

Trustee Williams:

community members. So, while input is always needed and guarantees that we make a good decision, I also want people to understand that this is a, after grants and everything else like that, is a \$4 billion industry that we have to make sure that we're actually helping children and the community as it grows and expands, because the city is no doubt expanding and growing. So, those are really my only comments. I don't have any questions other than those.

Trustee Garcia Morales:

Thank you, Trustee Williams. Trustee Johnson?

Trustee Johnson:

Trustee Cavazos, I really appreciate you sharing the fact that the meetings are going to happen and community members want to have these. And so, they're very excited about just to be able to engage in the process. And what it made me think then is what is the way... And anybody can answer this, what's the way that we can proactively communicate what we're doing and why we're doing it, and the timeline on which we're doing it so that people don't think that we're sitting on our hands, but instead they recognize, "Oh, well this is going to happen first and then they're doing this." So, I just don't know what's the way that we use our voice to be able to tell people, here's what we're doing. I imagine people are watching now, but not everybody's watching.

And there's only one person in the audience who... And I know she has a wide reach, but in all seriousness, what is the way that we can... The 11 of us in some way, let folks know here's what's happening, so that people don't start to just think that nothing's happening. And I know because if we don't say anything, then they'll formulate their own narrative, and then that's when the challenges start to happen. The question is, what's the way that we can proactively communicate what we're doing and the plan that we have to do it so that everyone is on the same page, us and our community members alike?

Trustee Garcia Morales:

I think that's a really good question and it's generating a little bit of enthusiasm, which is great for discussion purposes. And that's exactly the type of question that we can be asking ourselves as we prepare to select and finalize our firm, and then ask them specifically to help us, guide us, with some of these pieces too. So all that to say is like, yes, that is the type of question that we can ensure that we're prepared to respond to and engage proactively in our communication efforts. So, supportive of that concept. I see Trustee Zamora has some feedback for that particular question. Trustee Esparza-Stoffregan hasn't added to this conversation yet. Is it okay if I go to her first? Thank you. Go ahead.

Trustee Esparza-Stoffregan:

Excuse me. Excuse me. I apologize. Allergies are not been kind to me lately, but anyways. So, a lot of really thought-provoking conversation about that. Here's the thing that I just want to remind us all. What an opportunity it is going to be for us to rebuild trust again, to really engage our community, because they're actually having their own meetings as we're speaking today. They're

Trustee Esparza-Stoffregan:

already having conversations. And so, I think we cannot think in a singular mindset that when we have community meetings in the future looking for the superintendent, they're going to definitely be sharing. So, I just want us to be cognizant. And yes, I see all the points that have been laid, but I want to concur with Adam, Trustee Johnson's comments about we want to use this as an opportunity to do a new way of being transparent and really communicating all of the process.

So, is there a possibility to have also things done in a way that it's on the online platform in addition to not just in-person. And I'm just thinking about, I've had several requests from rural community members to participate, so I think I'm encouraged by their invitations, but I know that we cannot participate, because we are only one individual. I just want us to think differently about how we're going to do that messaging.

Trustee Garcia Morales:

Thank you Trustee Esparza-Stoffregan, and those are great suggestions and definitely something for us to hold onto as we plan out our meetings. Trustee Zamora.

Trustee Zamora:

Thank you, Madam President. I feel like Trustee Johnson and I were on the same wavelength, because that's exactly what I wanted to mention. I think having that communication with the community is really important, especially because they are having their own meetings, they are creating their own narratives. And we're trying, I think as a board, you've mentioned before, President, that we want to work on that. We want to build those relationships. I would love to see in this discussion, coming up with maybe some ideas of how, not really a compromise, but more of a plan. If we pause these meetings, we focus on the superintendent search and having the community meetings for that. What we can do for now though as just a strategy, so then when it is time to have these conversations, we have that relationship with the community. They will be accepting, we will be accepting. It's just very open.

Trustee Garcia Morales:

Thank you, Trustee Zamora. I also failed to mention at the very beginning, what you just shared reminded me that I appreciate that several members of the last meeting at this time, this agenda item was brought up, that there's interest in volunteering and supporting building of that strategy. And I want to share with you that I, just to ensure that we are complying with open meeting laws and are able to engage in a transparent manner. I will be reaching out to members individually to ask them for specific assignments. For example, I know Trustee Zamora and I, we're working identifying areas of our community where we could potentially meet. So, I know that that's happening and I hope to be able to reach out to colleagues with specific tasks so that there's opportunity for everyone to be engaged in that capacity.

And so, that's the work that I'm committed to supporting the board in leading this work. Trustee Esparza-Stoffregan mentioned some virtual options and some hybrid options. So, I love to be able to speak to her about that, framing and set up so that when we are ready to launch we can say,

Trustee Garcia Morales:

Hey, based off of some of the discussions that I've had. These are strategies that everyone has suggested, and then tweak them on the board when we're ready to hit the ground running.

Trustee Zamora:

As a follow-up. So, can we expect maybe from the next work session a better idea of a plan for the board members and the community, just the communication to the community about it.

Trustee Garcia Morales:

Our next work session is [inaudible 01:09:19]. Forgive me. I am saying these up. I'm having a conversation with myself, but there will be a future meeting. I'm not sure if it will be the next work session, but there will be a future meeting where we'll have a better picture that we can build towards. And again, going back to my original thought that we need to ensure that our search firm is selected and that they give us some insight once we have a better timeline about their selection and then what kind of community engagement sessions they have, I feel like we will be able to put these pieces into motion. So Trustee Zamora I hear, you loud and clear. Let's have a meeting in the future, an agenda of some sort once we collect some additional information.

Trustee Zamora:

And just to put it just as clarification, as of right now, the next action steps would be, you would be reaching out to board members to just come up with a plan?

Trustee Garcia Morales:

Yes, correct.

Trustee Zamora:

Thank you.

Trustee Garcia Morales:

Thank you. Trustee Brooks?

Trustee Brooks:

Thanks, Madam President. I want to build off Trustee Johnson's idea. I think one tangible action we can do is similar to what Washoe County did. They have a page on their website specifically outlining the superintendent process. It has links to the RFP and the... Basically everything that you would need to know. I think that could be a good central place to direct people. I understand that there's absolutely no way that you are going to prevent people from having these meetings. They have a right to have the meetings. The only thing you can do as a board member is make sure that you're being fair and transparent and you're removing bias from your own process by making sure that you're working within the bounds the board determine.

