

CLARK COUNTY SCHOOL DISTRICT
SPECIAL MEETING OF THE BOARD OF SCHOOL TRUSTEES
BOND OVERSIGHT COMMITTEE
EDWARD A. GREER EDUCATION CENTER, BOARD ROOM
2832 EAST FLAMINGO ROAD
LAS VEGAS, NEVADA 89121

TUESDAY, October 15, 2024

11:30 a.m.

Roll Call: Members Present

Blackman Taylor, Jeana
Camejo, Abraham
DeFalco, Matthew
Flatt, David
Goynes, Byron

Gurdison, Robert
Konrad, Chad
Lopez, Al
Petersen, Todd
Williams, Yvette-arrived at 11:35 am

Members Absent

Trustee Lola Brooks
Sami Randolph, General Counsel

A recording of this meeting can be obtained by contacting the Facilities Services Unit at 702-799-0591.

Roll Call.

Roll call was taken and Mr. Lopez called the meeting to order at 11:30 a.m.

Flag Salute.

Mr. Lopez led the pledge of allegiance.

1.02 Adoption of the Agenda.

Motion to adopt the October 15, 2024 agenda.

Motion: Konrad

Second: Flatt

Vote: Unanimous

2.01 Approval of the Minutes.

Mr. Camejo asked for a change to the September 17, 2024 BOC meeting minutes where he stated that he had four children attending Clark County School District (CCSD) schools. He stated that he has four children in schools that are not CCSD schools.

Motion to approve the minutes from the September 17, 2024 meeting with the adjustment made by Mr. Camejo.

Motion: Camejo

Second: Flatt

Vote: Unanimous

2.02 Reports by Chair and/or Liaison Representatives.

Mr. Camejo asked staff what the role will be for the consultant company that CCSD has hired.

Mr. McLaughlin said that the consultant company is forecasted to start in November. They will be meeting with the Bond Oversight Committee (BOC) and the Attendance Zone Advisory Committee (AZAC), to give a brief overview of what their scope will be.

Mr. DeFalco expressed how impressed he is with Ms. Williams saying that she is a leader in the community and serves as chair on the Clark County Black Caucus committee. He said that her strength and leadership is nothing short of remarkable and that he feels honored to work beside her.

2.03 Report by the Clark County Board of Trustees' Liaison.

Trustee Brooks stated that she was looking forward to the conversation today and that she appreciates the leaders working with her to make sure the bylaws are reflective of some of the feedback that was received.

2.04 System-Level Condition Index for Heating, Ventilation, and Air Conditioning.

Mr. McLaughlin presented a system-level condition index report. He stated that this index is the specific component is for the heating, ventilation, and air conditioning (HVAC) systems. He explained that the percentage numbers reflect a ratio that is the anticipated cost to repair versus the cost to replace. When the report states 1.25, it represents that 125% of the cost to repair the component versus replacing the component.

Ms. Blackman-Taylor asked if the system index number helps determine the Facility Condition Index (FCI).

Mr. McLaughlin stated that it is one component and it is re-evaluated every five years.

Mr. Petersen noticed that there are schools slated for replacements on the list and wondered if that school will not have any HVAC replacements because the school will ultimately be replaced.

Mr. McLaughlin said that as far as he is aware there is \$15 billion in need and \$7.7 billion funded across the district. The Facility Services Unit does not ignore schools that are slated for replacement 10 years out. Doug Diaz and his team work extremely hard to service equipment well past their useful life. There are other minor ways staff can make capital investments in schools that either don't have capital replacements any time soon or are very far off in the queue to receive some sort of relief is a systemic issue is identified and prioritized.

Ms. Blackman Taylor asked for a breakdown of how much of the bond money from 2021 was spent on modernization, new school construction, and how much was needed for replacements.

Mr. McLaughlin said that he can involve some of that in the updated visualization.

Mr. DeFalco commented that in the beginning of the school year there were some issues in the classroom and wondered if there are issues right now in regards to HVAC.

