

**MINUTES OF THE JUNE 21, 2022
SPECIAL MEETING OF THE
WASHOE COUNTY SCHOOL DISTRICT
BOARD OF TRUSTEES**

June 21, 2022

1. Opening Items

1.01 CALL TO ORDER

The special meeting of the Board of Trustees was called to order at 8:01 a.m. in the Board Room of the Central Administration Building, located at 425 East Ninth Street in Reno, Nevada.

1.02 ROLL CALL

President Angela Taylor and Board Members Jeff Church, Adam Mayberry, Ellen Minetto, Diane Nicolet, Joe Rodriguez, and Beth Smith were present. Superintendent Kristen McNeill and staff were also present.

1.03 PLEDGE OF ALLEGIANCE

Jonathan McGuire, Board Counsel, led the meeting in the Pledge of Allegiance.

2. Items for Presentation, Discussion, Information and/or Action

2.04 DISCUSSION AND POSSIBLE ACTION FOR DISPOSITION OF APPEAL TO LETTER OF INTENT TO AWARD REQUEST FOR QUALIFICATIONS (RFQS) #34-QS-09-22-AA, ENGINEERING SERVICES FOR THE WASHOE COUNTY SCHOOL DISTRICT, BY SHAW ENGINEERING, INC.

Andrea Sullivan, Director of Procurement and Contracts, reviewed the Request for Qualifications (RFQS) process and specific background information on RFQS #34-QS-09-22-AA, Engineering Services for the Washoe County School District. The intent of the RFQS was to create a pool of engineers the District would be able to select from when certain projects came about. The timeline of the RFQS was presented, with proposals due and publicly opened on November 10, 2021. During the public opening, it was publicly noted Shaw Engineering was missing certain documents, which was the typical process during all public openings. The three documents that were missing included all the signed forms the District required as part of any public proposal. The District did notice in multiple areas of the RFQS that unsigned proposals would be rejected. Shaw Engineering, when they learned their proposal was rejected, noticed the District they would appeal the decision once the appeal window was opened on March 31, 2022. The

RFQS review did take longer than anticipated because the review committee had to review 43 proposals. The appeal was received by the District on April 7, 2022 and the appeal process began. The crux of the appeal by Shaw Engineering was that the documents were not signed or included due to a clerical error and that their letter of intent should have provided the District with enough confidence to move forward with their proposal, as well as the company providing the documents the next day. She noted the intent of the District was to follow the process in place so there was consistency and fairness for all those who worked with the District. The appeal process was explained, with the final option being the ability of the company filing the appeal to have it heard by the Board of Trustees as the final decision-maker. The position of the District was that the appeal should be denied since the proper procedures were not followed, which had been in place for many years and vetted through the Office of the General Counsel.

Cody Black, President and Principal Engineer, Shaw Engineering, explained why he believed the Board should grant the appeal from Shaw Engineering. He believed the District should select engineers based on their qualifications and prior service to the District and other agencies, not based on an administrative process that was not established in Nevada Revised Statutes. He indicated that he normally reviewed the requests prior to submission, but had not done so for RFQS #34-QS-09-22-AA, and that as soon as Shaw Engineering had realized the mistake, they submitted the documents to the District. Shaw Engineering had been selected as an engineering firm as part of a prior RFQS process for the District. Additionally, the RFQS was not for a specific project and included different types of engineering companies, nor did the RFQS guarantee Shaw Engineering would be awarded a contract for any project. They were a local firm who had completed numerous projects for the District since 1981 and concerned when the time the District would issue an RFQS in the future since they were not required under Nevada Revised Statutes or Nevada Administrative Code. He provided alternatives for the Board to consider that would allow Shaw Engineering the opportunity to be included as part of the engineering pool established by the RFQS and examples of what other agencies did as part of their process.

President Taylor mentioned she was struggling with the decision because she appreciated all the work Shaw Engineering had done through the years for the District, but the process should be honored and rules were in place for a reason. She was concerned that if one exception were made then other exceptions would be expected. Mr. Black expressed that he believed there should be exceptions to the RFQS process to allow other qualified firms the opportunity to participate as well because it was not a requirement under Nevada Revised Statutes. He was concerned because the process in place was purely administrative and the District could choose to not re-issue another RFQS for 100 years or could end the process tomorrow.

Trustee Nicolet remarked Shaw Engineering acknowledged they were aware of the District's process and did not follow their own procedure for Mr. Black to review the

documents prior to submission. She was inclined to agree with the District because they were doing their due diligence in ensuring a fair process.

