

The meeting was held at 1:00 p.m. on Thursday, April 21, 2016, at the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada.

COMMISSIONERS IN ATTENDANCE

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| Chairman | George F. Ogilvie III |
| Vice Chairwoman | Puoy K. Premsrirut |
| Commissioner | Sam Bateman |
| Commissioner | Kara J. Kelley |
| Commissioner | Steve Sisolak |
| Commissioner | Cody T. Winterton |

COMMISSIONER NOT IN ATTENDANCE

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| Commissioner | Duncan R. McCoy |
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DEPUTY ATTORNEYS GENERAL

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| Special Counsel, Attorney General | Ann C. Pongracz |
| Deputy Attorney General | Christine Guerci-Nyhus |

COMMISSION STAFF IN ATTENDANCE

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| Executive Director | Jayne Harkins, P.E. |
| Deputy Executive Director | James D. Salo |
| Chief of Finance and Administration | Douglas N. Beatty |
| Assistant Director of Energy Services | Gail A. Bates |
| Hydropower Program Manager | Craig N. Pyper |
| Natural Resources Program Manager | Angela K. Slaughter |
| Natural Resource Analyst | Warren Turkett |
| Senior Accountant | Gail L. Benton |
| Office Manager | Judy K. Atwood |
| Administrative Assistant II | Shylo J. Endris |
| Administrative Assistant II | Gina L. Goodman |
| Administrative Assistant II | Angela T. Sarno |

OTHERS PRESENT; REPRESENTING

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| City of Las Vegas | Brian McAnallen |
| Consultant | Sara A. Price, Esq. |
| Governor's Office | Pam Robinson |
| Prism Global Management Group, LLC | Mary Beth Hartleb |
| Southern Nevada Water Authority | Jordan Bunker |

**COLORADO RIVER COMMISSION
OF NEVADA
MEETING OF APRIL 21, 2016**

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The Colorado River Commission meeting was called to order by Chairman Ogilvie at 1:02 p.m. followed by the pledge of allegiance.

A. Conformance to Open Meeting Law.

Jayne Harkins, Executive Director, confirmed that the meeting was in compliance with the Open Meeting Law.

B. Comments from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.)

Chairman Ogilvie asked if there were any comments or questions from the public. There were none.

C. *For Possible Action:* Approval of minutes of the February 18, 2016 meeting.

Vice Chairwoman Premsrirut moved for approval of the minutes. The motion was seconded by Commissioner Sisolak and approved by a unanimous vote.

D. *For Possible Action:* Consideration of and possible action regarding the creation of a confidentiality regulation that would permit the Colorado River Commission of Nevada (Commission) to hold certain third party financial and proprietary information confidential.

Ms. Harkins, provided background information for the Commission's consideration of and possible action regarding the creation of a confidentiality regulation that would permit the Commission to hold certain third party financial and proprietary information confidential.

As more economic development comes to southern Nevada and as a result of new regulations, the Commission is being provided with financial and other proprietary documentation from its customers and others.

The Commission has no statutory or regulatory authority that would allow it to hold any information as confidential. This lack of authority creates difficulties for the developers and customers who do not want to provide certain information to the Commission because they do not want their private information to become a public document.

The Commission staff suggests adopting a regulation that would allow certain documents to be submitted and used by the Agency but be withheld from public document requests. The regulation would be similar to the following:

Confidentiality of financial reports and records submitted to the Commission.

If requested in writing, the Commission shall keep financial and proprietary information submitted to it confidential provided that the requestor has identified such material as confidential and/or proprietary at the time of submission.

If such a request is made, the Executive Director shall attach to the file containing the record or document a certificate signed by him or her stating that a request for confidentiality was made and the date of the request. This Certificate is a public document and will be provided in response to a public records request. Upon execution of the Certificate, the confidential and/or proprietary information may be disclosed only to:

- 1. A member of the Commission;*
- 2. An authorized employee of the Commission who needs the records for purposes relating to the administration of [NRS 538.041](#) to [538.251](#), inclusive; or*
- 3. A person or governmental entity that is authorized to obtain the records pursuant to an order issued by a court of competent jurisdiction.*

Ms. Harkins stated that Staff had a more recent request to do some work with the City of Boulder City and with a developer. Commission staff had a request to do some analysis, but the developer did not want to disclose load data and information until Staff had signed a nondisclosure agreement. Staff has been working on and is currently in the process of obtaining the nondisclosure agreements. The Commission staff has had previous experience and went through a similar process of signing nondisclosure agreements when the Commission petitioned the Public Utilities Commission of Nevada (PUCN) dockets in order to be able to intervene and see some of NV Energy's data when there were issues that Staff had to work with NV Energy on. Staff understands that there may be concern with data and information that the Commission staff creates that includes some proprietary information that is being submitted. Ms. Harkins referenced that preliminary draft of what Staff considered an appropriate regulation is included in the Commission meeting briefing materials. The regulation would be put in place after completing the process which includes a workshop, taking the proposed regulation to the Legislative Counsel Bureau (LCB), and then would need to go before the Legislative Commission, after Commission adoption, as part of the required process of creating a regulation. The Commission does not currently have any regulation that addresses confidentiality of documents submitted or where someone has asked Staff to keep something confidential. The regulation has been recommended by legal counsel because Staff finds itself getting into this situation more frequently.

Commissioner Bateman stated that he did not have any problem moving forward, and that the regulation is obviously a starting point to get the regulation in front of the LCB in a certain amount of time to have the regulation approved, is that correct?

Ms. Harkins responded yes. Ms. Harkins went on to clarify that during the year when the Nevada Legislature is in session, LCB do not generally work on creation of regulations. The Nevada Legislature is not in session this year. The requirement would need to be to get the workshop completed and to have the proposed regulation submitted to the LCB by the end of June 2016. At some point, the Legislative Commission would put the proposed regulation on a meeting agenda.

Commissioner Bateman asked if this would be sometime in June 2016.

Ms. Harkins stated yes, June 2016 would be when Staff would need to submit the proposed regulation. It is up to the Legislative Commission on when the regulation is placed on its agenda for consideration.

Commissioner Bateman asked if the proposed language of the regulation is modeled after any other regulations in terms of practice in other jurisdictions, or is it formulated by Staff.

Ms. Harkins stated that Staff has looked at other agencies.