Mr. McLaughlin emphasized that the district had no less than 80% of full occupancy and operation throughout all of the school buildings. The numbers are reflective of a poor condition for that school at that moment, There was an overwhelming majority of schools that had fully operation HVAC units. Given the circumstances and the budgetary allocations awarded by the district and the state for the maintenance department, they're performing at or above benchmarks for the size and scale that we are and they are.

Mr. DeFalco asked if there was anything that this committee can recommend to the Board of School Trustees (BOST).

Mr. McLaughlin stated that if this data is unsatisfactory to members of this committee, they can make recommendations to the trustees to direct the superintendent to review different allocations or priorities.

2.05 Construction Cost Trends.

Justin Peterson, Principal, OCMI, Inc. co-presented this topic with Mr. McLaughlin. Mr. McLaughlin stated that the presentation's data presents an overwhelming majority of the construction cost estimates of CCSD's design professionals. They also provide schedule reviews. This presentation addressed the substantial increase in construction costs, which have been steadily rising since 2020, driven by a multitude of factors including material shortages, labor constraints, and an increased demand. These trends have had a significant impact on projects funded through bonds, affecting budget allocations and timelines.

Mr. Peterson stated that this market's overall pricing is higher than the national average.

Mr. McLaughlin said that in the summer of 2023, staff engaged with a series of top-tier construction partners to ask how staff could be a better partner to allow the contractors to become better partners with the subcontractors' market and, to obtain potentially better prices. A simplified list of recommendations included better, faster, drawing quality, and the staggering of large bid opportunities and the notice to proceed. Staff has proactively tried to work with the process of working with them letting them know they have been approved and staff is executing contracts so they are ready to mobilize with sufficient time and can hit the ground running when they get on site. Staff is increasing the review of change orders.

Procurement and material availability is a large component and providing four months to let the material start to roll in results in lower prices.

They also talked about utilization of more collaborative project delivery methods. By having open collaboration delivery methods, which are allowed per statute, leads to more equitable pricing.

Mr. DeFalco asked if these recommendations have been implemented and if so, can the committee get those in writing.

Mr. McLaughlin responded that many of them have been implemented because they are just operational items and that staff can provide a memorandum that developed a lot of it.

Mr. Konrad asked if OCMI provided any guidance to the district for forward-looking information,

Mr. Peterson responded that part of their service is to estimate the price of construction today and then escalate it with forward projections based on project timelines.

Mr. Konrad asked if OCMI reviews the cost of projects that have already taken place for specific projects, and if they evaluate and provide any guidance to CCSD on construction that's taken place, bids that are in place pricing that we know that's concrete, not forward-looking but historical and do you have an opinion on the district's project spend and whether or not the projects that we're seeing are in line with the markets, the national data that you're receiving.

Mr. Peterson stated that one primary function as a sub-consultant to an architectural firm is providing independent cost estimates and to develop those cost estimates from the early stages of design through the design process, and that process might span an entire year. The purpose of that is to ensure from an early stage that the design is going to potentially bid within an anticipated range so that it meets the budget. He stated that they are very hands-on, all the way up through the design phase right to the beginning of construction. Their role after the construction starts switches away from cost and over to scheduling, but there's usually not significant changes to the cost once the project has bid and gone to construction into the construction phase.

Mr. McLaughlin added that one of the common reports the district gets from OCMI is what they call a variance report. That's a very common report showing their last estimate to where the actual bid from a general contractor come in at and often times they are extremely close plus or minus a percent or two.

2.06 Bond Oversight Committee Bylaw Review.

Mr. Lopez asked for public comment on this topic.