But definitely, if there's central location on our website, it's very easy to reply and say, "Hey, this is where we are in the process. We invite you to be a part of it." That's the entire purpose of having

Trustee Brooks:

this be a transparent process in public, is because we do want those people in the fold, but we're not going to be able to prevent them from jumping the gun and trying to get ahead of it. It's unavoidable. And it's not fair for us as... And I think that's one thing that they don't understand. It's not fair for us to show up in a setting that the rest of the board did not agree to. They did not agree to actually hear things in this format. So, we have to stick to the plan, but we have to have resources available to let them know what the plan is.

Trustee Garcia Morales:

Thank you. I hear some audibles from our colleagues that they are supportive of a site, a location where we can start to build some of those elements and have a central location. When individuals ask us about the search process, we can provide that link to them. Perfect. Thank you colleagues. So action item, well not really action, just additional steps that will take place here when it comes to community meetings. Thank you for your understanding and your support in helping us move this work forward. Thank you.

2.03 Board Counsel Provided by NRS 252.110.

Discussion regarding service provided under NRS 252.110, "Except with respect to matters for which the board of trustees of the school district has employed private counsel, draw all legal papers, give his or her written opinion when required on matters relating to the duties of the board of trustees and transact the legal business of the school district whose boundaries are conterminous with the boundaries of his or her county, and perform such other legal duties as may be required of him or her by the board of trustees." [Contact Person: Evelyn Garcia Morales] *(According to Governance Policy GP-10: Construction of the Agenda)*

Trustee Garcia Morales:

All right, I'm going to move on to item 2.03. This is not an action item. Again, a discussion only. This is a discussion regarding the service provided under NRS 252.110 and I'm going to read this to you in preparation for the next item 2.04. Okay. And provide additional context. My intention with item 2.03 is specifically to provide context regarding how our board attorney has come to the board and then a little bit of background in history regarding in 2001 specifically when this almost changed for us and some of the decisions the board in 2021 made to keep the attorney.

Okay. So NRS 252.110, except with the respect to matters for which the board and of the trustees, board of trustees of the school district has employed private counsel, draw all legal papers, give his or her written opinion when required on matters Relating to the duties of the board of trustees and transact the legal business of the school district whose boundaries are contemporaneous with the boundaries of his or her county and perform such other legal duties as may be required of him or her by the board of trustees. So, this NRS 252 essentially grants the board of trustees legal counsel provided by the Clark County, Clark County specifically not Clark County School District, but Clark County, the government entity. And so this item is codified into law. In 2021. We heard from counsel at that time that the county was considering making changes to NRS 252, or submitting a BDR to make changes to NRS 252.10. One, one, zero.

Trustee Garcia Morales:

So, that counsel prepared us to start a process and potentially begin hearing... Prepare a process so that we wouldn't be left without counsel. In February, we had a meeting in February, 2021 where this counsel provided us this guidance. And then, the board specifically directed the counsel to research law firms that could potentially give us some proposals for a service to the board. There were several meetings that took place in May, 2021, June, 2021, July 7th, 2021, and eventually August 4th, 2021. During the August 4th, 2021 meeting that point, the legislature had closed, the session had ended, and the county remained with NRS 252.110.

And at that time the board had went as far as receiving proposals and almost preparing for interviews with search firm... Excuse me, search firms preparing for interviews with the potential law firms that had submitted interest in supporting us. The board received quotes that ranged from \$3,500 for zero to 10 hours a month, to a retainer fee of \$26,000 a month. So, there was a range there. In August of 2021, the board agreed to keep the county's board counsel. And some of those items that came up for discussion were while we NRS was still allowed us to have a representative from the county serve as board counsel. The board chose that path, and to continue to keep that path because specifically there was two major challenges. One was the cost of the attorney, because at this time we currently do not compensate the county for... We compensate \$0 actually to the county for our board counsel. And because of the amount of work that the board counsel currently does, has in the past been heavy.

And I'll share an example of this. In the last seven days alone, the last seven days, our board attorney has been a part of 22 email subjects, not including back and forth responses where she also provided legal advice in addition, for example, like filing our response to the recent lawsuit from the cities. And again, that alone, the legal response attorneys, outside of board counsel would have charged us for, for every second, every minute of that. Again, because of the amount of time that our attorney was involved and continues to be involved with the board and the risk of increasing the budget from \$0 to up to \$26,000 a month for a retainer, the board decided to graciously accept the support of the county through this counsel.

So again, this is an informational item. It's simply an effort to provide context about this discussion that took place in 2021, from February to August. The other thing that took place in addition to the discussion was because the board already had a list of firms that were interested in serving us in one capacity or another. And the discussions varied from the fees that they would provide us. Some said, "We give you zero to 10 hours a month." Some said unlimited services. We were also still very... These groups decided to continue to serve on the list or stay on a list in the event the board needed external counsel, and we have that list. We would just need to go back to that list to ask those firms what their fees would be. And I shared that with you just simply as information that has existed for us. If you were here in 20/2021, remember those four law firms. All right. There's no action on this item. Again, just simply informational and happy to answer any questions that my colleagues may have about 2021, back in time. Okay. All right. Trustee Cavazos.

Trustee Cavazos:

Thank you, Madam President. I just wanted to ask, and I was listening carefully to the review of the information, the correct information that you were giving us. But it seemed to me that the background information that you were giving us, it was not only informational, but it seemed to apply more to Trustee Guzmán's board counsel request for proposal instead of just the informational on NRS. So, I just wanted to make that point. And I know that these two items are, they're kind of hard to separate and we were puzzled. I know I did ask you and you did respond. Thank you for that. I did ask what was the purpose of 2.03, and you said that you would provide that on the dais, which you have. But I'm just thinking that some of that conversation and some of that information that you just provided, we can actually use that in the next item. It's going to be very helpful in the next item. So, I just want to make that point. Not really a question.

Trustee Garcia Morales:

Trustee Guzmán?