Trustee Minetto agreed that the Board needed to support the processes and staff. She understood the situation was unfortunate, but the rules should be followed.

Trustee Rodriguez requested information on what projects Shaw Engineering had previously completed for the District and/or other government agencies. Mr. Black explained Shaw Engineering specialized in water and wastewater projects, including rehabilitation of a wastewater treatment plant for Battle Born Academy in Carlin and lift station projects for the City of Fernley. They also completed the irrigation project for Earl Wooster High School in the District.

Trustee Rodriguez wondered how many other companies in the area specialized in similar projects. Mr. Black indicated he was aware of about four or five other companies.

Trustee Smith asked if the District had ever rejected any proposals for lack of signatures. Ms. Sullivan stated the District had rejected numerous proposals over the years and that in the particular RFQS, another firm's proposal was rejected for the lack of signatures. The District worked with the Office of the General Counsel over the years to ensure the process was consistent and fair.

Trustee Smith wondered if the District had considered opening the RFQS process up at regular intervals so other firms could submit their proposals. Ms. Sullivan noted this was the second time the District had issued such an RFQS, with the first being in 2019. The intent was to award contracts based on the RFQS and then reissue the RFQS in a timely manner. Shaw Engineering was correct in that there was nothing binding the District to a specific timeframe, other than how they did business. The challenge she saw was getting the committee together to review new submissions because there was a large time commitment that members of the review committee put into the process.

Trustee Church remarked that Shaw Engineering acknowledged there was an internal mistake that occurred and while he felt bad, there was no wrongdoing on the part of the District. He wondered, if the District had accepted the proposal, if Shaw Engineering could later come back and say they did not have to a different process because they did not sign anything. Ms. Sullivan responded in the affirmative.

Trustee Church inquired if the District would be able to open up certain projects to other engineering firms if the particular project required a certain specialization. Ms. Sullivan stated the District could and they had done so in the past, such as when the District sought proposals for the design of a new school prototype instead of using the approved architects pool.

Trustee Mayberry asked if the District reviewed the bids prior to the public opening to ensure all information was included. Ms. Sullivan explained the public opening was the first time the District saw the bids. Nevada Revised Statutes allowed for clerical errors to be rectified, such as if a bid had a unit price included, but the total for those units was incorrect. Additionally, there were some documents not required by law and the District could waive the submission as an irregularity, such as the prior requirement of the subcontractor list being submitted within 48 hours. The reason she had worked closely with the Office of the General Counsel on the forms was because there was nothing binding a firm to the requirements of the RFQS if they did not sign the forms. For that reason, the District did not view the lack of signature and irregularity or clerical error.

Trustee Rodriguez inquired when Shaw Engineering realized the signatures were missing. Mr. Black remarked that it was during the bid opening process. The firm spoke up during the process and then emailed everything over as soon as they could.

Trustee Rodriguez wondered what the District was doing to improve the process, especially if they were seeing a lot of bids and proposals come through without signatures. Ms. Sullivan mentioned the Purchasing Department was constantly reviewing their processes. She noted after the last appeal before the Board, staff reviewed their financial stability review process and did make some changes to allow more people to be part of the process. She cautioned that the District issued and received hundreds of bids and proposals annually and while there were times when signatures or something else was missing, it was not very common. She emphasized the District did strive to treat all of the instances consistently.

It was moved by Trustee Church and seconded by Trustee Nicolet that **the Board of Trustees denies the appeal of Shaw Engineering, LTD to the Letter of Intent to Award Request for Qualifications (RFQS) #34-QS-09-22-AA, Engineering Services for the Washoe County School District.**

President Taylor opened the motion for discussion.

Trustee Smith stated she would support the motion but hoped staff had listened to the discussion and would incorporate some of the suggestions made by Trustees.

Trustee Rodriguez remarked he would also like to see the District review the processes and procedures. He was concerned over the various red tape companies had to go through to work with the District.

Superintendent McNeill urged Shaw Engineering to review their processes and procedures to ensure the appropriate steps were in place so a similar situation did not arise in the future.

The result of the vote was Unanimous: (Yea: Jeff Church, Adam Mayberry, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor.) Final Resolution: Motion Carries.