Mr. Fred Smith: I know that y'all have seen me out of the audience before at previous meetings, but with a couple of notable exceptions. I doubt if any of you know who I am or even my name, but my name is Fred Smith from 1991 to 2007, I basically held Mr. McLaughlin's position within the Clark County School District. During that time, the district grew from 130,000 students to over 300,000 students. We built 180 new schools, over a hundred additions, and I don't know how many thousands of rehab and modernization projects. After I retired from the district in 2007, I worked for a couple of years in Los Angeles as the chief facilities executive for new school construction for the Los Angeles Unified School District, a \$12.6 billion program.

During my 16 years with the district, I attended all of the bond oversight committee meetings. Since I came back to Las Vegas in 2010, I've attended either virtually or in person most of the meetings here, and I've never said a word until today. I am concerned with this item that the board is contemplating and you're being asked to consider. There are rather significant changes to the bylaws without having any historical reference as to how many of these items came to be or why they exist. And the primary example that I will zero in on today is this concept of liaisons. As you know, the Bond Oversight Committee as an advisory committee to the Board of School trustees is also subject to the open meeting law. Very early on. The Bond oversight committee, by the way, was formed right after the passage of the 1988 bond program.

And from the very beginning, those 15 members of that Bond oversight committee realized that they could not delve into the nuts and bolts of how this program was set up, how it operated without direct contact with the staff, and they could not do it as a committee of 15 people. The first concept that was discussed was one of subcommittees, a subcommittee of two or three people to look into design, to look into construction, to look into public administration, to look into finance. Unfortunately, the public meeting laws and the interpretation of the public meeting law so that those subcommittees would have to be subject to the open

meeting law as well. And that was not going to work, and that's where the concept of liaisons came to be. And as you've just heard earlier today for Mr. Gurdison and how that liaison concept has worked in terms of reviewing designs, construction prototypes, finances, it has worked exceedingly well. My concern is if you throw that out, you're not going to be able to do your job as a bond oversight committee by having all 15, 11 or however many members you wind up with. And I know my time is running out. I'm just going to say in closing before other people speak, you have some people in the community that are resources ask us questions as to how things came to be. Thank you.

Ms. Joyce Haldeman: I'm glad to be here today. I am Joyce Haldeman and I was a parent in 1988 who worked on the passage of the bond and the ballot question that gave permission to build schools construction. It was a hard fought bond. My relationship with David Flatt with Yvette Williams, I wish you were here today so I could give her a hug goes back to those days when we worked on campaigns together. Brian Cram appointed me to be a member of the bond oversight committee in 1988. I was the superintendent's liaison for BOC and served in that capacity until 2015. In 1992, I was hired by the district and my chief responsibility was community and government relations with a focus on making sure we could pass bond campaigns so that we could continue to fund school construction.

I listened to the meeting of your last month's meeting. Was disappointed to hear the comment that this committee has always been a bit of a mess, and I want you to know I take exception with that. I applaud you for your work. I know how much work it takes. It's not just the time that you spend here in this meeting, it's the time that you spend being a liaison and doing the research and making sure that you are aware of what's going on. As a member of the public and general public, when we go before the voters for approval, they depend upon you. You are our eyes and ears. We don't have time to do all the things that you're doing. We trust that you're going to do a good job for us. Credibility of school districts as an institution, credibility of elected officials such as the board of trustees, always has been a jeopardized situation.

There always has to be a research body like yourself that provides the insight that answers the questions, ask the questions that probes into things so that we as voters have confidence that this organization, this board of trustees will spend the money correctly. It's a blessing that you don't have to keep going out for bonds. I will tell you, it was getting to be a very difficult task for us to pass bond after bond after bond. But in 2015, when the legislation was passed, that allowed the ongoing funding of the existing tax rate to pay for school construction and school renovation. There were a couple of things that I personally testified to before the legislature that helped make that possible. Number one is that the number one backstop is that you have an elected board of trustees and the buck stops there if things go wrong.