Christine Guerci-Nyhus, Deputy Attorney General, stated that the language of the regulation was based on language that was in the regulations for the Nevada Tax Commission as well as the Nevada Taxicab Authority. A combination of the two which were melded together is the proposed regulation that will need to go through the entire process. The regulation needs to go through a public workshop, then to the LCB, would come back to the Commission for adoption and another public hearing, and then the regulation goes to the Legislative Commission for consideration. If there is public comment, or if the Commissioners determine that they would like to change the language or LCB decides that they want to change the language, it could be done during the process.

Commissioner Sisolak stated that on the surface, he has a problem with the regulation. The Commission has always landed on the side of disclosure and openness and he does not know who is going to determine what is proprietary. Clark County handles some really sensitive information, for example marijuana regulation and tax returns. He has a real problem with the appearance of the regulation. One is logistics of the regulation and two is appearance of the regulation in that "O.K. they've got stuff they are not letting us see" even if there might not be anything there, conspiratory-type people are going to think that there is. Commissioner Sisolak is concerned with who determines what is proprietary. When you get into proprietary, it could be a broad area in what an entity could claim is proprietary to include their business practices, their contracts, etc. It is a slippery slope to start going down. Is there a specific example of when someone said I do not want this released?

Ms. Harkins responded that in the application process for the Hoover power allocations, Pioneer Chlor Alkali Products d.b.a. Olin asked Staff to keep the part regarding their manufacturing load data confidential, and labeled it as such. In pertaining to the Basic Management Industrial Complex, Olin's view is that their load data could tell other people in the same business how much they are manufacturing. Therefore, Olin does have concerns and have expressed concerns to Staff over the years.

Commissioner Sisolak stated that he is not sure if that is a bad thing, if others know what they are doing. If a customer is asking for an allocation, he is unsure if the disclosure is a bad thing. He is still troubled by the regulation.

Vice Chairwoman Premsrirut stated that in reading the proposed language, one of her concerns was the wording of “If such a request is made, the Executive Director shall...”. She believes this language removes any discretion from the Executive Director and Staff, and lets a third party tell the Commission what is confidential and proprietary. While she understands the need to have these kinds of confidentiality restrictions if the Commission is engaging in contracts with the private sector, she sees a problem if it is competitive bidding or when there is some process where the Commission is selecting among a pool of applicants. The Commission has to rationalize or support the decision with what evidence, materials, or information is presented. If the Commission bases some of the determinations on confidential information, she does not know how that information can be shared with the public. She understands the need for confidentiality if the Commission is engaging in contracts with private business persons; she can understand that more versus the competitive application pool process.

Commissioner Winterton shared similar concerns with his fellow Commissioners. Dealing with confidentiality or any kind of withholding of documents causes a perception issue. He has been involved in a lot of agreements where confidentiality becomes an issue. Is there is a way to shift the burden to the person requesting confidentiality, and establish a time period? If the information will be held confidential during that time period, the burden shifts to the party that has to go on and defend it. The way the regulation is written right now is arguably the Commission will be defending the confidentiality thus placing the burden on the Commission. Currently, who has the burden to defend and establish if it is proprietary or if it is confidential? There could be a way, if the Commission chooses to go forward, where the burden could be completely shifted for a period of time to the party to defend it and if it is not established as proprietary and confidential then the information is automatically released. The last thing the Commission wants to do is put the burden of establishing something is confidential, defending it, and making it private, on Staff. He has seen paragraphs written in other situations where it completely shifts every aspect—financial and legal—to the party that is trying to defend the confidentiality with a period of time they have to defend it; and then after that time period has passed, the information is automatically released, and the Commission does not have to be involved. That is the only way that he could be comfortable with the regulation.

Chairman Ogilvie stated that he shares everything that has been expressed. He does not like the appearance, although he can get over that if there is some perceived need for the regulation. Currently, the Commission is entering into case-by-case basis confidentiality agreements. Is the regulation an attempt to get some uniformity in the way that issues are approached, or what is the motivation to move forward with a proposed regulation versus moving on with individual confidentiality agreements?

Ms. Guerci-Nyhus replied that the real basis is to give the Commission some authority to say here is what the rules are and here is where they are set out. Staff has been going through one process with a developer, for three months, because of the Open Records Law and other issues, where Staff has told the developer that information cannot be held confidential. Currently, information is released as soon as a public records request is made, and then it is the developer’s burden to get a court order to prevent that from happening if they considered the information confidential. Staff can re-write the regulation so that it says that the burden is on whoever is

providing the information specifically. The intention behind the regulation was to have a uniform process so when these issues come up the Commission staff can say here is the regulation, this is what we are willing to do, and here is our standard.

Chairman Ogilvie asked Ms. Guerci-Nyhus to explain the process of the regulation process. If the regulation gets passed, is it then unassailable or could somebody at that point take issue with it and file an action to have the regulation invalidated because it essentially is inconsistent with State statute.

Ms. Guerci-Nyhus responded that once the regulation was passed through the Legislative Commission, someone would have to bring the court action. Before it even gets to that part, the regulation would go up to LCB who would determine if it was within the Commission's scope of authority and whether there is statutory authority and whether it comported with Nevada law. This is why language was copied from regulations that had already passed through the Legislative Commission. The regulation would go up to LCB for review, then comes back to the Commission and then Legislative Commission would also opine on whether they thought the regulation was appropriate and legal to do. The regulation goes through a number of checks before the Commission would adopt it. After the regulation is approved by the Legislative Commission, if somebody wanted to change or challenge the regulation, they would have to bring a court action.

Chairman Ogilvie stated that his last concern was the one that Vice Chairwoman Premsrirut raised regarding the requestor making the determination as to what is confidential. The Commission has an obligation to treat the information as such, whether or not the Commission believes it is confidential and it seems that there ought to be a bilateral rather than unilateral determination as to what constitutes confidential information. A requestor of any type can just say "it is confidential"; therefore Staff has the obligation whether the Commission believes whether there is any objective rationale for it being confidential. In listening to what the Commissioner's comments are, the regulation is not necessarily being rejected out of hand; since this is the first time the Commission has had the opportunity to consider this item, we should think about it as Commissioners for a while. The proposed regulation could be revised to incorporate the concerns that have been addressed today and then bring it back allowing the Commissioners more time to consider what might be a more appropriate regulation.

Chairman Ogilvie asked other Commission members if that sounded acceptable or did anyone have any objections to that.