Trustee Guzmán:

Thank you, President Garcia Morales. I actually appreciated that timeline, because I also had that timeline in my notes. So, I appreciate you doing that, and I look forward to presenting on the next item. But on this item, it specifically references NRS 252.110. And I just want folks to know that number four in that law says, "Except with respect to matters for which the board of trustees of the school district has employed private counsel." So, we can employ private counsel to assist with our attorney. So, that is the only thing that I would add. Thank you.

2.04 Board Counsel Request for Proposal.

Discussion and possible action for a Request for Proposal (RFP) to seek potential counsel to work with and represent the Board of Trustees. **(For Possible Action)** [Contact Person: Lisa Guzmán] *(According to Governance Policy GP-10: Construction of the Agenda)*

Motion to decline Item 2.04. Board Counsel Request for Proposal

Motion: Williams Second: Garcia Morales Vote: Yeses – 4 (Brooks, Bustamante Adams, Garcia Morales, Williams); Noes – 3 (Cavazos, Guzmán, Zamora)

This motion passed.

Trustee Garcia Morales:

All right, thank you. And if there are no other questions, I think we can move on to item 2.04. No other questions? Okay. I think Trustee Guzmán, you're in the queue to go up to 2.04. Okay, great. Perfect. I want to just share, colleagues, taking this as a learning opportunity. Our board policy allows members who have a specific interest in bringing an item to the board to request that of the president. There is in this case, Trustee Guzmán, Trustee Zamora and Trustee Cavazos specifically asked for 2.04 to come before the board. I'm grateful to have worked with Trustee Guzmán on this item and specifically the wording of this language.

Trustee Garcia Morales:

I want to provide some parameters for this conversation. We will benefit tremendously from sticking to the agenda item 2.024, which is the request for a proposal to seek potential counsel to work with and represent the Board of Trustees. This item does not allow us to speak to our current counsel's character or competency. And again, this is only about the RFP for board counsel.

And I also want to apologize, Trustee Guzmán, last night you sent Google Drive with over 20 documents to be included as reference material for this item. I know that we were involved in a back and forth this morning, and I apologize I did not get to your response, but I did take a moment to notice.

I'm not sure if you still want to include these particular items as reference material, because we can still include them. Although, I think I needed some clarification in terms of where you notice the attendance of board counsel specifically on this item, because the minutes do not reflect anyone's attendance outside of the Board of Trustees. It does not include counsel's attendance reflected on these minutes. So I don't want to misrepresent these minutes to be included. If you have other material that indicates what you're trying to convey, I think it may be important to include that separately or provide that on the dais here to our colleagues so they have access to it. Thank you. All right, Trustee Guzmán, turning it over to you.

Trustee Guzmán:

Thank you. So first off, I appreciate having this agenda item and I also appreciate conversation about it, because I haven't had conversation with Trustee Zamora or Trustee Cavazos about it. I do know that they have the same thought process as I do, but I deliberately didn't have that, because I just wanted to bring it forward. And they did let me know that they also were bringing it forward.

So, here's the thing. This is absolutely not derogatory against our counsel. The reason why I want to go for a request for proposal is based on the fact that the rules governing a county-appointed attorney does not always meet our expectations. And one of the things is that I have been informed that the legal counsel determines when they need to attend a board meeting. And the thing is, I get that. The board attorney is not elected. And so, they do get to determine when they attend. When going through the minutes for the last couple years, actually, they do take attendance on the minutes. They'll let you know if a board member has attended via telephone or anybody who has attended via telephone or who is sitting on the dais. And I noticed that we had quite a few board meetings that we didn't have an attorney. And I felt that it would be really good for us to have a backup in case the attorney cannot attend.

And that way we are making educated decisions on the dais. And if we need to ask the attorney for information that comes forward, we can ask them. But if our attorney is that here, we cannot ask. And so therefore, our determination is based on what we think. It may not be the best thing to move forward. And so, that is the reason why I wanted to bring it forward. And I feel a new RFP would be good, because the law firms that we had in the past may not want to assist with us

Trustee Guzmán:
coming up, they may have also moved on. It was 2021. We are in 2024. That is the reason why I asked for that.

Trustee Garcia Morales:
Thank you. Thank you, Trustee Guzmán. To be clear, from the list of 18 board meetings in 2023 that you attached to the folder, only two of those, our counsel was not present. So, I think it may be important to clarify that for the record, that in the folder that you shared, there were 20... 18, excuse me. 2023.

Trustee Guzmán:
'21. There should have been '21.

Trustee Garcia Morales:
But counsel was not our counsel in 2021.

Trustee Guzmán:
Right.

Trustee Garcia Morales:
Right. So, current council in 2023. Out of 18 meetings, was unable to attend physically in person in two. Okay, I'm going to turn it over to colleagues who are in the queue. Trustee Guzmán, I think that you mentioned, are you on the queue or off the queue?

Trustee Guzmán:
I accidentally [inaudible 01:28:41] myself off the queue in case somebody wanted to ask me a question.

Trustee Garcia Morales:
You're good. Okay. I'll be ready to make sure to turn it on. Let's leave it there. Trustee Brooks?

Trustee Brooks:
Thank you, Madam President. Okay, question. What prevents the board from asking the general counsel in those two instances where the board counsel wasn't available, what prevents the board from utilizing general counsel to answer questions?

Trustee Garcia Morales:
This is a question for Trustee Guzmán, or for me, or for...

Trustee Brooks:
Trustee Guzmán, who's making this request.

Trustee Garcia Morales:

Okay. Forgive me. Thank you. Trustee Guzmán?

Trustee Guzmán:

So in my opinion, general counsel represents the district and not the board. And I feel that we should have an attorney that represents the board.

Trustee Brooks:

Okay. This is where I'm struggling, because the board is the district? We're not two different people. The counsel that's provided through the board is specific to your obligations as an elected official or the board's obligation under open meeting laws. So, when you envision another entity coming to give us advice, is that what you are limiting their scope on?

Trustee Guzmán:

Yeah. We could. In my thought process when I'm thinking about it, I'm thinking about open meeting law, I'm thinking about decision-making that we do on the dais. Even having a background in Robert's Rules of Order.