They're the ones who are supposed to be responsible. Number two, there is a legislatively appointed debt management commission with representation from all the local entities that also provides a backstop. But the most important critical part was the bond oversight committee who on a daily basis is looking and having conversations with staff members, working with all of the people in the community who are supporting the bond issue through the school, that construction program that you are the ones who are making sure things are working correctly, you're asking the questions. Sometimes it's uncomfortable for staff sometimes it was on that end because I became an employee during the course of my service as a bond oversight committee member, still served as the superintendent's appointee until I retired in 2015, so sometimes it's uncomfortable. We didn't really like all the questions, but guess that kept us honest. That's what keeps us going. I hope that if in fact there is going to be a change to the bylaws of the BOC that you look into having an expert in the open meeting law weigh in, I am not convinced that liaisons violates the

open meeting law, and I would encourage you to keep that in place. It's an essential part of it. Thank you very much.

Ms. Debbie Earl: I remember some of you guys. I served on the bond oversight from September, 2004 till June, 2022. So for about 18 years, I just wanted to speak to the revision of the bylaws specifically to the elimination of the liaison representatives. When I was on BOC. I found them very necessary and highly valuable if necessary in between meetings. I participated as a liaison. I remember Alfonso, we went to a couple of meetings together and they would meet with staff regarding upcoming agenda items and provide a report to us at the meeting along with the agenda item as it was presented, we relied on their expertise in their particular field and trusted their judgment just as the trustees do when in their vetting process, I was looking through the bylaws and with their appointments for the non-voting members, either there's an online application, there's a resume, the non-voting members get to make a recommendation, and then the board gets to look at all the applications and then the voting members of the board have a final approval. So there's quite a vetting process to make sure you get some good experts.

We were not experts on everything that came before us. We just couldn't be. I want to make clear that their statements did not take the place of the presentation or us asking questions. Those full presentations were still given. They could just provide us insight and let us know questions that were asked and things that were talked about that we wouldn't have thought of because I'm just not an expert in that field. So they were incredibly valuable as far as I was concerned. I know that I was surprised to hear that there was some conversation that this violated the open meeting loss somehow. Because I will tell you that we worked with in-house counsel to make sure that that did not happen. And we were very careful in the wording and how it was presented to make sure that that didn't happen. So I'm not quite certain what's going on there, but I will say that I'm confident that unless something drastic has changed that they do not violate the open meeting law.

I will say that I just would urge you that because of the role and the advisory that they give us, and I will tell you, I mean, do you mind if I just mention, I think I got a little bit of time. Some of the people that have been these experts on bond oversight, I mean we have Bob Broadband, Doug Carson, Jim Gibson, Leland Pace, Tito Tiberti, Don Snyder, Virginia Valentine. I mean, we had some great people on bond oversight and you guys as well in your fields that gave us insight. So I would urge you not to do away with these liaisons, let them be valuable to you. And I think that as far as credibility to the public and everything else, when you've got that additional information coming to you, we also found that our meetings were going way, way too long, sometimes four hours, and we would lose our quorums. So that was another way these liaisons became very valuable to us because they could sort of cut to the chase and tell us what the real issues were. So again, I would urge you to perhaps not do away with those liaisons. Thank you.

Mr. Lopez said that on a personal level, he really appreciates the three speakers that came up. There's a lot of time that they put in you dedicated lot of their lives, and this board obviously meant a lot to them and it continues to mean a lot to them. And personally, I was down the middle about this liaison deal and after hearing you guys, you guys helped me make my mind. I think the value of it should stay in place and that'll be my personal recommendation when that time comes.

Ms. Williams stated that she felt like the new proposed bylaws were over extensive, far overreaching, and very restrictive and that these proposed bylaws foster lack of independence and a dependence on

individuals and possibly individuals agendas. She feels that the liaison should not be making the decision whether we change our bylaws and that it should be the board making those decisions. Ms. Williams made a motion to table this item for any kind of vote until after February 2025.

Motion to table the vote on the Bond Oversight Committee changes until the Board of School Trustees meets in February 2025.