Commissioner Bateman asked for clarification. The agenda item is to recommend starting the process, so would the regulation have to come back to the Commission at some point for a vote on whatever happens after the workshop.

Chairman Ogilvie stated that before the regulation goes to a workshop, it would come before the Commission to reinstate the process before any further action is taken.

Commissioner Bateman asked if it would be Chairman Ogilvie's motion to not go forward with starting the process for the regulation.

Chairman Ogilvie asked Staff to come back with a revised proposal that the Commission then may potentially take action on. He is not sure if that requires a motion, if so, it would be a motion to reject the current regulation.

Ms. Guerci-Nyhus stated that the only issue is that if the Commission is going to do a regulation, Staff has to present it to LCB before July 1, 2016; otherwise, Staff will have to wait until July 1, 2017 before submitting. She thinks a workshop needs twenty days' notice, and anticipates that Staff can still bring the Commission something in May and if the Commission wants to go forward in May then the deadline will be met. If the Commission is not happy with the proposed regulation in May, she advises the Commissioners to vote it down and Staff can bring the regulation back in 2017.

Commissioner Sisolak stated that he does not want to give the Commission the impression that he will be supporting something in May because he does not think he will. Confidentiality is one of the downsides of doing business with the government and faced this when he was on the Board of Regents where there was precedence that you had to disclose your name when you applied. There are upsides and there are downsides. The government is good pay, and great things; and one of the downsides is that there is a lot of disclosure involved. As a Commissioner, he does not want to see something that is deemed confidential. He has gotten into these things where someone submitted something deemed confidential, and these very great attorneys that depose you to find out how did you learn or who released this information. This situation puts these people who are entitled to information in a tough position if the information ever did get out by some inadvertent or intentional disclosure. He would not want to be put in a position that he had access to something that somebody else inadvertently released it. Now somebody could claim damage from something being released; their proprietary business plan was upended. He stated that this was just food for thought.

Chairman Ogilvie asked if the Commission needs to have a vote on this or can Staff just take this back.

Ms. Harkins stated that Staff will table the regulation until the May Commission Meeting. Staff will work on it and bring it back understanding that we will have another discussion and allow the Commission to think about it.

Chairman Ogilvie agreed and thanked Ms. Guerci-Nyhus.

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| <p>E. <i>For Possible Action:</i> Consideration of and possible action to approve contract for a compensation study between Prism Global Management Group, LLC and the Commission.</p> |
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Ms. Harkins provided background information for the Commission's consideration to approve a contract for a compensation study between Prism Global Management Group, LLC (PRISM) and the Commission.

Staff issued an informal solicitation to two firms familiar with governmental and utility entities to provide a comparative compensation study for a number of the Commission's positions. The positions for which information was requested include:

1. Executive Director
2. Assistant Director of Energy Services
3. Power Supply Manager
4. Manager of Planning and Analysis
5. Manager of Energy Accounting
6. Chief, Finance and Administration
7. Assistant Director of Engineering and Operations
8. Power Facilities Manager
9. Senior Power Facilities Electrical Engineer
10. Senior Power Facilities Electrician
11. Power Facilities Communications Technician
12. Natural Resources Program Manager
13. Hydropower Program Manager
14. Office Manager

The two entities were Hometown Connections (an affiliate of the American Public Power Association or APPA, of which the Commission is a member) and PRISM. The solicitation provided two proposals, with Hometown Connections proposing to review three of the positions (Executive Director, Power Supply Manager, and Chief, Finance and Administration) for a not-to-exceed cost of \$21,000, and PRISM proposing to review all 14 positions for a not-to-exceed amount of \$9,750.

The compensation study as proposed will provide data points to the Commission and Executive Director for use in future recruitment efforts and with regard to the next biennial budget to be considered by the Legislature in 2017. This study is anticipated to be complete within the next two months. This effort was a point of discussion with the Commission's customers, the Governor's Budget office, and others during the last legislative session. Staff would like to have this information as we begin to build the budget for the next biennium and to provide needed information to the Commission and its customers to utilize in future planning for the agency.

Ms. Harkins stated that prior to obtaining quotes on the informal solicitation Staff went to the Division of Human Resource Management for the State of Nevada (the Division), and spoke with them to see if they had the capability to do a compensation study for the agency. The Division is doing compensation studies for the classified staff, there are currently six administrative staff that are categorized as classified. The Division will share this information and data with Staff, but when it came to the unclassified staff and the remainder of the positions, the Division felt that the unclassified Commission staff positions were very specialized and did not want to take that on and do the compensation studies. The Division was fine with Staff doing the studies like some other state agencies have done, and are allowing Staff to do our own analysis. Because of the bid amounts and being sensitive to cost, Staff issued informal Request for Proposals (RFP) to two entities. PRISM came back with the lowest cost, so Staff put together a contract and are bringing that to the Commission for approval.

Commissioner Sisolak stated that he knows what this compensation study is going to say, because the Commission went through this at the last legislative session and the Commission talked about the Bill Draft Request to go up there and raise wages. This is putting the Governor and the Legislature in a really untenable situation because he knows how compensation studies work. What happens is the people that are overcompensated are frozen and then wait until everyone catches up to them, and the people that are undercompensated get brought up to the level; and then somebody else is going to use the compensation comparison for another compensation for another whole different entity. This is a bigger issue that if the State chooses to address compensation, and he thinks that they should choose to address compensation on all levels and should do a very comprehensive compensation study for all agencies and departments. In regards to this one compensation study, he cannot support it and thinks that it is putting the Governor and the Legislature in a tough situation. For those reasons, he cannot support this.

Commissioner Bateman stated that he was not on the Commission for the last discussion regarding the class and compensation study. If a class and compensation study is done, these are all employees within a classification skill set out by in State government, correct?

Ms. Harkins stated that these employees are unclassified. There are two pay bills that go through the State. There is a pay bill for the classified entities, and the HR Division is doing the class and compensation study for the classified entities. There is a pay bill for the unclassified, and the bill lists each of these positions and the salary cap of that staff. For all the State entities in that unclassified pay bill there is the maximum cap that any state employee can have, which is 95% of the Governor's salary.

Commissioner Bateman asked if the bill identifies the jobs by job description and lists a range.

Ms. Harkins stated no. Staff develops position descriptions and what the work is under each of those descriptions.