Trustee Brooks:

Okay. Our decision-making legal counsel should not be weighing in on our decision-making. The only thing that they should be providing us guidance on is ethics and open meeting law. So, I guess that's where I'm struggling is that this request for an outside person, it's really not necessary, because if you had an ethical concern, I don't know why you wouldn't be able to ask general counsel who also has to have a very thorough understanding of ethics, and also open meeting law. We're not like a small district where we don't have a slew of lawyers available to answer questions. And I don't think it's a reasonable expectation to pay someone. The average attorney in Nevada is \$300. So I don't think it's a reasonable expectation to pay someone \$300 to sit here just in case when there's another person available that can answer our questions. So, is there something more that I'm missing?

Trustee Garcia Morales:

Go ahead, Trustee Guzmán.

Trustee Guzmán:

And I don't want to block out Trustee Cavazos and Trustee Zamora. I don't want to, but I do want to say that when it comes to ethical matters, there was an ethics documentation that was turned in by trustees against a trustee, and the trustee had to go to outside counsel and not utilize board counsel, which is something that if there were an outside attorney that the trustee could have. Now the ethics thing was dropped, it was not a big deal. But the thing is that there should have been someone for a trustee to go to have that conversation.

Nicole Malich:

I just want to step in on the note of ethics, no. Even if the board paid for an attorney, you could not utilize that for your personal ethical complaint.

Trustee Guzmán:

But it wasn't personal. It's about-

Nicole Malich:

I'm not saying you, I'm saying for a ethical complaint, because the board's attorney couldn't do that. That would be a conflict.

Trustee Brooks:

Even if it's a contracted one, it's a conflict because that outside person, they represent the board, not you. So, you would still need an outside person to do that for you. So, does that change your perspective any or-

Trustee Guzmán:

Not really, no.

Trustee Garcia Morales:

Trustee Brooks, I'm going to put you back in the queue-

Trustee Brooks:

Understandable.

Trustee Garcia Morales:

... if you want to keep asking questions, I want to provide, if it's okay, I think see Trustee Cavazos in the queue. I'm going to turn it over to you. Thank you.

Trustee Cavazos:

Thank you, Madam President. I just wanted to, first of all, before I go onto my question, just to clarify that I thought that Trustee Guzmán explained her intent to very well. I want to see if I got that right and just do my therapist thing and reflect back to you that it was not your intent with this item that you are saying to replace our present board counsel, you are saying that with our specific needs, that you feel that it would be beneficial to have backup outside counsel available to us?

Trustee Guzmán:

That's correct.

Trustee Cavazos:

Okay. So this is something that has, I just want to make sure that your intent was not that we were going to go back to just continuing with those three firms from 2021, but this was new?

Trustee Guzmán:
That's correct.

Trustee Cavazos:

Okay. So, I would have to agree with Trustee Guzmán, not surprisingly, since I was one of the three trustees that also requested this. And I feel that I have to share in all transparency that when I was first appointed to the board in 2017, in one of my trainings, it was made quite clear to me that there was a difference between general counsel that represents the superintendent and the district, and school board counsel that represents the board, not as a private attorney for our own as Trustee Brooks correctly pointed out, not as a private attorney for us to use at will, but that it was to protect the board's interests.

And Trustee Brooks is also correct, that there have been a few times that General Counsel, Mr. Puschig kindly was here at just about every single meeting. I don't know if I can ever recall that he wasn't here and that when our board counsel was not here, he did step in. And he did answer our questions as best he could. I would not want to be able to quote a specific meeting, but I do remember a couple of occasions where he tried his best to answer, but then he referred and said, I would need to confer with your board counsel on this, because he was general counsel. So, I just wanted to make that point that there is a difference between school board counsel and general counsel. I'm going to allow other people to jump into the queue.

Trustee Garcia Morales:

Thank you. Thank you, Trustee Cavazos. Trustee Johnson?

Trustee Johnson:

Yeah, I'll just say. I don't necessarily have a... I'm fine if we decide to do to an RFP, but it never hurts to search and look. But I do practically, what is our budget? What is the budget that we would have to be able to hire this additional attorney? Well, I appreciate the average attorney's \$300. I don't think, I don't want an average attorney, an above average future attorney. So, what's the budget? And then, where does that money come from? What line item? Because if it's zero today, that means we hadn't budgeted for it previously. And so, that means that money's coming from some place where we have to take it from in order to pay for this. That'd be the first question.

And then, the last part of it is just, in thinking about in the five months that we've been here, we don't generally move at a breakneck pace. And so, what I'm saying is, if there's a question that cannot be answered because our attorney is not here and sounds like she was here at 89% of the meetings. But if our counsel is not here, what's to stop us from just saying, well, we'll have to pause and put a pin in that until we can be there for the next one. I've not seen us have any questions that are so pressing that they cannot wait until the next meeting. And so, if that's the one thing that we are trying to solve for, I just haven't experienced yet that we've had an issue that is so pressing that we can't get it resolved at the next time we meet. And so, maybe we can just think about that.

Trustee Johnson:

But then also, where's the money come from to pay for the extra attorney? And it's fine if we have a slush fund and then that's the answer and that's the way we pay for it. But again, I'm also okay with just saying it's okay to look around and say, "It can't hurt to at least see what options are available. So, those are my two questions. One's a question, the other one's just the point. The question is where's the money come from? The other point is do we move fast enough that we can't pause when we have a question and have it asked at a different point in time?"

Trustee Garcia Morales:

Thank you, Trustee Johnson. I will speak to the item related to budget. It will come out of the district funds. Some sort of general operating funds that are typically used for to operate the district. Something will have to...go away...

Yeah. Go away or be condensed or replaced so that we can utilize these resources for any type of attorney needs. And with respect to slow and pausing, there hasn't been, from what I understand in the last year, even the last three years, almost four years that I've served on this board, that the board has had to... We haven't had an issue where we haven't been able to pause and complete our... We haven't been in that situation before. That's what I'm trying to say. Trustee Zamora?

Trustee Zamora:

Thank you, Madam President. I do want to mention that during my training as well, it was mentioned that general counsel and our board counsel were two different, what is it? Departments, entities. There you go. Entities. And we couldn't kind of go to general either. I'm curious to see what that would look like too if general counsel is not sitting anymore on the dais with our new changes. I do have concerns with... I like to pre-plan. I always like to be prepared and I hear what you're saying Trustee Johnson, if we pause things, put a pin on it. But sometimes there's conversations that are happening, and if something was to happen and our board counsel now cannot attend over the phone, I've been over the phone a few times and it's very difficult to follow along.