Motion: Williams

Second: DeFalco

Vote: No vote taken till later

Mr. Konrad commented that we do not have a lame duck board of trustees at this point and didn't understand the five month delay. He said that his understanding was that it is the decision of the board of school trustees either to take action or not. He does not agree with delaying this committee's vote for five months.

Mr. Gurdison stated that he did not mind delaying the decision on this vote. He thinks the committee should really consider what the forefathers and foremothers presented today because a lot of decisions were made at that time that the committee should listen to and respect.

Mr. DeFalco read his prepared statement: Our collective responsibility is to ensure that remain a strong oversight body, one that holds the district accountable, fosters transparency and remains a bridge between the public and the work being done. That said, with any changes to our structure, I think it's essential that we carefully consider how these adjustments might impact our ability to fulfill this role effectively. With that in mind, I'd like to walk through a few key areas of concern that I believe we need to be mindful of as we move forward. Number one, I think there's a potential limiting of our oversight scope in these bylaw recommendations. In terms of limiting staff interaction, there's a clause that emphasizes committee members adhering to a limited scope of their role and avoiding distracting staff from their priorities. In Article four, section three, I think this could constrain the committee's ability to request detailed or additional information from staff, which is essential for effective oversight.

Issue number two, in terms of public engagement, reduced interaction with the public. The bylaws mention limiting committee members from commenting on public forums or media in Article four, section two, which may restrict transparency and communication with the public. A strong oversight body should be able to communicate openly and frequently to maintain public trust. Also, in terms of public engagement as an issue, meeting schedule restrictions, all meetings are going to be required to be deterring staff work hours, which is how we're essentially operating now. But I believe this would limit participation from community members or stakeholders who may only be available after traditional work hours. That's in Article five, section one, issue number three, agenda control and restriction on committee activities, agenda setting constraints, which I've already heard about being discussed. I think this process for setting agendas gives significant control where it shouldn't be. In Article five, section two, if committee members feel an important topic should be discussed but is denied, there are limited avenues to force its inclusion in the issue of political neutrality that's discussed in these bylaws.

Recommendations. There are strict provisions that prohibit committee members from discussing political candidates, parties or personal agendas and meetings in Article three, section seven. While that is important for neutrality, I have concerns about how this provision could limit discussions on policies or proposals that have political implications. Issue number four, accountability and enforcement. I believe that there's a vague enforcement of misconduct policies here, although the bylaws address misconduct in Article three section seven, that consequences are not clear defined and the process is somewhat bureaucratic. If a member repeatedly violates bylaws or fails to meet expectations, it could take time for corrective actions to be implemented, allowing dysfunction to persist. Also, attendance requirements

enforcements. This committee has procedures for handling absenteeism, which is outlined in Article three, section six, but the process involves several layers of intervention before removal is considered. This could allow for ongoing absenteeism, which might hinder the committee's ability to reach quorum or make important decisions.

Issue number five, transparency information flow controlled by the chair and the staff. The ability to control the flow of information between the committee, the public, and the board is concentrated in Article five, section two. If these gatekeepers do not prioritize transparency, it could weaken the committee's ability to inform the public about important issues related to bond funding and the capital improvement plan also limitations on third party input. I have an issue with the bylaws. State that requests for additional training or third party information must go through a formal approval process in Article four, section three, which could delay or prevent the committee from obtaining external expert opinions or data that could enhance its ability to oversee district projects. In summary, while the proposed changes include some protections for committee functioning, they also introduce several areas where oversight could be weakened through limited scope, reduce transparency and procedural hurdles. These are critical issues to address that the committee is to maintain its strong oversight role, ensure accountability to the public and provide a check on the district. And I also want to add that I'm grateful for the people on this committee who have been working through the changes. I know that you have good intentions to try to do the right thing and to strengthen this committee, but I have serious concerns about the direction we're going.

Ms. Randolph (CCSD attorney) reminded the committee that they still need to deal with the vote on the previous motion and that some of the comments made were on the merits of the bylaws themselves, whereas the motion was limited to tabling the vote.