Commissioner Bateman stated that the Attorney General's office just went through a compensation study, and he does not think it was classic compensation study, but it is part of the budget process. He is sure Commissioner Sisolak is correct, if you went through the entirety of State government and did a class and compensation study most of them are going to be below; specifically if you went to the Attorney General's office, it would be extremely low when compared to the rest of the market. Will the class and compensation study be taken to the Legislature and is this how Staff is developing the budget by saying "our classification and compensation study shows that individuals are underpaid" and therefore move them up?

Ms. Harkins stated that there are several ways that the Commission can move forward with the data, and that is to put it in as an enhancement unit within the budget that moves forward through the Governor's office and then on to the Legislature. That is one option for how to use the data and ask for increases where it is appropriate. The other option, as Staff had done in the last legislative session, which was a Bill Draft Request (BDR). In the last session, the Commission asked to be exempt from the budget act which meant that the budget went straight through from the Commission, in which the Commission set the salaries, and then on to the Legislature. That BDR never made it out of Committee. There are several options in how the data could be used.

Commissioner Bateman stated that given the history would it not be prudent for the Commission to have a more significant conversation about how, if any class and compensation study was done, the Board would feel comfortable about how that class and compensation study would be used going forward. Commissioner Bateman asked about the informal Request for Quotation (RFQ), and noted that he talked and tried to get together with his Human Resources staff because they had recently done a class and compensation study. He would prefer to spend more time in looking into whether the Commission would want to use the suggested company versus another; or if the Commission is directed to move forward on this, he has some concerns about the cost and the qualifications. He would like some time with his contacts to discuss this.

Commissioner Kelley commented to Commissioner Bateman's point, she does not feel it necessary to make the decision about whom, if the Commission is going to make a decision about who is used, in that the Commission hired professional staff and she feels secure in the selection process. As a Commissioner, she feels that part of her responsibility is to be an advocate for the Staff. Last year the biggest issue that was raised to her by the Southern Nevada Water Authority (SNWA) management was a criticism that Commission staff was comparing apples to oranges. She would be in favor of a compensation study and feels that the great minds on the dais has the ability to then be critical of what that analysis shows and raises, etc. Although she feels rather new, she thinks it is the Commission's decision in how to use the information moving forward, and would be in favor of this agenda item.

Commissioner Winterton stated that he also feels very new and was not here or involved in anything that previously happened regarding the compensation study. He stated that Ms. Harkins used a word "highly specialized". He would like to understand where PRISM is going to draw their data from, what agencies are they going to look at, there is a lot of ambiguity surrounding the scope of the work, and the three sentences describing what PRISM is going to do is not enough. He would like to see more information to ensure that the compensation study is helpful and relevant. Because of what the agency does is so highly specialized, it seems like a very unique situation so some parallels will need to be drawn between agencies and assumptions will have to be made. He requested more information on the scope, and has reservations about how the Commission is going to think through the compensation study because he does not want to end up with a product that half of the Commission says does not make any sense and has questions and concerns about who was used for comparisons.

Ms. Harkins asked to respond. If she directs PRISM or any other contractor to what agencies to look at for comparison, the Commission will tell her that she directed the contractor to go do that, and the perception could be that she is gaining something personally in telling the contractor what to do. She is not going to tell the contractor where to look. PRISM has been given the position descriptions that Staff has for these 14 individuals, and the contractor will look at and find other position descriptions within governments and like entities. This is the job of the contractor, not the Executive Director, to direct them in where to look.

Commissioner Winterton stated that he could not agree more. He stated that maybe he misspoke. He does not think that the Executive Director, or anyone else in the agency should be telling the contractor where to look or how to do their job. He was saying the opposite. He would like to hear from the contractor before the Commission moves forward, to learn what their

plan is, and maybe that is getting a little too far into the contract but he would like to have more information. The current contract does not give me enough information to know where PRISM is going to look at, so if there would be a way for me to get behind this I would like to have more information about what their plan is versus just turning them loose and letting them come back with something and then at that time figuring out if it works or not. The scope is just very ambiguous and narrow at this point for me.

Ms. Harkins asked if one of the Commissioners would write the scope.

Chairman Ogilvie responded that that would not be appropriate either.

Ms. Harkins stated that she agreed but she thinks that she is being put in a very difficult position.

Chairman Ogilvie stated that he understood. Going back a year ago, in talking with the customers, and in fact talking with some Legislators, the primary concern that he had, and this comes from the Commission's largest customer, was that the Commission did not have a class and compensation study. There was discussion about having a class and compensation study done in the interim, between the two legislative sessions, so it is beneficial to the Commission and the customers to have a class and compensation study performed. Whether or not the Commission acts on the study in moving forward with a BDR is a different question. The Commission has been requested from various circles to have a class and compensation study completed and thinks that the Commission needs to move forward with that. He has also heard the criticism from Legislators, would like to see some more cohesiveness on the part of this Commission and some of the concerns that have been expressed need to be addressed. Some of the concerns are reasonable, perhaps the Commission get some more information, as Commissioner Bateman suggested, from the City of Henderson, Nevada. Perhaps as Commissioner Bateman proposed, request more information from the contractor about how they are going to proceed with the class and compensation study and see if we might get a few less reservations on the part of the Commission before moving forward.

Commissioner Sisolak stated he is looking up PRISM and reading their website. Nowhere does it say on there that they do comparative compensation studies. PRISM provides legal compliance, mergers and acquisitions, human resources employee hotlines, investigations, job descriptions, and hearing representation for unemployment. Do they do comparative compensation studies? I am not seeing a background. Can you give me a list of clients that they have represented?

Ms. Harkins stated that she does not have that here today. PRISM has done compensation studies in the past and come very highly recommended from HR specialists in Southern Nevada.

Commissioner Sisolak asked for clarification about HR Specialists in Southern Nevada.

Ms. Harkins stated HR specialists in Southern Nevada are people that Staff knows and are aware of in other governmental agencies, which are human resources specialists in Southern Nevada and recommend that this entity could do this type of work.

Ann Pongracz, Special Counsel, Attorney General, stated that, she has not been involved with this contract, and did not realize who the firm was. The person who is listed as primary on all of the provided documentation, Ms. Mary Beth Hartleb, is someone Ms. Pongracz knows personally because Ms. Hartleb was in the Sprint HR Department when Ms. Pongracz was their general counsel. Based on personal experience, Ms. Hartleb is highly competent and knowledgeable in the area of employee relations, compensation, and benchmarking.

