



## **NEVADA LEGISLATURE'S COMMITTEE TO CONSULT WITH THE DIRECTOR** *(Nevada Revised Statutes 218E.225)*

### **SUMMARY MINUTES AND ACTION REPORT**

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The first meeting of the Nevada Legislature's Committee to Consult with the Director was held on December 15, 2011, at 3:35 p.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/76th2011/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

#### **COMMITTEE MEMBERS PRESENT IN CARSON CITY:**

Senator Mike McGinness

#### **COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Senator Mo Denis, Chair  
Senator Sheila Leslie  
Assemblyman Marcus Conklin  
Assemblyman Pete Goicoechea  
Assemblywoman Marilyn Kirkpatrick  
Assemblywoman Debbie Smith  
Assemblyman Lynn D. Stewart

#### **LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Lorne J. Malkiewich, Director  
Brenda Erdoes, Legislative Counsel  
Jeanne Peyton, Secretary

## **OPENING REMARKS**

- Chair Denis welcomed members, presenters, and the public to the first meeting of the Committee to Consult with the Director. He explained that the Committee is required by statute to consult with the director of the Legislative Counsel Bureau (LCB) concerning the: (1) general management, organization, and functioning of the LCB; and (2) necessary preparations for the legislative sessions.

Chair Denis conveyed that the Legislative Commission has delegated to this Committee the responsibility for conducting the search for a new director of the LCB. Continuing, he stated that by statute the director of the LCB is appointed by the Legislative Commission. He noted that Lorne J. Malkiewich, Director, LCB, who has worked with the LCB for 30 years and has served as the director for the past 18 years, announced that he would be retiring prior to the 2013 Session.

Concluding his remarks, Chair Denis indicated that the Committee's agenda for this meeting is to establish the procedures for selecting a new director. He clarified that the options prepared by Mr. Malkiewich ([Exhibit B](#)) are intended as a starting point and additional recommendations are encouraged by the Committee.

## **PUBLIC COMMENT**

- No one came forward under this item.

## **DISCUSSION AND ESTABLISHMENT OF PROCESS FOR SELECTING DIRECTOR OF THE LEGISLATIVE COUNSEL BUREAU**

- Lorne J. Malkiewich, Director, LCB, noted that the statutes provide the Legislative Commission the authority to select the director of the LCB. He explained that the director appoints the division chiefs with the approval of the Legislative Commission and the director and the division chiefs appoint all the remaining staff.

Mr. Malkiewich noted that one of the major decisions is to determine if a contractor should be hired to help conduct the search for the director. (Please see [Exhibit B](#).) He noted that the Committee would provide direction to the contractor in regards to the type of service it expects. He suggested that the contractor could screen the applicants and choose a number of final candidates to be interviewed by the Committee.

- Assemblyman Conklin indicated that he would be in favor of exploring the idea of hiring a contractor. He suggested including language in the Request for Proposal (RFP): (1) indicating the nature of the contract required by the Committee; and (2) requesting a list of guarantees offered by the contractor along with a breakdown of the total cost.

Responding to Assemblyman Conklin, Mr. Malkiewich indicated that the Interim Finance Committee is not involved in funding this process; however, the director has access to the Legislative Fund with the approval of the Legislative Commission for this type of cost. He further noted that depending on the cost involved, it could be possible to pay the contractor through the Director's Office budget.

- Assemblyman Conklin recommended obtaining a specialist with knowledge of people in the industry and other legislatures across the United States.

Responding to Assemblyman Conklin, Mr. Malkiewich said that some research was done prior to this meeting and there are not many local companies with specific legislative knowledge. He noted that a few entities responded that they intend to bid on the RFP. Mr. Malkiewich further indicated that it would be best to focus on companies that specialize in recruiting professional staff in general who concentrate more on government than the private sector.

Responding to Assemblyman Stewart, Mr. Malkiewich said that the Committee would have to decide what role they wanted him to play in the hiring of a new director. He further noted that he would assist the Committee by providing information to the contractor regarding what he found to be important characteristics for the director to have that could be vital when screening candidates.

- Assemblywoman Smith expressed her support of hiring a contractor, but recommended accelerating the timeline for completion of the process.

Responding to Assemblywoman Kirkpatrick regarding the most important qualifications of the director's position, Mr. Malkiewich explained that he included more information in the "Determination of Items for Inclusion in the Request for Proposals for Selection of Contractor" ([Exhibit C](#)) than may be necessary to include in the RFP; and the Committee can determine which items to include in the RFP. Mr. Malkiewich further noted that the Committee should provide the potential contractor with details of the duties it expects them to perform.

- Chair Denis added that from his prior experience, the contractor would seek input from the Committee regarding the qualifications it is looking for in a potential candidate for the director's position.
- Senator McGinness noted that he had many of the same concerns already mentioned and expressed the importance of Mr. Malkiewich's involvement in providing input to the contractor chosen.

Following discussion among Committee members and staff, it was the consensus of the Committee to prepare an RFP to hire a contractor.

- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR LESLIE MOVED TO HIRE A CONTRACTOR TO ASSIST THE COMMITTEE IN THE SEARCH FOR A NEW DIRECTOR OF THE LCB. THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART AND PASSED.