I know there was a time in a past board meeting where counsel was on the phone and there was a lot of conversation happening on the dais, and there needed to be some type of... Bringing everyone together to clarify some things and it was very difficult for our counsel to listen and hear every person's point of what they were trying to say. So, I just want to prepare, in case they're not here, we are always prepared and have that backup. Now that we're in a time with our appointed members and there's some things that we still don't know. We don't know what's the law, we don't know any of that. This is all new to us. I would like to see someone present physically here, if questions arise and we're all prepared, and have the great guidance for those situations. That might happen. They haven't happened yet so much, but I want to be prepared.

Trustee Garcia Morales:

Thank you for that. I will simply add that, that leaves me curious with other questions around what additional training and support members need to be crystal clear on any and all situations

Trustee Garcia Morales:

specifically related to policy so that they're prepared in advance of-that they, that they need this particular knowledge. So that leaves me curious, but I won't discuss that at this time. Trustee Esparza-Stoffregan?

Trustee Esparza-Stoffregan:

Thank you. And again, I apologize for my voice, a little wavering due to allergies. So, I'm going to say this really slowly. I've thought about this, been here as a new appointed trustee for a short time. I really want us to think about this question before I lead into what I'm going to do next. And what I did a former English teacher is, I write my thoughts out. I do that so that I am clear and it does not show I hope, some clarity, but also to just have individuals kind of-I. Don't want to omit anything. The question I want to lead with is we are the fifth largest school district in the nation, how do we not have a separate counsel for us as trustees? I do not understand that. So here's what I would like to share my points with my fellow trustees. If you would let me indulge.

The separation of duties between superintendents and school board attorneys is a crucial... It's crucial for good governance in a school district of our size, the fifth largest in the nation. Why? Prevents conflicts of interest. The superintendent is the chief administrator responsible for implementing the board's policies and managing the day-to-day operations. The school board attorney advises the board on legal matters and ensures the district complies with educational laws. If the same person held both roles, there could be conflicts. For instance, the superintendent might make a decision that benefits them personally, but violate school policy, the attorney in that dual role would be obligated to defend the decision even if they knew it was wrong.

Another point to consider, it does ensure objective legal advice. The board relies on the attorney for unbiased, legal guidance, unbiased. If the superintendent were also the attorney. Their advice might be influenced by administrative goals, potentially jeopardizing the board's ability to make sound legal decisions. In other words, if we shared that attorney, there's a conflict.

Another point that we need to consider. It provides checks and balances. A healthy school district administration requires checks and balances. The attorney can act as a safeguard ensuring that the superintendent adheres to legal requirements and board policies. And again, as I mentioned in a previous item, we need to strengthen transparency and accountability. Separation of duties fosters that transparency. The board attorney is directly accountable to the board, not to the board and the superintendent, promoting open communication and a clear division of responsibilities. So, I am saying, I think we need to consider that these roles need to be separate and that we need to have and consider outside counsel to prevent conflicts, ensure objective legal advice, provide these checks and balances, and strengthen the transparency. We are going into selecting our new superintendent. I would like us to consider to have an outside counsel to negotiate whatever that contract is going to be. Thank you for listening.

Trustee Guzmán:

Listening. Don't turn it off. I have a question because, and I understand everything that you said, and we actually do have a board attorney that does that. And so maybe I'm misunderstanding. What I wanted was a backup counsel for our board attorney so that when she's unable to attend, we have that or unable to answer our phone calls on Fridays or that kind of thing. If there's something that is pressing that we need to do. But it wasn't to replace or do anything like that. It was just for as a backup. And so, maybe I'm misunderstanding, but we don't share an attorney with the superintendent currently that I know of.

Trustee Esparza-Stoffregan:

So Trustee Guzmán, forgive me if I misspoke in my notes, I concur with you. I do think we should have that backup as a new trustee. The things that I think I've been privy to, I really would. I would be much more comfortable and feel that I could be effective in having that outside source as a backup.

Trustee Guzmán:

Okay. Thank you.

Trustee Garcia Morales:

Thank you, Trustee Guzmán. Thank you, Trustee Esparza-Stoffregan. To be clear, we currently do have objective legal advice, and from our county representative from board counsel. And this discussion specifically is about an RFP process for outside counsel. I'm going to turn it over to, I see Trustee, Bustamante Adams. And then, the next two members, Trustee Cavazos and Trustee Brooks are back in the queue. I'm going to turn it over before I go back to them. Give Trustee Williams an opportunity to share, comment, and then turn it over to Trustee Cavazos and then Trustee Brooks. And then I'll provide my particular thoughts on this item as well. And then, I don't want to forget, this is an action item, colleagues, so members of the public who have... I would like to speak on this item, which need to complete a yellow card. And once we have, we'll collect these cards in a momentarily and take public comment after Trustee Brooks. I think that may be a natural pause for us before we seek action. Okay, Trustee Bustamante Adams?

Trustee Bustamante Adams:

Thank you, Madam President. I'd just like to first say thank you to Clark County. I don't know if you're listening, but as the county, I just want to appreciate the fact that you do provide us that resource. And I do feel that we have the adequate staffing currently for our board. I feel very confident in that. I also want to thank the trustees for bringing it forward, but I want to stick to the topic. It's about the RFP. And so for me right now, even though I think the conversation, we would need a backup plan. I don't know if we need an RFP that seems so extensive. And so I would say that right now I want to stick to RFP for the search firm so that we can get our superintendent. That's where I want our energy to be.

And that for us, the timing is just wrong right now, for me personally, for this RFP, I think it would be a distraction. Not that it's not valid because I hear you and I want to let you know that I receive

Trustee Bustamante Adams:

it, but an RFP now for me would just be a distraction for the work that we need to stay focused on. And for that I would not support something right now.

Trustee Guzmán:

Thank you Trustee Bustamante Adams, and I appreciate that. I just want you to know that I requested this initial item August 23rd, 2023 when I was told that the attorney could choose when they wanted to attend a board meeting.

Trustee Bustamante Adams:

Thank you for that clarity.

