b> Legislative Building – Room 3137 401 S. Carson Street Carson City, NV 89701	
	<b>Las Vegas Venue</b>	<b>Legislative Counsel Bureau</b> Grant Sawyer Building – Room 4401 555 E. Washington Avenue Las Vegas, NV 89101	
	<b>Method</b>	Video-Teleconference	
	<b>Recorder</b>	Karen Hall	
<b>Commission Members</b>	<b>Attendance Status</b>	<b>Legislative, Ex-Officio, Nonvoting Members, Staff, and Others</b>	<b>Attendance Status</b>
Governor Steve Sisolak - Chair	X	Karen Burke	X
Joseph Lombardo – Vice Chair	X	Justin Luna	X
Darin Balaam	X	Gonzalo Cordova	Abs
Gregory Cassell	X	Chris Ipsen	Abs
Lisa Christensen	X	William McCurdy II	X
Todd Fasulo	X	Shaun Rahmeyer	X
Mitch Fox	X	Aaron Rouse	X
Frank Gonzales	Abs		
Ikram Khan	X		
Kate Marshall	X	Samantha Ladich - DAG	X
William McDonald	Abs	Karen Hall – DEM/HS	X
Charles Moore	X	Kendall Herzer – DEM/HS	X
Richard Perkins	X	Meagan Werth-Ranson – DEM/HS	X
Rosemary Vassiliadis	X		
Patricia Wade	X		
Bill Welch	X		

### 1. Call to Order and Roll Call

Governor Sisolak, Chair of the Nevada Commission on Homeland Security (Commission), called the meeting to order. Karen Hall, Nevada Division of Emergency Management and Homeland Security (DEM/HS) performed roll call. Quorum was established for the meeting.

**2. Public Comment**

Governor Sisolak opened discussion for public comment in all venues. Terry Daus, Information Security Manager, City of Henderson, spoke in support of the Nevada Resilience Advisory Committee (NRAC) recommendation to maintain Cybersecurity as a Strategic Capacity to be Maintained (SCM) in the Federal Fiscal Year (FFY) 2020 Homeland Security Grant Program (HSGP) process. Mr. Daus spoke to his experience as a project manager on multiple HSGP projects to include a template created for business impact analysis that is used statewide, and another pertaining to incident response planning that multiple agencies are still using. Mr. Daus emphasized the importance of HSGP funding in Cybersecurity capability, noting his understanding of 170 cybersecurity attacks against state and local governments since 2013 having occurred in addition to 40 attacks against law enforcement agencies. Mr. Daus urged the Commission to understand the importance of maintaining the critical capability of Cybersecurity throughout the state. No other public comment was provided.

**3. Approval of Minutes**

Governor Sisolak called for a motion to amend or approve the draft minutes as presented from the August 21, 2019, Commission meeting. Dr. Ikram Khan, Quality Care Consultants, motioned to approve the draft minutes as presented. No discussion was presented on the motion. All were in favor with no opposition. Motion passed unanimously.

**4. Discussion on the Recommendations of Strategic Capacities to be Maintained for the Federal Fiscal Year (FFY) 2020 Homeland Security Grant Program (HSGP)**

Chief Justin Luna, DEM/HS and State Administrative Agent (SAA), and Deputy Chief John Steinbeck, Clark County Fire Department (CCFD) and Urban Area Administrator (UAA), presented the recommendations provided by the Commission’s Finance Committee and the NRAC on the strategic capacities to be maintained during the upcoming FFY20 HSGP process.

- Chief Luna spoke to the historical development of the SCM by Deputy Chief Steinbeck and former Chief Caleb Cage, DEM/HS, to come up with a strategic framework to guide allocation decisions for the HSGP in an effort to maintain the most impactful capacities built to date.
- Deputy Chief Steinbeck spoke to the history and strategy of developing the SCM, and the need for a strategy moving forward rather than a year to year effort to build and coordinate different funding sources to maximize and leverage results. The SCM were brought to the Commission last year, and the Commission made some adjustments and approved the SCM to be used in the FFY19 HSGP process. The HSGP process for FFY20 is now approaching, and the building of these capacities and strategy related go far beyond funding capability, but also toward coordination and resource placements. Deputy Chief Steinbeck urged the Commission to focus on the future problem that should there be a gap in funding or limited funds, what areas are considered critical and enough investment has been made that such capacity cannot be left to fall behind.