2.05 APPROVAL OF THE RECOMMENDATION OF AWARD FOR REQUEST FOR QUALIFICATIONS (RFQS) #34-QS-09-22-AA, ENGINEERING SERVICES FOR THE WASHOE COUNTY SCHOOL DISTRICT, TO AINSWORTH & ASSOCIATES MECHANICAL ENGINEERS, BLACK EAGLE CONSULTING, INC., BROADBENT & ASSOCIATES, INC., CFBR STRUCTURAL GROUP LLC, CONSTRUCTION MATERIALS ENGINEERS, INC., DEI ENGINEERS, ETCEMENDY ENGINEERING, INC., FARR WEST ENGINEERING, GEOTECHNICAL & ENVIRONMENTAL SERVICES, INC., HEADWAY TRANSPORTATION, HENDERSON ENGINEERS, INNOVA TECHNOLOGIES, JP ENGINEERING LLC, KIMLEY-HORN, LLOYD SPORTS & ENGINEERING, MANHARD CONSULTING, MCKINSTRY ESSENTION LLC, NCE ENGINEERING & ENVIRONMENTAL SERVICES, NELSON WILCOX STRUCTURAL ENGINEERS, NOVA GEOTECHNICAL & INSPECTION SERVICES DBA UNIVERSAL ENGINEERING, ODYSSEY ENGINEERING, INC., PETTY & ASSOCIATES, INC., PK ELECTRICAL, INC., POGGEMEYER DESIGN GROUP, ROUNDS ENGINEERING DBA CR ENGINEERING, SGF ENGINEERING, SHIELDS ENGINEERING, INC., SUMMIT ENGINEERING, TERP CONSULTING, TJK CONSULTING ENGINEERS, INC., TURPIN & RATTAN ENGINEERING, INC., AND WOOD RODGERS, INC.

Andrea Sullivan, Director of Procurement and Contracts, presented the recommendation of award of Request for Proposal (RFQS) #34-QS-09-22-AA, Engineering Services for the Washoe County School District. The agenda item would normally be placed on the Consent Agenda; however, the Board needed to act on the previous agenda item first before awarding the RFQS.

Trustee Smith requested clarification from Legal if disclosures needed to occur for the agenda item. Neil Rombardo, Chief General Counsel, mentioned the award was not to a specific company and based on his research he did not believe any disclosures were necessary; however, in an overabundance of caution he felt it was appropriate for certain Trustees to make their disclosures related to Agenda Items 2.01, 2.02, 2.03, 2.05, and 2.06 at the present time.

Trustee Smith disclosed, in an overabundance of caution and on the advice of counsel, related to Agenda Items 2.01, 2.02, 2.03, 2.05, and 2.06, that she had received campaign contributions from Laborers International, Building and Construction Trades, Associated General Contractors of Nevada, and Q & D Construction. The contributions were not of such a material nature that would sway a public officer to abstain pursuant to Nevada Revised Statutes (NRS) 281A.420(3) and 281A.420(4). Additionally, as a Trustee, she

did not participate in the bid review and selection process so there could be no quid pro quo. Further, contributions from general trade organizations allowed opportunity for all trades in the same business to submit and/or receive bids. All information was also legally posted on the required, and publicly available, campaign and expenditure reports through the Nevada Secretary of State's Office.

Trustee Rodriguez disclosed, on the advice of counsel, related to Agenda Items 2.01, 2.02, 2.03, 2.05, and 2.06, that he had received campaign contributions from Q & D Construction, Building Trades Construction PAC 401, American General Contractors, and the General Laborers Union. The contributions were not of such a material nature that would sway a public officer to abstain pursuant to Nevada Revised Statutes (NRS) 281A.420(3) and 281A.420(4). Additionally, as a Trustee, he did not participate in the bid review and selection process so there could be no quid pro quo. Further, contributions from general trade organizations allowed opportunity for all trades in the same business to submit and/or receive bids. All information was also legally posted on the required, and publicly available, campaign and expenditure reports through the Nevada Secretary of State's Office.

Trustee Mayberry disclosed, on the advice of counsel, related to Agenda Items 2.01, 2.02, 2.03, 2.05, and 2.06, that he had received campaign contributions from Laborers International, Teamsters Local 533, Operating Engineering Local 3, Building and Construction Trades, Associated General Contractors of Nevada, Western Nevada Supply, and Savage and Sons. The contributions were not of such a material nature that would sway a public officer to abstain pursuant to Nevada Revised Statutes (NRS) 281A.420(3) and 281A.420(4). Additionally, as a Trustee, he did not participate in the bid review and selection process so there could be no quid pro quo. Further, contributions from general trade organizations allowed opportunity for all trades in the same business to submit and/or receive bids. All information was also legally posted on the required, and publicly available, campaign and expenditure reports through the Nevada Secretary of State's Office. Finally, based on unsubstantiated allegations from Trustee Church and out of an extreme abundance of caution, two members of the Washoe County Commission had voted to approve Agenda Item 2.01 and 2.03 as members of the Capital Funding Protection Committee, and he emphasized he did not work for the Washoe County Commission but for the Fire Chief of the Truckee Meadows Fire Protection District and did not have a direct reporting structure to Washoe County Commission, nor was he employed by Washoe County.