Trustee Garcia Morales:

And I'll add an additional clarity to that piece, that in August, 2023, I only had two trustees who submitted a request for this particular item. I did not have the entire, I did not have three requests, full requests. And it wasn't until recently that I had the request and I returned to Trustee Guzmán to try to put this on the agenda as soon as possible. Okay, Trustee Williams.

Trustee Williams:

Thank you, Madam President. I have so many thoughts, but I'm just going to try and stick to a couple, just a couple just so that we don't go off into a tangent. I appreciate how Trustee Guzmán actually approached this and the way that she verbalized it, so I'm not going to really talk on that. But to me, I feel like this board gets so distracted so quickly all the time. And it is apparent by just the simple fact that there are other trustees on the board who don't even fully understand what Trustee Guzmán was trying to incorporate into this concept. So, that's one thing. And the other thing is what I'm going to hit on what Trustee Irene Bustamante Adams said was that we get distracted. This is not about student outcomes. We are in the middle of an RFP process for a new superintendent.

This is very expensive and I don't understand how we're going into graduation season RFP for superintendent. And oh, by the way, now we need a backup for an attorney who may or may not be there when that situation has never actually happened to the point where we could not call on the DA's office. Well, because there are other people in that office that can always answer the questions on ethical standards for us and open meeting law standards if our current present attorney is not available. So I just find it very interesting that this consistently comes up. So at that point, I just don't understand why this is the, I don't think that this is the time to do it. So I'm ready to make a motion President Garcia Morales, whenever you're ready for that. But I don't think this is the time nor the place to have this conversation, especially in the middle of a superintendent search and we're gearing up for a new school year.

Trustee Garcia Morales:

Thank you Trustee Williams. I'll return to your motion request if that's okay, after we hear from the last members in the queue and we hear from public comment. Okay. Thank you Trustee Cavazos.

Trustee Cavazos:

Thank you, Madam President, I agree with you that this has become somewhat muddled as far as on the agenda item and how it was stated. But I do want to point out, because I have just, I went back into my own emails and the original reason given for this was not that you did not have three requests, but that the request was denied to add an item to the September work session because an action was taken during the August 11th meeting of the previous year that met the request and Trustee Zamora's request was received by you. But I believe you stated that it was not worded correctly, that it was an opinion, not a request. And so with the numerous emails going all the way from August, September, October, several in October, February, March to finally putting this on the agenda, I did want to point out that the original reason was that this was already taken care of.

So I just wanted to point that out. And the other thing that I wanted to state with something that Trustee Zamora had brought up as far as that not having counsel there sometimes part of my training also stated that board counsel, and this was from one of our veteran trustees that I still speak to sometimes that our board counsel serves as our parliamentarian. And there have been times on the dais that Trustee Zamora was referring to, not necessarily that we stopped dead and were not able to accomplish anything, although there have been some instances like that. But there were some instances where Roberts rules of order were not followed. And because Roberts rules of order were not followed, we had a lot of, shall we say, unnecessary contention and things that went in a non-constructive direction where if we would've had that parliamentarian advice, we could have handled that in a much more constructive way. So I did want to point that out.

Trustee Garcia Morales:

Thank you, Trustee Cavazos. That also piques my curiosity in terms of training that members need to ensure that they also are very familiar with Roberts rules of order that that's for a separate discussion. And I have Trustee... I see Trustee Watson actually has not shared their remarks yet. I'd love to be able to hear from him. And then Trustee Brooks and then we will take it over to public comment.

Trustee Watson:

Thank you, Madam President I was not here in 2021, so this is not anything that I'm familiar with, but based upon Trustee Guzmán's request to have a backup, considering that we are a different makeup. We have 7 elected and four appointed. And so, I just think that that is a different animal, so to speak. And so I think, that just having a backup is okay. There's nothing about the county, so it's just a backup. Thank you.

Trustee Garcia Morales:

Thank you, Trustee Watson. Trustee Brooks?

Trustee Brooks:

Thank you, Madam President. Just a couple points and then you can go into public comment. I think our board policy says the vice president serves as our parliamentarian, if I'm not mistaken, not our board attorney. So, that's actually a board member who's supposed to keep us in check.

Trustee Brooks:

And then, I do always support additional training, because I think that's a lot of pressure for just one person to have that knowledge regarding the backup piece, I also think that, I'm not sure if you covered this, that after this request came, did we reach out to the original people who said that they would provide us legal counsel, and did they agree to do so and don't we technically already have a backup without an RFP process?

Trustee Garcia Morales:

Thank you, Trustee Brooks. Trustee Cavazos alluded to, my first original item, that first original piece. My effort was responding to Trustee Cavazos' request, was that we had this item in 2021 that we had a list of four attorneys that were available. And I wanted to come to a compromise to let her know that we had this access already. The board at the time, in 2021 approved a list of four law firms that could be used when needed. After that, I did ask counsel to go back and look into the list and see if those firms would still be available. Those firms are still available. Their fees have changed, however. Just like everything else is going up in price, so the time, the most costly firm was willing to give us a retainer for \$26,000. That was three years ago. So yes, we currently do have this list.

Trustee Brooks:

And then, a question to our current counsel from the county. Is it possible if you were to be absent, that another person provides backup from the county counsel?

Nicole Malich:

Yes, anyone in my office could cover in my absence.

Trustee Brooks:

Okay. So yeah, it's provided through the county. We already went through this process, this exact process. I feel like it's deja vu because we did all that work. We put out an RFP. We decided as a board a path, and now we're having the same conversation. I feel like we're in a loop. I agree with Trustee Bustamante Adams, that we need to stay focused. And the community recognizes that we are very distractible. So, we just had a conversation about priorities just like 30 minutes ago. Whenever. Thank you.

Trustee Garcia Morales:

Thank you. Colleagues, I just asked for your consideration, given the Trustee Zamora. Can I put you in the queue here, and then turn and then Trustee Zamora and then public comment? Oh, Trustee Zamora question?

Trustee Zamora:

Yes. It was just a quick question for us to have a backup from the county. Who needs to make that call or how do we get them?

Nicole Malich:

Whenever I'm going to miss a meeting, I'm in communication with the president and ask if she needs additional legal advice, or so.

Trustee Zamora:

Got it. Thank you.

