

NEVADA BOARD TO REVIEW CLAIMS

MEETING DECEMBER 14, 2017

Video conferenced from Carson City and Las Vegas, Nevada

SUBJECT: Policy Resolution No. 2017-02 provides authorization for the Nevada Division of Environmental Protection (NDEP) to make payments on behalf of the Board to Review Claims (Board) prior to a board meeting for claims that have an uncontested recommended payment value.

DISCUSSION: Petroleum Fund (Fund) statute NRS 445C.310(1) states, in part, that "...the Board shall review each claim presented and authorize payment to the extent warranted by the facts of the case."

Currently, the Board reviews and authorizes payment for uncontested claim payment values during each Board meeting utilizing a Consent Item list that requires a single vote for multiple uncontested claims.

This policy resolution allows NDEP to make direct payments on claims whose recommended payment value is not contested. The claims that have been paid will be presented to the Board during each board meeting as an informational agenda item.

RECOMMENDATION: Adoption of Policy Resolution No. 2017-02 as proposed.

NEVADA BOARD TO REVIEW CLAIMS
RESOLUTION No. 2017-02

Whereas, the Nevada Board to Review Claims (hereinafter referred to as the Board) Finds:

1. Petroleum Fund (Fund) statute NRS 445C.310(1) states, in part, that "...the Board shall review each claim presented and authorize payment to the extent warranted ,by the facts of the case."
2. The current process used by the Board to review and authorize payment for uncontested claim values is through a list developed by Petroleum Fund staff that consolidates all claims in a "Consent Item" that receives a single vote by the Board.
3. Expedited payment of uncontested claims will benefit the environmental cleanup process by providing a dynamic work and payment structure that encourages cleanup activities to proceed uninterrupted and more cost effectively. NDEP recently launched an interactive database that enables more expeditious processing of claims. Consequently, it is now possible to make direct payments soon after a claim has been received.
4. A Board policy resolution delegating authority to NDEP to make direct payments on uncontested claims will provide for faster payment, resulting in more prompt cleanups, consistent with the legislative intent cited in NRS 445C.290(1).
5. A Board policy resolution delegating authority to NDEP to make direct payments on uncontested claims provides a factual determination by the Board that uncontested claims do not require individual review. *(See Attachment A for a written opinion from the Attorney General's Office that states the Board may adopt a policy resolution that authorizes NDEP to make payments on behalf of the Board for claims that have an uncontested payment value)*
6. All claims associated with a Site Specific Board Determination (SSBD) must be presented to the Board during a board meeting for review and authorization of payment.
7. To facilitate streamlined processing of claim payments and internal process control, only one claim may be processed at any given time. NDEP will process the claim and provide a recommended value for payment based upon the supportive documentation that validates the amount claimed. To receive a direct payment, the owner shall declare the recommended value is uncontested. The date of the owner's declaration starts a 30-day clock that the proof of payment shall be submitted within. Upon receipt of a valid proof of payment, which closes the claim, the claim submittal and processing cycle may begin again.

THEREFORE BE IT RESOLVED THAT:

1. The Board to Review Claims hereby authorizes NDEP to make claim payments prior to a Board meeting when the recommended payment value is uncontested. This authorized delegation is consistent with the findings in the memorandum from the Attorney General's Office dated August 3, 2017 (See Attachment A).
2. NDEP will inform the Board of all quarterly claim payments made pursuant to this policy resolution during each board meeting.
3. All claims associated with a Site Specific Board Determination shall be presented to the Board for the Board's review and authorization of payment.
4. To facilitate streamlined processing of claim payments and internal process control, only one claim may be processed at any given time. NDEP will process the claim and provide a recommended value for payment based upon the supportive documentation that validates the amount claimed. To receive a direct payment, the owner shall declare the recommended value is uncontested. The date of the owner's declaration starts a 30 day clock that the proof of payment shall be submitted within. Upon receipt of a valid proof of payment, which closes the claim, the claim submittal and processing cycle may begin again.
 - a. If the proof of payment is not received within the 30 day timeframe, a subsequent claim will not be accepted by NDEP via the automated database process until valid proof of payment is provided.

I, George Ross, Chairman, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the Nevada Board to Review Claims on December 14, 2017.



George Ross, Chairman
Nevada Board to Review Claims