President Taylor disclosed, on the advice of counsel, related to Agenda Items 2.01, 2.02, 2.03, 2.05, and 2.06, that she had received campaign contributions from Core West, Clark Sullivan Construction, Q & D Construction, and Laborers Union 169. The contributions were not of such a material nature that would sway a public officer to abstain pursuant to Nevada Revised Statutes (NRS) 281A.420(3) and 281A.420(4). Additionally, as a Trustee, she did not participate in the bid review and selection process so there could be

no quid pro quo. Further, contributions from general trade organizations allowed opportunity for all trades in the same business to submit and/or receive bids. All information was also legally posted on the required, and publicly available, campaign and expenditure reports through the Nevada Secretary of State's Office.

It was moved by Trustee Mayberry and seconded by Trustee Minetto that **the Board of Trustees approves the recommendation of award for Request for Qualifications (RFQS) #34-QS-09-22-AA, Engineering Services for the Washoe County School District, to Ainsworth & Associates Mechanical Engineers, Black Eagle Consulting, Inc., Broadbent & Associates, Inc., CFBR Structural Group LLC, Construction Materials Engineers, Inc., DEI Engineers, Etchemendy Engineering, Inc., Farr West Engineering, Geotechnical & Environmental Services, Inc., Headway Transportation, Henderson Engineers, Innova Technologies, JP Engineering LLC, Kimley-Horn, Lloyd Sports & Engineering, Manhard Consulting, McKinstry Essention LLC, NCE Engineering & Environmental Services, Nelson Wilcox Structural Engineers, Nova Geotechnical & Inspection Services DBA Universal Engineering, Odyssey Engineering, Inc., Petty & Associates, Inc., PK Electrical, Inc., Poggemeyer Design Group, Rounds Engineering DBA CR Engineering, SGF Engineering, Shields Engineering, Inc., Summit Engineering, TERP Consulting, TJK Consulting Engineers, Inc., Turpin & Rattan Engineering, Inc., and Wood Rodgers, Inc.** The result of the vote was Unanimous: (Yea: Jeff Church, Adam Mayberry, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor.) Final Resolution: Motion Carries.

2.06 APPROVAL OF THE AGREEMENT TO PROVIDE PROFESSIONAL CONSULTANT SERVICES WITH MCKINSTRY ESSENTION LLC FOR MECHANICAL, ELECTRICAL, AND PLUMBING ASSESSMENT DISTRICT-WIDE FOR \$584,000

Adam Searcy, Chief Facilities Management Officer, reviewed the agreement to provide professional consultant services for District-wide Mechanical, Electrical, and Plumbing Assessment with McKinstry Essention, LLC.

It was moved by Trustee Smith and seconded by Trustee Rodriguez that **the Board of Trustees approves the Agreement to Provide Professional Consultant Services for McKinstry Essention LLC to perform a mechanical, electrical & plumbing assessment District-wide for \$584,000.** The result of the vote was Unanimous: (Yea: Jeff Church, Adam Mayberry, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor.) Final Resolution: Motion Carries.

2.01 DISCUSSION ON THE BUDGET AND SCHEDULE FOR THE DEBBIE SMITH CAREER AND TECHNICAL EDUCATION (CTE) ACADEMY HIGH SCHOOL

**AND POSSIBLE ACTION TO MOVE TO A PHASED DELIVERY APPROACH
TO RESPOND TO CONSTRUCTION MARKET PRICING, AS RECOMMENDED
BY THE CAPITAL FUNDING PROTECTION COMMITTEE**