**DETERMINATION OF ITEMS FOR INCLUSION IN REQUEST FOR PROPOSALS FOR SELECTION OF CONTRACTOR (IF THIS PROCEDURE IS RECOMMENDED PURSUANT TO ITEM III.)**

- Lorne J. Malkiewich, Director LCB, indicated that LCB Legal staff would prepare the RFP with the Committee's direction. He noted that the completed RFP would be forwarded to the Committee for review and approval prior to sending it out. Mr. Malkiewich explained that the expected timeline should be part of the RFP so that anyone responding to the RFP knows what the Committee's expectations are. (Please see [Exhibit D](#).) He added that his retirement date would be no later than September 2012.

Mr. Malkiewich outlined some of the items the Committee should consider including in the RFP ([Exhibit C](#)). He also advised the Committee to review page 2 of [Exhibit C](#) (items c, d, and e), which are the qualifications and duties of the director. Mr. Malkiewich suggested that the Committee consider making changes to the director's duties at this time and may want to consider:

1. Hiring a separate division chief for the Administrative Division, to allow the director to concentrate more on long-term planning and staff development.
2. Granting the director authority over the Chief Clerk of the Assembly and the Secretary of the Senate.

Mr. Malkiewich listed some of the duties to be performed by the contractor to be considered by the Committee for inclusion in the RFP:

1. The extent of national and in-state advertising.
2. The standards to apply when reviewing applications from potential candidates.
3. Review of all applications.
4. Conduct preliminary screening of the applicants as directed by the Committee.

5. Interview the candidates in person, by phone, or by videoconference, and recommend finalists to the Committee.
6. Assist in developing interview questions.
7. Attend future meetings of the Committee.

Mr. Malkiewich noted that the cost of hiring a contractor is projected to be \$20,000 to \$50,000 dollars. He indicated that the RFP should require the contractor to include a budget and their timeline. (Please see [Exhibit C](#).) Finally, Mr. Malkiewich commented that the Committee should contemplate if the contractors selected for an interview should provide an oral presentation during a meeting of the Committee.

Discussion ensued among Committee members regarding the type of guarantees the contractor might have if the person hired did not last in the job for a specified period of time; or if the individuals chosen did not meet the qualifications identified in the RFP.

Mr. Malkiewich responded that language could be provided in the RFP allowing the contractor to offer some type of guarantee for additional services if the individual hired did not work out in the position after a time period specified by the Committee.

- The Committee APPROVED THE FOLLOWING ACTION:

ASSEMBLYWOMAN SMITH MOVED TO PROCEED WITH DRAFTING AN RFP TO HIRE A CONTRACTOR TO ASSIST THE COMMITTEE IN THE PROCESS OF HIRING A DIRECTOR OF THE LCB. THE MOTION WAS SECONDED BY ASSEMBLYMAN CONKLIN AND PASSED.

In reply to Chair Denis regarding whether comments from the Committee regarding the RFP could be processed through electronic mail, Brenda Erdoes, Legislative Counsel, Legal Division, Legislative Counsel Bureau, said members could make brief comments by electronic mail. Ms. Erdoes also noted that final approval of the RFP by the Committee could be conducted through a teleconference or videoconference, if necessary.

#### **APPROVAL OF TENTATIVE TIMELINE FOR PROCESS**

- Lorne J. Malkiewich, Director, LCB, provided a review of the tentative timeline for the process of hiring a director of the LCB ([Exhibit D](#)). He noted that one issue to keep in mind is that potential candidates for this job may include division chiefs of the LCB. Mr. Malkiewich explained that if the Legislative Commission meets in July 2012 and appoints one of the division chiefs as the new director, a division chief position would then have to be filled. However, the director could assist with the transition of the new division chief.

Committee discussion ensued regarding the timeline of the process and it was determined to request a deadline date of April 1, 2012, for completion of the process by the contractor, but also provide language in the RFP for the Committee to extend the timeline, if necessary.

- The Subcommittee **APPROVED THE FOLLOWING ACTIONS:**

SENATOR LESLIE MOVED TO PREPARE THE RFP WITH AN APRIL 1, 2012, DEADLINE FOR COMPLETION OF THE PROCESS BY THE CONTRACTOR; BUT ALSO PROVIDE LANGUAGE IN THE RFP FOR AN EXTENSION OF THE TIMELINE. THE MOTION WAS SECONDED BY ASSEMBLYMAN GOICOECHEA AND PASSED.

#### PUBLIC COMMENT

- No one came forward under this item.

## **ADJOURNMENT**

- There being no further business to come before the Committee, the meeting was adjourned at 4:40 p.m.

Respectfully submitted,

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Jeanne Peyton  
Secretary

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Lorne J. Malkiewich  
Director

APPROVED BY:

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Senator Mo Denis, Chair

Date: \_\_\_\_\_

## **LIST OF EXHIBITS**

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Lorne J. Malkiewich, Director, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a document titled “Discussion and Establishment of Process for Selecting Director of the Legislative Counsel Bureau,” submitted by Lorne J. Malkiewich, Director, LCB.

[Exhibit C](#) is a document titled “Determination of Items for Inclusion in Request for Proposals For Selection of Contractor,” submitted by Lorne J. Malkiewich, Director, LCB.

[Exhibit D](#) is a document titled “Approval of Tentative Timeline for Process,” submitted by Lorne J. Malkiewich, Director, LCB.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at [www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.