Chairman Ogilvie repeated that some of the reservations that have been raised are reasonable and thinks that there is a need to address some of the concerns before the Commission moves forward. Similar to the last agenda item, he proposes that the Commission table this agenda item until some of the reservations have been addressed. Commissioner Bateman can report back directly to Ms. Harkins on what he hears from his HR contacts at the City of Henderson, Nevada.

Ms. Harkins stated that that would be very much appreciated. Ms. Harkins asked for help and stated that she can ask the contractor to discuss with the Commission how PRISM will proceed. Is there any additional information the Commission needs in the scope of work or statement of work, as she said she is not going to direct the contractor where to go look.

Commissioner Bateman stated that he appreciates the Chairman's suggestion. If the Commission tables this, maybe over the course of the next month the Commission can decide whether the study is wanted, what authority the Commission has in terms of if the class and compensation study is completed about how the information will be used. He will get the information that he can from his HR contacts. Until the Commission decides what firm to use for the class and compensation study, it is difficult to ask that firm to provide information to the Commission. Or, these questions could be included as some part of a proposal. It is difficult if it is in question as to which firm would be used, and then also at the same time ask the firm to provide that information. Commissioner Bateman still thinks the Commission needs to have a discussion about how the information is going to be used. If there is disagreement about how the information might be used, then that might reflect in the vote overall of the Commission to even seek the compensation study in the first place.

Commissioner Kelley stated that she would not have an idea of how to use information until she sees what it says. It depends on what the information says and whether she agrees with that analysis or the foundations on which that study is done.

Commissioner Bateman stated he is quite confident that the class and compensation study will show that some are underpaid. The Commission needs to decide if the study will be used just as a part of the budget proposal or is it going to be used as part of a BDR. It may be the case that the results would sway one way or the other how the Commission would vote. He said he probably would not be inclined to go forward with a BDR proposal, but thinks the Commission needs to have a discussion about what happened last time the compensation study came up and how the Commission is going to move forward spending any money on the class and compensation study. Does the Governor's office need to be involved in this process?

Ms. Harkins stated that she has briefed the Governor's office.

Commissioner Bateman said that is where he is as he sits here today.

Commissioner Sisolak stated that he is looking at the list of jobs and is not sure how highly specialized some of the listed positions are such as Office Manager and Finance Administration. He said that this seems to be more of an attempt as a verification study because the Commission went around with this with four or five positions during the last legislative session. Former Commissioner Coffin asked for a compensation study and it came back and showed that everyone was underpaid in the group that was analyzed. He stated that he thinks this will verify what was discussed that time. He said he knows how this works with contracts; it just starts the ratchet process, somebody uses the findings and it ratchets right on up and all of a sudden compensation is getting compared to what it got ratcheted up to. If the compensation study comes back and shows that somebody is overcompensated, they never bring the people that are overcompensated down.

Ms. Harkins introduced Ms. Mary Beth Hartleb, Chief Executive Officer for PRISM, and stated that she was not aware that Ms. Hartleb was present.

Ms. Hartleb wished the Commission a good afternoon and stated that she does not have too much to say to the Commission at the moment but it was very good for her to be here and hear the concerns and the dissention. She personally has over thirty years' experience in human resources, advanced degrees, a law degree, and has done many compensation studies. Ms. Hartleb stated that the more important part is that we are not wasting time and money. From what she has heard, she stated that she questions whether PRISM wants to move forward with the compensation study and their proposal. There are clearly some other issues that are going on here that have to be dealt with from a political standpoint. She wanted to let the Commission know that she was in the room and is weighing all the comments very seriously. She appreciated the candor and thinks PRISM will leave it to further discussion at this point in time. Ms. Hartleb stated that she needs to make the decision as CEO and owner of PRISM as to whether or not she wants to put her firm and her people in this position.

Commissioner Sisolak stated well that takes care of that. Since Ms. Hartleb left and is not taking any questions, he stated that he was not comfortable at all with moving forward with this.

Chairman Ogilvie said that he was not suggesting that the Commission move forward today, he suggested that the Commission table the agenda item and get some more information. He took Ms. Hartleb's statements, although he may have mistook them, to be a withdrawal of the proposal. Perhaps Staff can have a conversation with Ms. Hartleb to confirm and if not to reach out to some other vendors including those that Commissioner Bateman may come back with and send out another informal RFQ. In the RFQ, include the request for additional and more specific information that Commissioner Winterton had requested.

Commissioner Kelley said that she is looking for some advice, not wanting to break Open Meeting Law, and would be happy to provide input, and she is sure any of the Commissioners would. What would be ideal is to come with an agenda item next month that has answered the questions so that the Commission is setting Staff up for the most success that they can. She stated that she does not agree with many of the comments that have been raised. How does the

Commission support Staff in that effort without breaking Open Meeting Law? Commissioner Kelley asked if she can be a subcommittee of two?

Ms. Guerci-Nyhus answered that the problem with a Board, such as the Commission, is that subcommittees are subject to the Open Meeting Law. They could individually, such as Commissioner Bateman talking to his people and giving information to Ms. Harkins, or Commissioner Kelley could research a part and give information to Ms. Harkins. The problem comes in when two or more of the Commissioners meet up outside of an Open Meeting, this is subject to some other issues under the Open Meeting Law if the two of you got together and discussed things. It would be best if each Commissioner decided which aspect to work on and then gave that information to Staff. Then there would be no Open Meeting Law issues.

Commissioner Sisolak stated that, as a point of legal clarification, he disagrees. If there is an attempt to circumvent the Open Meeting Law by having individual Commissioners communicate with the Executive Director rather than posting it and having a public meeting, that is a violation of the Open Meeting Law. If the individual Commissioners give their information to Ms. Harkins and if that is done with the clear intent to circumvent, which was how he thinks it sounded, he has a problem with that. He would like a legal definition of what an informal RFQ is because he has never heard of that. They are either RFQs or not RFQs.