- Governor Sisolak opened discussion on any questions regarding the information provided so far, and no discussion was presented.
- Chief Luna referred the Commissioners to the historical HSGP funding information provided in the meeting packets, a programmatic narrative report on HSGP project funded within the past three years, and the inclusion of two sets of recommendations for FFY20 SCM. Chief Luna spoke to the Finance Committee's review of the SCM recommendations provided by the NRAC. That review resulted in the proposed changes noted below:
  - The addition of the Las Vegas Hazardous Materials Team program under the SCM of Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE).
  - The removal of Cybersecurity as a SCM, including the noted programs and core capabilities listed on the document. The reason for removal was presented as many of the cybersecurity projects that have been funded through the HSGP are new and strategically unproven.
  - The addition of the Metropolitan Medical Response System (MMRS) as a program under the SCM of Planning. This addition is to correct an oversight in the past year, as this program should have been included.
- Sheriff Lombardo, Las Vegas Metropolitan Police Department, and Finance Committee Chair indicated that he and Carolyn Levering, City of Las Vegas, had concern that Cybersecurity was included as a SCM. HSGP projects under this category had been poorly managed in previous years with no direction or vision. To approve a substantial amount of money in support of these Cybersecurity projects what could otherwise be allocated to other areas was troublesome. The NRAC recommendations kept cybersecurity as a SCM, and Sheriff Lombardo presented concern that the Finance Committee efforts may be perceived as a rubber stamp of the NRAC recommendation. Sheriff Lombardo indicated his preference to develop a system where the Finance Committee has more influence on the process. If there is a direction given by the Governor, Sheriff Lombardo would like to know that direction would be, and indicated that he felt the former Cyber Security Committee (CSC) had been successful in addressing this issue, and perhaps that is something that can be revisited.
- Richard Perkins, the Perkins Company, spoke to his conversations with Sheriff Lombardo regarding this matter, but presented concern that Cybersecurity seems to be the number one threat noted in threat assessments year after year. If it is such a threat, rather than stopping efforts to address the capability, perhaps efforts should be refocused on addressing the capability. Dr. Khan agreed with Mr. Perkins, noting efforts placed into that capability in the past and concern on taking away such focus as Cybersecurity is a national threat.
- Lieutenant Governor Kate Marshall inquired if Sheriff Lombardo's concerns were with the financial administration and monitoring of the cyber-specific HSGP grants separate from the fact that Cybersecurity is still seen as a threat to be addressed. Sheriff Lombardo indicated that this was the case, but his concern is the financial piece and not the need for Cybersecurity capability. Individual needs for Cybersecurity capability have been covered under Recovery in the past, but there have been cyber-specific projects that have not used the funding allocated, and those allocations of large amounts of funding is the issue in addition to the lack of individual project direction or oversight. Sheriff Lombardo spoke to a previous

HSGP grant cycle which resulted in the reallocation of over \$400,000.00 due to this type of issue. Lieutenant Governor Marshall agreed with the earlier comments made by Mr. Perkins, including that project oversight is crucial for the administration of the grant.