Adam Searcy, Chief Facilities Management Officer, and Tami Zimmerman, Deputy Chief Facilities Management Officer, provided a presentation on the background and current status of the Debbie Smith Career and Technical Education (CTE) Academy High School. Q & D Construction was awarded the Construction Manager at Risk (CMAR) contract in June of 2020, after which the design process began and a comprehensive construction budget of \$112 million was approved by both the Capital Funding Protection Committee (CFPC) and Board of Trustees. The CMAR conducted the bid process and based on the bids received, the draft guaranteed maximum price (GMP) submitted in May 2022. The draft GMP received from Q & D Construction was \$147 million or about 31% over the approved construction budget. The District was left with the choice to balance the need for the project with the constraints of the District's budget, state law, and the expectation of and responsibility to taxpayers. The District believed the higher cost was due to escalation and market uncertainty. The timing also conflicted with many subcontractors resulting in major scopes of work receiving two or fewer bids and supply chain issues continued to impact many construction trades. While the District remained committed to the mission and vision of the project, staff believed it was important for the CFPC and Board of Trustees to consider certain options in order to move the project forward. The three options consisted of: award the project as proposed and determine how to fund the project; utilize a phased approach to help keep costs as low as possible and extend the timeline of the project to the 2025-26 School Year; or pause the entire project indefinitely.

President Taylor opened the meeting for public comment.

Tim Sweeney was an architect in Reno and had worked on schools throughout Nevada since 1981. He provided information to the Board on a new building system, Passive House Design, he was working on and expressed interest in working with staff to determine if the system would work for the District. He explained how his system was different than the traditional construction model. He believed his system would save the District money in construction and energy costs.

Colleen Westlake was a candidate for the Board of Trustees. She expressed concern over the timeline presented and believed it was irresponsible for the Board to undertake such a project during the height of the "COVID pandemic" when students were locked out of classrooms. She felt the Board and District should have known the impacts of the "pandemic." She urged the Board to postpone the project indefinitely in the interest of the taxpayers and claimed the Trustees were taking money from the construction industry and unions to push the project through.

Trustee Church requested clarification on the actual budget for the project because he kept hearing different numbers. He was also concerned on what the actual motion was that the CFPC approved. Mr. Searcy explained the District had presented multiple budget ranges for the project beginning in August 2021, which included various unknown and known aspects. Changes made to the estimated budget ranges occurred as more specific information on the project became known. The budgets approved by the Board included the cost of the design phase of the project and the initial construction phase budget. The proposal received from Q & D Construction for the construction phase was \$147 million for what the District had estimated to be \$112 million. The CFPC approved a motion unanimously to recommend the District move forward with the phased approach.

Trustee Church expressed concern over the information provided during the presentation referenced an amendment made to the motion by the CFPC. He wondered if what the Board was considering was what was actually approved by the CFPC. Mr. Searcy mentioned additional discussion did occur to ask staff to amend the contract language on future bidding opportunities to account for escalation.

President Taylor remarked if the CFPC had amended the motion, that amendment would be reflected in the motion provided to the Board for consideration. Mr. Searcy clarified that the motion did include direction to staff to include contract escalation language in future bid documents. There would be an impact on the Debbie Smith CTE Academy High School project because all scopes of work would have to be rebid if the phased delivery approach option were selected, but it was contract language only.

Trustee Church believed the Board and public had not been provided with all the information from the CFPC. He asked if the Board could even legally move forward with the item because they were not provided the information.

President Taylor moved to additional questions from other Trustees to allow Legal to research the concerns raised by Trustee Church.

Trustee Nicolet requested clarification on what escalation relief was. Mr. Searcy explained the District's contracts included a provision that the price provided in the bids were to be honored through completion of a specific construction project. The construction industry had expressed concern over the provision during current economic conditions and the risks to their firms if they were required to honor the bids due to market volatility. The motion from the Committee was for staff to review the language and include something to allow for the District to review costs after the contract was awarded due to current economic conditions.

Trustee Smith indicated, as a former committee member and chair, that not every action taken by a committee was sent to the Board of Trustees for consideration. She knew of many times when committees would make requests to staff. Her understanding was that

the recommendation to utilize the phased construction approach was what was important for the Board and not the direction provided to staff.

Trustee Church reiterated his concern over the composition of the CFPC because it included elected representatives and employees from Washoe County and the Cities of Reno and Sparks. He would prefer the Committee was composed of members selected by each Trustee. He indicated he could not support the option to move forward as previously approved because the District did not have the ability to bond any additional funds, nor were contractors available to perform the work based on the information provided. He asked if the District had the ability to accommodate students in current high schools if the project were delayed or postponed indefinitely. Mr. Searcy highlighted the CTE Academy was intended to address the need for additional CTE programming, not overcrowding in the high schools. Students would be able to attend high school in existing facilities and continue to have access to CTE programming; however, there could remain a wait list for specific programs at the Academy of Arts, Careers and Technology (AACT) High School.