Ms. Guerci-Nyhus addressed the Open Meeting Law question. What she suggested was not an attempt to circumvent the Open Meeting Law. Her suggestion is more of a fact-finding in that Commissioner Bateman has some expertise, Commissioner Kelley has some expertise, they would provide information to Staff which would then be brought to the meeting so that everyone on the Commission could discuss that in an open forum. It is in no way an attempt to circumvent because it would be circumvention if then the Executive Director makes a decision based on information that was not discussed in a public meeting. The idea was for the information to come back, and then the Commission would be provided the information at the same time. We cannot have Commissioner Bateman and Commissioner Kelley and Commissioner Winterton discussing this as a group outside of an Open Meeting. What she is suggesting is purely factual; the Commissioners would come back with the factual information, and after staff compiled it, bring it to the Commission Meeting.

Commissioner Sisolak agreed that it is factual, but the intent of this public meeting is to have the members of the Commission, who all come with individual skills and areas of expertise, share in a public setting. He questioned the idea that Commission members should share individually with the Executive Director and then share them all with us. If that is not crossing the line, it is getting close.

Ms. Guerci-Nyhus asked for clarification in does Commissioner Sisolak want the Commissioners to do their investigation and not share with Staff prior to the meeting.

Commissioner Sisolak stated absolutely.

Ms. Guerci-Nyhus stated that that would make Commissioner Sisolak more comfortable and would be appropriate.

Commissioner Sisolak said yes that would be more appropriate and then asked about what is an informal RFQ?

Ms. Guerci-Nyhus answered that informal RFQ was not her term, so she is not sure.

Commissioner Sisolak stated okay.

Ms. Harkins answered that in the state government, Staff are looking at different thresholds of dollar amounts, so instead of putting out on webpage an RFP and have people respond, Staff submit the proposal to various entities that are known to be able to do the work, which there were two that have been discussed. This process is informal and as long as the bid comes back and is under \$10,000, that is one threshold, then Staff can go ahead and process the contract that way.

Commissioner Sisolak asked if he is to understand that any awarding of a contract if it is under \$10,000 does not require an RFQ?

Ms. Harkins replied, no not a formal one where it is posted. Some of these RFPs can be done informally directly to the entities and if the entities are willing they come back with a proposal.

Commissioner Sisolak said that this has never been used at Clark County.

Ms. Harkins stated that this is the State of Nevada and this is the way the procurement laws are for the State agencies.

Commissioner Sisolak asked to be directed to a statute that gives that authority.

Ms. Guerci-Nyhus stated that it is in the statutes and in the State Administrative Manual (SAM) that talks about what is needed for various amounts, and Staff can get Commissioner Sisolak that specific information.

Commissioner Sisolak stated okay and thanked Ms. Guerci-Nyhus.

Commissioner Kelley stated just to be clear, she was in no way suggesting about circumventing the Open Meeting Law.

Commissioner Sisolak apologized and stated that he was not implying that any Commissioner was trying to do so. He said that he wanted to make crystal clear that any intent; he knows what walking quorums and walking submissions are, and that is why we are under such intense scrutiny and that is why we have a public meeting like this. Each Commissioner comes to the meetings with individual experiences and expertise and the idea is that is shared in a public setting, which was the only point he was making. He apologized if he made that impression.

Commissioner Kelley stated that she just wanted to be clear. She requested if it were possible to get a summary of the agenda item's discussion so the Commissioners can respond to the items were that were raised with whatever expertise or suggestions to improve the process, scope, or the RFP.

Ms. Harkins stated that Staff can get this portion of the minutes done quickly and get them back out to the Commissioners and have the minutes completed by the next meeting. Ms. Harkins stated that she is not sure what else Commissioner Kelley might be asking for.

Commissioner Kelley said she is not sure how she can take twenty years' expertise in HR and help this process along as a Commissioner, without violating any Open Meeting Law. She stated that she was just trying to be helpful and trying to understand what process allows her to be helpful in a way that honors both the spirit and the Open Meeting Law.

Commissioner Sisolak commented that anything that is distributed to Commission members has to be made available to the general public and posted.

Ms. Harkins stated yes, this is understood. This would be part of the meeting minutes because Staff goes back and takes the verbatim discussion and creates the meeting minutes so that is what Staff would be providing to Commission members.

Ms. Guerci-Nyhus added that Commissioner Sisolak is correct. Whatever Staff provides to Commission members is provided to all and then it is posted on the Commission's website and available to whomever.

Chairman Ogilvie reiterated that Commissioner Bateman will talk to his HR contacts for City of Henderson, Nevada, and Staff will come back at the next meeting with a proposal for possible action on the award of contract whether it is PRISM or some other entity or vendor and that the proposal will address the concerns as expressed by Commissioner Winterton.

Ms. Harkins stated yes.

F. *For Possible Action:* Consideration of and possible action to approve an Amendment No. 4 to Contract for Services of Independent Contractor among Fennemore Craig, P.C., the Office of the Attorney General, and the Commission for legal services.

Ms. Harkins provided background information for the Commission's consideration to approve Amendment No. 4 to Contract for Services of Independent Contractor among Fennemore Craig, P.C., the Office of the Attorney General, and the Commission for legal services.

The Commission is presently engaged in litigation with the Navajo Nation as to their claims to main stem Lower Basin Colorado River water. The pending lawsuit was initiated in 2003, which challenges current Colorado River operations, including the Guidelines, Federal banking regulations (which permit us to bank Nevada's water in Arizona and California) and potentially the agreements and associated river operations relating to Minute 319 with Mexico. In addition, this significant litigation threatens the stability of the Law of the River that the Seven Basin States rely on, and may

ultimately result in water adjudication in the District Court or the United States Supreme Court. Mr. Caster has undertaken representation of the Sovereign State of Nevada, and with the Attorney General's consent, is serving as a Special Deputy Attorney General. He also represents the Commission and the SNWA.

On March 12, 2013, the Commission approved a contract between the Commission and Fennemore Craig, P.C., primary attorney Lauren Caster, Esq., to engage his services to provide legal representation in *The Navajo Nation v. U.S.*, CV-03-00507 PCT PGR, in the United States District Court, For the District of Arizona, and related matters. Prior to contract approval by the Board of Examiners, the Attorney General met with the Commission's Executive Director and Senior Deputy Attorney General Jennifer Crandell and requested that she be made a party to the contract, and that Mr. Caster's appointment as a special deputy attorney general be specifically written into the contract. The Amendment to the Contract reflects these changes. The Board of Examiners approved the Amendment to the Contract on June 11, 2013.