- Governor Sisolak agreed Cybersecurity is an important capacity and inquired if Sheriff Lombardo's suggestion is to still remove Cybersecurity as a SCM. Sheriff Lombardo indicated that his suggestion is still to remove Cybersecurity as a SCM; however, the NRAC chose to leave it as a SCM. The Commission needs to decide which direction to follow. Sheriff Lombardo felt that individual jurisdictions can manage cyber-related capacity as they see fit.
- Governor Sisolak presented concern in allocating resources that were not being used in the program. Deputy Chief Steinbeck indicated that several Cybersecurity projects in the past, except for the two projects Mr. Daus spoke to in public comment earlier, have struggled, and funding had to be returned. This compresses the timeline in being able to effectively reallocate funding. It is never the preference to give funding back to the federal government. Cybersecurity is an extreme threat for Nevada and needs to be addressed, and it is not yet a capacity that is built out such as the fusion centers, bomb squads, hazardous materials teams, or other proven concepts. Should Nevada receive less HSGP funding overall, funding Cybersecurity is a concern. Under the Finance Committee recommendations, Cybersecurity projects would still be eligible for funding competitively. SCM projects have a set rate that must be proven, and when funded, the balance of funding left goes out for competitive funding. As far as NRAC recommendations go, his understanding is that the NRAC did not recommend returning all the cybersecurity core capabilities back, but rather in the limited capacity of training due to the effectiveness of training efforts to date.
- Dr. Khan inquired on the reasons why the HSGP funding was not utilized for some of the cybersecurity projects in the past. Chief Luna indicated that he did not have specific information on those reasons, and did not wish to speculate; however, he could provide that information later. Cybersecurity has been a requirement in the HSGP guidance for the past several years, and whether the Cybersecurity SCM is included, it is highly likely that the new FFY20 HSGP guidance will more than likely require the inclusion of at least one cyber-specific project.
- Sheriff Darin Balaam, Washoe County Sheriff's Office agreed with Sheriff Lombardo that Cybersecurity projects have struggled in the past, and the individual counties appear to be doing their own cyber-specific programs; however, training is still necessary. In the area of training, this may be where the Cybersecurity capacity has faltered. Training is an area that can be maintained, and reallocating funding has proven difficult as a mechanism to acquire necessary equipment due to timelines associated with the grant performance periods.
- Lieutenant Governor Marshall spoke to concerns on not having the capacity to manage the HSGP grants in this area; specifically, to build the Cybersecurity capacity and create a proper program. By increasing the capacity, the Lieutenant Governor inquired if that action could facilitate the attainment of larger grants from the federal government in the future. States that have built out such capacity might be better positioned to receive such grants. The Lieutenant Governor also spoke to the state's Enterprise Information Technology System (EITS) amending their budget since they have requested historically large projects.

- Shaun Rahmeyer, Office of Cyber Defense Coordination (OCDC), added additional context to the discussion, and offered to assist with answering the question about the grant application assigned to the University of Nevada Reno (UNR) last year. Mr. Rahmeyer agreed with the concern presented regarding Cybersecurity, which is why he, and former Chief Caleb Cage, worked together following the HSGP cycle, the inception of NRAC and OCDC, and the dissolution of the Cyber Security Committee. There were many moving parts, and the responsibility regarding equity in Cybersecurity initiatives is what OCDC has taken on for the state. With the changes that have occurred, there were several decisions that needed to be made to create better mechanisms to earmark funding for Cybersecurity; specifically, aligning efforts towards national frameworks and training as opposed to broad requests. This effort had just begun during the last funding cycle and alleviated the potential lack of funding use. The new process also helps to articulate the Return on Investment (ROI) from these applied funds. A much better picture can now be painted on where funding is applied and utilized. Regarding the funding earmarked for UNR, the issue was that UNR broke the parameters of the federal guidelines, and for that reason, the funding was returned to the state and earmarked for other use. The Governor inquired on what the specific oversight is for determining such a violation. Chief Luna indicated that DEM/HS uses federal guidelines as an oversight mechanism, and his belief was that UNR did not intend to misuse their funding award. If specific awarded projects do not spend allocations for what could be a number of reasons (project is under budget, funding is not spent, etc.), a deobligation process is in place to reallocate funding and extensions may also be available to assist in expending the maximum amount of grant funding received.
- Sheriff Lombardo asked Mr. Rahmeyer if his position or agency will help to address the Cybersecurity funding issue. Mr. Rahmeyer spoke to his agency's legislative mandate to provide statewide direction in Cybersecurity and the identification of areas pertaining to strategic investment in Cybersecurity. That is why there is equity invested in the funding mechanism. Sheriff Lombardo inquired if the OCDC establishes benchmarks for the SCM. Mr. Rahmeyer emphasized his efforts to create best practice. The Center for Internet Security identifies these areas as critical as does the National Institute for Standards and Technology (NIST). There is an extensive array of tools to improve transparency and articulate better ROI incorporating such practices into a security program.
- Dr. Khan asked if there are any consequences in reallocating funding for future use, with Sheriff Lombardo indicating that in the instance of the UNR case, that issue was addressed properly. The federal government's requirements have been met, and there isn't any negativity associated with how the funding has been handled. Sheriff Lombardo spoke to his stated conflict with the NRAC recommendation to retain cybersecurity as a SCM; however, he does not have a problem striking that position now noting the explanation of the OCDC responsibility and oversight.
- Deputy Chief Steinbeck spoke to the NRAC recommendation differences pertaining to only the training piece that was added under the SCM of Cybersecurity. Sheriff Lombardo indicated that he would support the NRAC recommendations, and that this review process is how it should work. When looking at the previous recommendations of the NRAC, and then the Finance