Regarding the motion to table the vote on the Bond Oversight Committee changes until the Board of School Trustees meets in February 2025, the committee voted as follows:

Ms Williams-yes
Mr. Goynes-No
Mr. Petersen-No
Mr. Flatt-yes
DeFalco-yes
Konrad-no
Blackman Taylor-no
Gurdison-yes
Camejo-yes
Lopez-no

Mr. Lopez said that the count is five to five. Since the motion does not make the votes required to pass, it fails.

Mr. Lopez said to send recommendations to the open bylaw revision document directly to him via email to express the concerns the members have.

Counsel Randolph said that recommendations can be made directly to the chair but discussions need to take place in public per open meeting law.

Mr. Camejo stated that he would like to make a motion to table this discussion for the next month's meeting.

Motion to table this item and discuss at next BOC meeting.

Motion: Camejo

Second: Blackman Taylor

Vote: None Taken

Ms. Williams asked that it be tabled until the December meeting because she won't be in attendance at the November meeting.

Mr. Konrad suggested making the item a priority on the next agenda so that the committee can come out of the next month's meeting with a document that they feel comfortable voting on.

Ms. Blackman Taylor requested a law opinion on the committee's violation of GP 14 and GP 15 and what the ramifications of continuing to push for something that is no longer allowed.

Ms. Randolph said that in order to request an opinion from the attorney general's office, the committee has to be more clear on what they are asking for. She requested that the committee submit their question in writing to the office.

Mr. Camejo restated his motion:

Motion to continue this conversation at the next meeting and add it to the agenda as a prime topic.

Motion: Camejo

Second: Blackman Taylor

Vote: None Taken

Ms. Williams would like the item to be discussion only so there is an opportunity to re-inform the committee if there is a misunderstanding of what was submitted in writing to Mr. Lopez.

Motion amended to:

Motion to add the bylaw discussion to the next agenda as a priority discussion, not an action item.

Motion: Camejo

Second: Blackman Taylor

Vote: Unanimous

2.07 Questions on and/or Removal of Items on Motions/Liaison Taskings.

Analysis of District Cost Savings and Options to Provide Access to a Larger Population of Students.

Ms. Williams stated that she has not had a chance to follow up with Gia Moore.

2.08 Future Agenda Planning.

Mr. Lopez reiterated to the committee that they email him with their concerns regarding the bylaws. He will share those emails with the executive committee.

Mr. DeFalco suggested that the presentations that were given today be added to the next agenda as an action item so that a recommendation can be made to the BOST.

Mr. McLaughlin stated that the construction costs item was a staff level operational item so there is no need for a recommendation. There's already improvements being made within internal processes. The HVAC item, if it is a propriety of the committee, he would recommended that the committee have that as an item.

Trustee Brooks stated that the existing bylaws doesn't have a mechanism for this committee to make any suggestions to the BOST.

Mr. DeFalco made a motion to add to the future agenda planning System-Level Condition Index for Heating, Ventilation, and Air Conditioning for board recommendation, as well as, construction cost trends for board recommendation.

Motion to add to Future Agenda Planning, 'System Level Condition Index for Heating, Ventilation, and Air Conditioning' for Board recommendation, as well as, 'Construction Cost Trends' for Board recommendation.

Motion: DeFalco

Second: Camejo

Vote: Unanimous

Motion to add to add as a future agenda item an updated budget for the 7.5 billion CIP spending.

Motion: Blackman Taylor

Second: Camejo

Vote: Unanimous

Mr. McLaughlin stated that in full transparency, staff did intend to provide an overview of the facility master plan effort that'll be starting up. So that'll be an additional item on the agenda.

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

There was no public comment.

4.00 Adjourn

Motion to adjourn the meeting at 2:48 p.m.

Motion: Gurdison

Second: DeFalco

Vote: Unanimous