The original contract with Fennemore Craig, P.C. had a two-year term, although the contract covered months in fiscal years 2013, 2014 and 2015. The contract had a not-to-exceed amount of \$300,000. The First Amendment to the original contract was approved January 14, 2014, which completed funding on the contract through fiscal year 2014. That amendment changed the contract amount for fiscal years 2013 and 2014 to \$239,000, and reflected approximately \$24,000 billed in fiscal year 2013, \$150,000 billed in fiscal year 2014, and approved additional funds of \$65,000 for legal fees and costs to cover the remaining legal work on the Motion to Dismiss and oral argument, only, through fiscal year 2014 (June 30, 2014).

The \$65,000 increase in funding to the first amendment was due to the fact that the majority of the work anticipated under the contract (preparation of a Motion to Dismiss) occurred shortly after the beginning of the first full fiscal year (July 2013-14). This work included serving as coordinating counsel for the Defendant Intervenors with the Department of Justice, coordinating defense strategy among the numerous Defendant Intervenors, and the research and preparation of a potentially dispositive motion for *The Navajo Nation v. United States Department of Interior, et. al.*, Case No. CV-03-00507-PCT-GMS.

A second amendment to the contract provided for funding for legal fees and disbursements for fiscal year 2015, in the amount of \$20,000, to cover litigation costs until such time as the District Court ruled on pending dispositive motions. Work under this amendment included monitoring the case, legal research to support supplemental authority filings, coordinating with co-defendants, reviewing the Court's decision, making initial strategy recommendations, and preparing any initial filing that may be required to move the case forward. The total not-to-exceed amount for the two-year term of the contract was amended to \$259,000. It was anticipated by the Commission that once the Court ruled, the Contract would require further amendment to provide funds to continue the case.

On July 22, 2014, the District Court granted the Federal Defendants Motion to Dismiss without prejudice, and terminated the case. This made the case appealable to the Ninth Circuit Court of Appeals. Subsequently on August 18, 2014, the Navajo Plaintiffs filed a Motion For Specific Relief Pursuant to Rule 60(b)(6) seeking leave to set aside the judgment and amend the Complaint. Based on this new motion, and the Navajo potential appeal to the Ninth Circuit, Fennemore Craig, P.C.

proposed a budget to cover three possible courses of action or any combination of elements from one or more alternatives: 1) if the District Court granted the Navajo request for an amendment and the Complaint is then amended, resulting in the necessity to prepare new Motions to Dismiss in the District Court; 2) the District Court granted the Navajo motion in part, certifies the dismissal of one or more claims for immediate appeal to the Ninth Circuit, while simultaneously the Complaint is amended in part and litigation continues in the District Court; or 3) if the District Court denied the Navajo motion and the Navajo file an appeal in the Ninth Circuit, requiring Fennemore Craig, P.C. to prepare an appellate brief.

The Navajo Nation did, in fact, appeal to the Ninth Circuit Court, and the case has now been fully briefed before that court. The parties requested oral argument, but currently have received no setting for argument. The term for the Contract with Fennemore Craig, P.C. will expire on June 30, 2016. The Commission staff and Attorney General Counsel are recommending continued legal representation of Fennemore Craig, P.C., by extending the Contract term to June 30, 2018 as identified in Contract Amendment #4, in this significant on-going litigation. The total amount authorized under the Contract, with a not-to-exceed amount, is \$519,000, remains the same through the new term of the Contract. The current contract amount will cover the cost estimate provided by Fennemore Craig, P.C. of \$35,000 for Mr. Caster to represent the Defendant Intervenors at the Ninth Circuit appeals argument. This also assumes that any moot court would be accomplished among counsel for the Defendant Intervenors and travel to San Francisco, California or another venue other than Phoenix, Arizona.

This cost estimate does not include funding if the Navajo Nation moves to intervene in *Arizona v. California* and then moves to reopen the Consolidated Decree in that case.

Commissioner Bateman moved for approval of Amendment No. 4 to Contract for Services of Independent Contractor among Fennemore Craig, P.C., the Office of the Attorney General, and the Commission for legal services. The motion was seconded by Commissioner Sisolak and approved by a unanimous vote.

G. *For Information Only: Status update on State and federal Post-2017 Hoover Power contracts.*

Ms. Harkins presented an update on State and federal Post-2017 Hoover Power contracts.

Staff has continued negotiations with U.S. Bureau of Reclamation (Reclamation), Western Area Power Administration (Western) and the 44 other Federal contractors. Staff has also met with the Commission's customers along with drafting both federal and State contracts.

Federal Contract Update: Reclamation recently announced plans on transitioning from the old contract to the new contract, and with it, they announced the needs for additional working capital. In addition to Reclamation's working capital requirement, Reclamation also provided details regarding satisfying the requirements for the Repayable Advances (Investments) as set forth in the Hoover Power Allocation Act of 2011.

Staff has reviewed the transition plans and have made several suggestions regarding Reclamation's need for working capital. The federal contractors have noted that Reclamation already has monies, and will collect more funding from the current contractors prior to closing out the current contract. The current contractors have requested that Reclamation use whatever funding it has on hand to mitigate the need for additional working capital. It seems imprudent for the contractors to provide working capital to Reclamation prior to the new contract, only to have Reclamation return most of it a few months later after reconciling accounts under the current contract. Reclamation has agreed to review all options.

Western has indicated a final federal contract will be issued by the end of April or first part of May.

State Contract Update: Staff has met with the State contractors, providing the information available from the federal negotiations, as well providing information from the discussions on the State contract. Staff has been working on various iterations of the draft State contract, amending it several times based on comments of the contractors. Staff is currently preparing the final draft contract for the State contractors.

Staff's goal is to have the final federal and State contracts before the Commission in May, or no later than the June Commission meeting.

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| H. <i>For Information Only:</i> Status update on Commission Contractor Pioneer Chlor Alkali Products (DBA Olin) plant operations changes. |
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Ms. Harkins presented an update on Commission Contractor Pioneer Chlor Alkali Products (DBA Olin) plant operations changes.

On March 21, 2016, Commission Contractor Pioneer Chlor Alkali Products (DBA Olin) issued a press release announcing a corporate restructuring that includes closing of its chlor alkali plant in Henderson, Nevada, and reconfiguring the facility to manufacture bleach and distribute caustic soda and hydrochloric acid.