Committee recommendations, the Commission can make a formal decision with input from both bodies.

- Deputy Chief Steinbeck put on record that the NRAC voted to not only support the Las Vegas Hazardous Materials Team, but to also have all urban area CBRNE teams funded in the UASI. Similarly, the MMRS program is also to be funded through UASI.
- Dr. Khan indicated if approval of the current direction of discussion required a motion. Governor Sisolak called for a motion; however, Chief Luna wanted to clarify the SCM amendments:
  - On Page 2 of the NRAC recommendation document, as Deputy Chief Steinbeck mentioned, the addition of the Las Vegas Hazardous Materials Team is to be added as a UASI program under the CBRNE SCM;
  - On Page 3 of the NRAC recommendation document, the addition of training is to be added as a core capability under the Cybersecurity SCM; and
  - On the last page of the NRAC recommendations, MMRS is to be added as a UASI program under the Planning SCM.
- Chief Luna also wanted clarification if DEM/HS would be allowed to make any non-substantive changes to the recommendations once approved. The Lieutenant Governor wanted further clarification on the difference of the NRAC and Finance Committee recommendations were in addition to defining non-substantive changes. Chief Luna indicated non-substantive changes would encompass clerical changes in grammar or formatting only. That was acceptable to the Commission.
- Deputy Chief Steinbeck indicated that the recommendation from NRAC on the SCM as written right now for Cybersecurity was only the training portion, and the rest of the core capabilities listed would be struck should the Commission adopt the NRAC recommendations. The Lieutenant Governor clarified her understanding then that training would be the only choice as a core capability under the SCM of Cybersecurity. Deputy Chief Steinbeck indicated that training has the most proven track record so far. In the future, many more of these core capabilities under Cybersecurity will be maintained as proven capabilities. The Lieutenant Governor asked how the Cybersecurity capacity would be built if efforts are not engaged beyond training. Deputy Chief Steinbeck spoke to the SCM as core needs that far outweigh this recommendation today, and there are many other investments into cybersecurity outside of this process. There are multiple items that need to be addressed beyond strategic capacities and the 32 core capabilities, and they all just don't get priority funding if funding levels drop. The Lieutenant Governor inquired if Deputy Chief Steinbeck's view could, in any way, potentially impact the state's ability to receive federal grant funding moving forward to address the Cybersecurity capacity. Deputy Chief Steinbeck stated that he felt that quite to the contrary, it would be an advantage noting After Action Reports (AAR) and the complete review performed after the 1-October incident. Because of those efforts, DHS has a complete review on how funding supported that incident. Deputy Chief Steinbeck believes Nevada has shown DHS a great track record in expense of grant funding from both the state and urban area funding streams. As Nevada is a good steward of this process, that effort should

increase the ability to gain funding and should not limit competitive submissions through the traditional process annually.