Trustee Garcia Morales:

Can we go to public comment please? Do we have anyone who submitted yellow cards? Thank you. Thank you. All right, Ms. Binder, do you want to come on up please?

Public Hearing

Anna Binder:

Anna Binder for the record, Madam President, members of the board, Interim superintendent Larsen Mitchell. I was here in 2021 and I've attended more board meetings in the last five years than almost every single person in this room, and just about every single person listening other than journalists. It feels like a circle because you're right, Trustee Brooks, we're having the same conversation that we had back in 2021. However, what has happened between 2021 and 2024, we have given our prior super superintendent a beautiful write-in on his contract. We fired him. People got bonuses, he resigns, people get bonuses. Our prior board counsel, there were allegations going around that she negotiated even a contract before that with Jara, which raised a lot of questions, so we could get really historical about it.

I do want to say one of the firms that I previously had an issue with, they did stop representing Power2Parent. I don't know what loyalty that shows, but for the people who weren't here in 2021, Jara was very good friends with Aaron Phillips. And one of the top firms they were looking to hire was also Power2Parent's attorney. And they screamed up and down that there wouldn't be a conflict. But I'm sorry, I don't think so. But I did double check the secretary estate and they did resign in 2021. I still don't know about loyalty. We also paid Jara's attorney \$95,000. Where are we going to get money to pay an extra attorney? I don't know. 250,000 to get rid of Jara, 95,000 to pay Jara's attorney. What? Almost \$800,000 in executive cabinet raises that have never come before open meeting. The community didn't even get to hear about it. And the only reason we did is because a journalist put in an open meeting or a FOIA.

So, I've heard the word transparency a lot tonight. There is no transparency. The community wants community meetings and we've wanted them for years, and I beg for them all the time and we don't get them. But now all of a sudden the Council of Great City Schools put it in their plan, so it's a good idea, but we're going to hold off again. This is why the community is meeting. We're meeting without you because you don't listen. And when people show up here, they leave empty-handed, no matter who goes and talks to them. So, what do they do? They create their own meetings because they don't know what else to do. So, we need a lawyer. You guys need a lawyer, especially to hire the new superintendent.

Anna Binder:

If it's for anything, anything, do it for that. Protect us, or we're going to be looking at another... It doesn't matter if you're here or not, you're going to get paid. And this is not personal, this is a contract. This is money, this is taxpayer money. These are our children, this is our community. The next superintendent should not be walking away rich to leave us if we choose to separate from them. So, whether it's our existing one or one that's actually maybe going to protect us, we need another attorney. And the community actually is saying they don't want this board to hire that superintendent, is actually what they're saying.

Trustee Garcia Morales:

I'm not sure what that has to do with the RFP process, but I will accept it. And I have not shared my specific remarks, but I do want to provide my comments to my colleagues, and then I'll turn it over, as I shared earlier to Trustee Williams. I believe that this item is trying to solve for a non-issue of the board. Attendance has been raised as a challenge. However, for 98% of the meetings that were referenced there is, that hasn't been brought up as a challenge in the past. It doesn't feel like it is... It appears to me that there's some conflicts that I'm not understanding fully. And for that reason, I am asking for my colleague's support to help us focus on this superintendent search, help us focus on the work that we just talked about with respect to community meetings. We have a lot of important work ahead of us and appreciate my colleagues' commitment to our students in our community, which is why I believe this item specifically is a non-issue. We currently have four firms that have been contacted for continued potential service to the board.

The backup trust, backup counsel, has not been an issue for us and especially since we have a list of four firms that exist. Not to mention, and this is along the lines of the RFP process, we just have to look to our friends, our board, to the north of us in Douglas County, where they hired a search... Excuse me, where they hired a legal counsel. And that has not bowed over well for them. The costs have been extraordinary for that community. And unfortunately that may create all types of liabilities for the board and for the district at large. And I know we're not Douglas County, but we should learn from our peers up north to make sure that we don't follow in those footsteps, especially since the county so graciously supports us with this current attorney counsel. And I'd like to add that under, there is really, I don't see this being an issue. That's simply what I want to say. Trustee Williams?

Trustee Williams:

Thank you, Madam President for that. Yeah, I'd just like to point out that legislative sessions are coming up and if we have things we want to put into the legislative priorities for us, we can always do that, and this can always be one of them. So with that being said, I like to make a motion to decline this RFP process and that's it.

Trustee Garcia Morales:

I'm going to second that motion, colleagues. However, I want to take note that there are two members in the queue, and I out of respect, would like for them to have a moment to share their

Trustee Garcia Morales:

remarks. And then, once these two members are, I believe it's just two members have provided their comment, I will ask for the vote. Trustee Cavazos.

Trustee Cavazos:

Thank you, Madam President. A couple of things. And I wanted to address what Ms. Malich said, and that is she's correct that the county is able if our board attorney is not available. However, I do wish to share my personal experience as president. In 2021, and again, not Ms. Malich's issue, but I was provided with another assistant DA's name and number and she never answered my calls. And this was something where Ms. Krohn had contacted me and I actually happened to be on vacation and I needed legal counsel. I was not here in Las Vegas, and I placed two or three... I can go back and find the name of that DA. Do not know if she's still there. But I do want to point out that she never answered my calls. And I basically had to figure out with the help of Ms. Krohn, and just my own resources, to be able to get something done, it had to do with an agenda item that I felt that I needed legal counsel on.

The other thing is that again, having to do with this RFP to stick to the agenda topic, that when we decided that we were going to go ahead and go with the county, we had just put in unbelievable number of hours, as Ms. Binder pointed out, on figuring out the rubric, giving input, and basically just putting in a lot of work in hours, and a lot of people giving input on public comment. And then, I believe it was Trustee Brooks that brought up that we were able to have the county attorney. I do not remember without having to go back and look at the minutes, because I do not want to quote incorrectly. I do not remember us saying specifically that we were choosing any one or all four of the law firms that we were going to go to them, and we never have. There hasn't been in those three years, we have not gone back and consulted as far as I know, unless I missed something.

And I think pretty much, I'm pretty sure that Trustee Brooks and I have been here, we have pretty good attendance records for being here in-person. I think one of us would have noticed if we had gone to one of those outside firms. So I just wanted to point that out. And again, Ms. Malich is correct that we would have that resource, but they have not been responsive in the past. Thank you.