Olin is a Commission Contractor, with contracts for Supplemental Power and Electric Transmission services. Olin does not currently have an allocation of hydropower from the Commission but has received an allocation for Post-2017 Hoover power. Olin also is successor-in-interest to a Lease and Management Agreement with Commission contractor AMPAC which was approved by the Commission in 1991, under which Olin has utilized hydropower allocated to AMPAC in connection with product that is manufactured at Olin's plant for purchase by AMPAC. AMPAC has contracts with the Commission for Hoover Power, federal hydropower from the Salt Lake Project, Supplemental Power and Electric Transmission.

As a result of Olin's corporate restructuring, Olin's manufacturing load has been dramatically reduced resulting in a decrease in the amount of Supplemental Power that the Commission has historically provided and the revenues available to fund the Commission's administrative charges. This change will also result in hydropower resources being available to AMPAC which AMPAC will no longer need.

Staff has met with Olin and AMPAC several times in the last month to obtain information regarding the changes resulting from Olin's restructuring which will affect the Commission's contracts with Olin and AMPAC. The Commission is analyzing alternative approaches to addressing this situation. Staff will continue to advise the Commission as circumstances develop, and will seek Commission approval at a later date for any necessary changes to agreements.

Ms. Harkins further explained that although the load that Olin has will be dropping considerably going forward, Olin will still have electrical load at the plant in Henderson, Nevada. Olin will have transmission that they have available to them and that they are paying for that is in excess of what they need going on into the future. Staff will need to determine how and what to do with the transmission.

AMPAC will also be impacted by this because American Pacific, when they had a manufacturing plant for their ammonium perchlorate at the Basic Management Industrial Complex, they had a manufacturing plant. After the Pacific Engineering and Production Company of Nevada (PEPCON) explosion and AMPAC moved their manufacturing facilities to Cedar City, Utah, they continued to purchase hydrochloric acid from Olin. The Commission approved a lease agreement between Olin and AMPAC to have AMPAC's federal hydropower moved and distributed to one of the hydrochloric acid cells at Olin. Olin no longer has any load at the Basic Management Industrial Complex; both Olin and AMPAC, under their contracts, need to pay for everything that is within their contract. Ms. Harkins stated that she has heard that when AMPAC gets their offer for the Post-2017 contract for Hoover hydropower, they will be turning that down. Staff is waiting for that in writing from AMPAC, so there is about 10 ½ megawatts of power from Hoover that needs to be reallocated to someone else. AMPAC also has a Glen Canyon Dam power contract that goes until 2024. There is about 3 ½ megawatts of power that will have to be allocated to someone else. AMPAC also has transmission from the Parker Davis Project, as Olin does, that will need to be distributed. Staff is working with them and there are about fifteen contracts that have to be worked through, with all the different pieces.

For April, Staff took their hydropower and sold it to the other industrial customers, and they were happy to take it. But still there are a number of other costs in the interim and in the bills that are sent to AMPAC and Olin and by their contracts they are required to pay but they would certainly like to get the costs offloaded. This may be done under contracts and lay it off to others, but first it needs to be in writing what AMPAC and Olin's intention are and this is still in the process. There is more to come from this as Staff moves forward.

Commissioner Kelley asked if the reallocation of the power would be a brand new process or would it be considered within the constraints of the previous process.

Ms. Harkins answered that it would be a brand new process. To reduce risk to the Commission, Staff would like to bundle up transmission and hydropower and offer it out to the current customers under Nevada Revised Statutes 704.787. Ideally, customers who want both transmission and hydropower would have priority versus others who only may only want

hydropower. Staff needs to think through how to bundle transmission and power, and the criteria is very different from what Staff did in the Hoover allocations only because there are different risks involved.

I. *For Information Only:* Status update on the hydrologic conditions, drought, and climate of the Colorado River Basin, Nevada's consumptive use of Colorado River water, and other developments on the Colorado River.

Mr. Warren Turkett, Natural Resource Group Analyst, provided a report on the following:

- Unregulated Inflow into Lake Powell as of April 18, 2016
- Storage Conditions as of April 18, 2016
- Reservoir Storage as of April 16, 2016
- Lake Powell Projections based on April 24-Month Study
- Lake Mead Projections based on April 24-Month Study
- U.S. West Drought Monitor as of April 12, 2016
- U.S. Seasonal Drought Outlook as of March 17, 2016
- Precipitation – Colorado River Basin as of April 18, 2016
- Precipitation – Monthly Precipitation for March 2016 and Water Year Precipitation, October 2015 – March 2016
- Colorado River Basin River Forecast Center
- Temperature Deviations as of March 2016
- Water Use in Southern Nevada as of January – March 2016
- Monthly Precipitation at McCarran International Airport as of March 2016
- Cumulative Precipitation at McCarran International Airport January – March 2016
- Las Vegas Average Temperature
- Hydropower Capacity

A copy of the presentation is attached and made a part of the minutes. (See Attachment A)

Commissioner Sisolak asked about the 30% increase of water use in Southern Nevada, stating that that is an astounding amount.

Mr. Turkett responded that he thinks that it will even out over a few more months. Mr. Turkett agreed that that is a bigger number than anticipated so he contacted SNWA to get their thoughts because they have a regression model where temperature and wind, and other factors can be inputted to see if there is a correlation. Unfortunately, SNWA did not get back to him yet. He said he plans on following up with them and see if there is further information.

Commissioner Sisolak stated that usually water use measurements are close when comparing the years; 30% is something he has never seen. Are you sure that the slide is correct because that is concerning if we are using that much more water.

Mr. Turkett said yes. He stated that he will dig into more details and see where the water use has increased and try to see what caused it and then provide specifics to the Commission. Unfortunately, he only gets the total numbers so he relies on SNWA to give him more specifics, since they are the largest water user, as in what areas are using the most water.

Commissioner Sisolak would like to know this information because if this is a pattern, it is something that we will have to get a handle on.

J. Comments from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.)

Chairman Ogilvie asked if there were any comments or questions from the public. There were none.

K. Comments and questions from the Commission members.

Chairman Ogilvie asked if there were any comments or questions from the Commission. There were none.

L. Selection of the next possible meeting date.

The next meeting is tentatively scheduled for 1:00 p.m. on Thursday, May 19, 2016, at the Clark County Government Center in the Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada.

M. Adjournment.

The meeting adjourned at 2:16 p.m.

Jayne Harkins, P.E., Executive Director

APPROVED:

George F. Ogilvie III, Chairman