- Shaun Rahmeyer spoke to the value of expenditures outside of Cybersecurity, and while training is important, the other core capabilities under this SCM are still staples in a mature framework. The OCDC is dedicated to engaging statewide efforts particularly in rural locations that don't have significant assets to address cyber threats. This support is crucial for rural areas. While the NRAC did identify training, there isn't any reason to not address the other core capability areas.
- Sheriff Lombardo motioned to approve the FFY20 SCM to include the addition of the Las Vegas Hazardous Material Team under the SCM of CBRNE, removing the striking of Cybersecurity adding just the core capability of training, and under the SCM of Planning, adding MMRS. Deputy Chief Steinbeck asked for clarification on Sheriff Lombardo's reference to the Las Vegas Hazardous Materials Team, and whether that means to use the NRAC recommendation to make that program a UASI-only program. Deputy Chief Steinbeck spoke to the NRAC recommendation that the UASI have additional capacities, and the UASI would have the ability to build all CBRNE capacity regionally if that seemed appropriate. Sheriff Lombardo amended his motion to reflect Deputy Chief Steinbeck's explanation.
- Mitch Fox, Nevada Broadcasters Association, asked for clarification on the documents being used to reference the motion presented. Sheriff Lombardo indicated that the motion was to remove the striking of Cybersecurity by the Finance Committee in its recommendation, and to reinstate it with the training core capability. It does not affect the core capabilities. Samantha Ladich, Senior Deputy Attorney General, presented concern that Commissioners understand what exactly they are voting on for this agenda item. Governor Sisolak requested that in the future, documents were labeled to help reference against the agenda. Chief Luna indicated he will ensure that occurs in the future.
- Sheriff Lombardo motioned to approve the NRAC recommendations for SCMs as written. Chief Steinbeck clarified that training is added on in addition to maintaining the rest of the core capabilities under Cybersecurity. Per Sheriff Lombardo, that is the case. All were in favor of the motion with no opposition. Motion passed unanimously.

**5. Next Steps in the Federal Fiscal Year (FFY) 2020 Homeland Security Grant Program (HSGP) Process**

Chief Justin Luna, DEM/HS, SAA, presented the Commission with the steps to be taken next in the FFY 2020 HSGP process to include updates on federal HSGP timelines and the release of the 2020 Notice of Funding Opportunity (NOFO), Metropolitan Statistical Analysis (MSA) timelines and release of Nevada's 2020 MSA ranking, meeting timelines, reporting requirements, and potential deliverables moving forward from the SAA and UAA, Finance Committee, NRAC, and the Commission. Chief Luna spoke to the information presented as tentative at this time. The determination of the SCM lays the foundation for the process, and the completion of the Threat and Hazard Identification and Risk Assessment (THIRA) and Stakeholder Preparedness Review (SPR) is expected to be complete by the end of calendar year 2019. Along with these state level assessments, the MSA rankings should be forthcoming soon, which will determine the funding allocations for statewide and urban area use. In January 2020, DEM/HS will be releasing FFY20

HSGP project proposal requirements for those interested stakeholders. Project proposals will be due to DEM/HS in February 2020 and will be reviewed by the NRAC and the Las Vegas Urban Area Working Group (UAWG). Cybersecurity-specific and Communication-specific projects will receive an extra layer of review by the Office of OCDC and the Statewide Interoperability Coordinator (SWIC) respectively. It is anticipated that the FFY20 HSGP NOFO will be announced between February and March of 2020. Once the federal funding allocations are determined, the FFY20 HSGP projects may be resubmitted again for review in March 2020 to finalize project proposals. FFY20 HSGP project proposals will be prioritized and sent to the Finance Committee for review. Chief Luna indicated that he could work with Sheriff Lombardo offline on the best process to incorporate the Finance Committee's review of project proposals earlier in the HSGP process. Typically, the Finance Committee will review the HSGP project proposals and make funding recommendations to the Commission. Most likely in April 2020, the final HSGP project recommendations will be given to the Commission, and if approved, will result in the FFY20 HSGP grant application being uploaded to the DHS for review. Upon review at the DHS level, the final award will be released, and the grant awards can be sent to subrecipients. Deputy Chief Steinbeck spoke to the UASI process, noting it follows a similar pattern with results reported up through the NRAC and the Commission as informational only. Governor Sisolak inquired if there were any additional comments, and no additional comments were provided.

**6. Public Comment**

Governor Sisolak opened public comment in all venues. No public comment was presented in any venue.

**7. Adjourn**

Governor Sisolak called for a motion to adjourn the meeting. A motion to adjourn was presented by Lieutenant Governor Kate Marshall. All were in favor with no opposition. Meeting adjourned.