Trustee Garcia Morales:

Trustee Esparza-Stoffregan?

Trustee Esparza-Stoffregan:

I just feel as a new Trustee, I want to reiterate the importance. And I know people are saying that the timing is crucial. There is no, and when it was clarified that this initially was asked from, was it August? Was it August 2023? August, 2023 we're April, 2024. So I guess there's a lot of questions that I have about why it took so long to get to this space. And that's not something that can be answered right now, but as a new trustee, I really need that protection, and I would really want a back up. We have back-ups for substitutes. We have back up for administrators, we have back up

Trustee Esparza-Stoffregan:

for school police and other facets of our system. So I think there's nothing wrong with us if we're obviously not going to explore this at this time. We may in the future. So thank you.

Trustee Garcia Morales:

I did say that after Trustee Esparza-Stoffregan. Well, I did not say, actually, I said we would take these remarks what we need to Trustee Brooks. Thank you Trustee Brooks for reading my mind. Trustee Brooks for pulling yourself out of the queue. I want to remind our colleagues that there's a motion on the floor. Trustee Williams, can you please restate your motion?

Trustee Williams:

Yes, Madam Present. I'd like to make a motion to decline Item 2.04. RFP.

Trustee Garcia Morales:

Thank you. And thank you. No, it is 2.04. The item is 2.04 to reject to decline 2.04. Thank you. So colleagues, we have a motion by Trustee Williams, a second by your president. Please cast your vote. Trustee Williams?

Trustee Williams:

Aye.

Trustee Garcia Morales:

Thank you, colleagues. That motion stands four to three colleagues.

Public Comment on Items Not Listed as Action Items on the Agenda

Trustee Garcia Morales:

We're going to move on to item 4.01. The meeting of the upcoming board of Trustees. Oh, I'm sorry. 3.01. Thank you. I'm ready to move on. This is public comment on items not listed as action items on the agenda. If there's anybody in the audience who would like to provide public comment during this item has not submitted yellow card, please do so. We'll begin with public comment with Ms. Binder, followed by Stephen Phillips.

Public Hearing

Anna Binder:

Anna Binder for the record. Madam President, members of the board. Interim Superintendent Larsen-Mitchell. So obviously, you guys all know I'm very passionate, and so even the board, just for historical purposes, I participate a lot, as you can tell. And over the years, some people don't like me participating. So, they even changed rules in their open meeting. So when you get discussion items, you don't get to hear from the community because they don't want to hear from the community. So I did get a little frustrated in my previous public comment, because we should have been able to talk about the community meetings. But I just went back and did the math, and if we would've spent all that money on an attorney to protect us, we could have paid for 3,756 hours of an attorney to protect you against Jara. So anyways, that's fun stuff.

Anna Binder:

I don't know, what else did I write down there? I was a little upset that we had a discussion, and I guess a lack of discussion about community meetings. Even the last one that we had, it was a horse and cart. We showed up and it was very much... It wasn't like, "Hey community, I'm here for you." It was a, "Hey, here's our budget. This is where we spend all of our money. What are your thoughts on that?" So, I don't really consider that a community meeting. And then, the next best thing we got to that, was when a few of our trustees went over to the east side of town and participated in a very wonderful community meeting, even though it wasn't sanctioned by this board.

So I do know, and I was dreading today when teachers were getting home and relaxing to do whatever they do at home, grade papers and keep working off their contract hours. For them to see the highlight in the RJ today about that last round of raises. Because as we know, even though they got a historic raise with their last contract, it's still not, what do they say optimal when it comes to Nationwide pay, but then to know inside two years that people that aren't in the classroom are getting upwards of a really large raise because they stood by somebody's side who didn't really want to be in our community anyways. So, I'm just now seeing a lot of their messages and what a slap in the face they feel over that and it sucks. It really sucks. So, I'm going to go home and I'm going to go console them tonight because they really deserve that.

Trustee Garcia Morales:

Thanks. Stephen Phillips?

Stephen Phillips:

Good evening, members of the board. My name is Stephen Phillips. Good evening, Interim Superintendent Brenda Larsen Mitchell. Stephen Phillips for the record. I wanted to speak to all of you about a community meeting that's taking place on the east side of town at the East Side Community Center, located at 1650 South Hollywood, Boulevard, Las Vegas, Nevada, 89142. This will be a meeting that discusses several issues in CCSD such as one, schools failing to inform parents. Two, informing parents what goes on at their children's school. Three, informing parents what schools are hiding. Four, an opportunity for students, parents, and members of the community to speak out in a place and setting free of fear, of intimidation and retaliation. I encourage each of you to attend this meeting if you are able. Rumor has it that the mayor will be there, as well as another high-up person in political office in our state. Again, the meeting will be held at 6:00 PM Thursday, May 2nd, tomorrow at 1650 South Hollywood, Boulevard, Las Vegas, Nevada, 89142. Thank you for your time.

Trustee Garcia Morales:

Thank you. Okay, colleagues, that concludes public comments.

Upcoming Meeting of the Board of Trustees

Trustee Garcia Morales:

We're going to move on to item 4.01, the upcoming meeting of the board of Trustees, Thursday, May 9th at 5:00 PM, here in the boardroom.

Adjourn: 5:59 p.m.

Motion to adjourn.

Motion: Guzmán Second: Bustamante Adams Vote: Unanimous

Trustee Williams was not present for the vote.

Trustee Garcia Morales:

Colleagues, I'm now seeking a motion to adjourn. Trustee Guzmán?

Trustee Guzmán:

I move to adjourn.

Trustee Garcia Morales:

Thank you, Trustee Guzmán. Trustee Bustamante Adams.

Trustee Bustamante Adams:

I second that motion.

Trustee Garcia Morales:

Thank you, Trustee Guzmán. Thank you, Trustee... Colleagues, we have a motion by Trustee Guzmán, a second by Trustee Bustamante Adams. Please cast your vote. Trustee Williams.

Nicole Malich:

She texted me that she has connection issues.

Trustee Garcia Morales:

Okay, thank you. All right, colleagues, let's go ahead and close the vote. Thank you. Colleagues, that motion passes six to zero. The time is 5:59 PM. Thank you. Have a great evening.