Trustee Church wondered, if new bids would come to the Board for approval, if the option to provide the phased delivery approach were approved. Mr. Searcy stated any construction contracts would need to be approved by the Board of Trustees. If the budget for the project did need to be augmented, that would first have to be approved by the CFPC and then the Board.

President Taylor noted the CFPC and Board had previously approved \$112 million towards the project. If additional funding was required above that amount, that decision would go to the CFPC and then Board. The intent of the phased delivery approach was to try to maintain the original approved budget.

Neil Rombardo, Chief General Counsel, addressed the previous concern raised by Trustee Church regarding the approved motion from the CFPC. He asked Mr. Searcy a series of questions related to the title of the item. He believed the title was appropriate notice for the average member of the public in that it provided a clear and complete statement of the topic to be discussed and acted upon, which was the proposed phase delivery approach to the Debbie Smith CTE Academy High School. Because the meetings between the CFPC and Board were often conducted very close to each other, it was often assumed the Committee would approve an agenda item; however, if the Committee did not approve the item, staff could request the item be pulled from the agenda at the start of the meeting. Since the title did reference the item was based on the recommendation from the CFPC, a member of the general public would reasonably be noticed to review the video or minutes of the meeting for additional information. In terms of staff's presentation, it was up to the individual Trustees to determine if they were comfortable with the information provided by staff and that the information presented was representative of what occurred at the meeting. He emphasized the Open Meeting Law

required a clear and complete statement of what would be considered by the governing body; the Open Meeting Law did not require a clear and complete statement of what would be decided. He did not see any legal concerns with the agenda item and discussion.

Trustee Rodriguez inquired as to the possible costs to the District if the Board were to decide to postpone the project indefinitely. He specifically wondered about the costs to the District in terms of holding onto an abandoned property. Mark Mathers, Chief Financial Officer, mentioned there could be liability issues if the property were to remain fallow. If the District were not to provide security for the property there could be vandalism issues, as well as the degradation of the buildings and other facilities on the property. Mr. Searcy added there would be certain systems that would need to be maintained, so while utility consumption would be reduced, it would not be zero. He believed it could cost \$20,000-\$30,000 per month to hire security and/or a property manager so there would be someone watching the site.

Trustee Rodriguez expressed his appreciation for the work of staff and the CFPC. He did not believe anyone could have predicted what had occurred between COVID, the supply chain issues, and then the impacts of the war in Ukraine. He saw the project as an investment in the community and would be interested in pursuing the phased delivery approach.

Trustee Mayberry asked what the initial commitment to the project was prior to his appointment to the Board. Mr. Searcy noted the project was part of the slate of projects provided to the community as part of the WC-1 ballot measure in 2016. The long-term intent, with the opening of the new Procter R. Hug High School, was that the property on Sutro and McCarran would be repurposed.

Trustee Mayberry wondered if the scope of work for the project were reduced, could the District build the project with the current approved budget. Ms. Zimmerman remarked part of the opportunity with the phased delivery approach did allow the District to work with the engineers and Office of Academic to determine what areas could be reimaged and still provide the same opportunities that students needed as part of the individual CTE programs.

Trustee Mayberry clarified that there were no assurances the costs would decrease if the Board approved the phased delivery approach or even postponed the project. Mr. Searcy responded in the affirmative and noted with all projects, there were aspects the District could control and aspects the District could not control. Cost of materials were not something the District could control.

Pete Etchart, Chief Operations Officer, explained he had reviewed the video of the meeting related to the question of the motion. After the motion to approve the phased

delivery approach was made, a friendly amendment was suggested and approved by the maker of the motion that an escalation clause should be included in the contract. No specifics of what the clause should say was provided and that staff should determine the language.

President Taylor re-opened public comment due to the misreading of the item number on the card.

Pablo Nava Duran spoke in support of the phased delivery approach, even though it would delay the opening of the school for a few years. He could not support postponing the project indefinitely because there were many students in the District interested in CTE programming but could not get into AACT High School, nor could he support moving forward as planned due to rising inflation rates.

It was moved by Trustee Rodriguez and seconded by Trustee Nicolet that **the Board of Trustees approves proceeding with Option 2, Pursue a Phased Approach, to delivering the construction of the Debbie Smith Career and Technical Education (CTE) Academy High School, deferring immediate construction to best adjust and balance the financial constraints and of the District with the need and commitment to this critical project, as recommended by the Capital Funding Protection Committee.**

President Taylor opened the motion for discussion.

Trustee Church stated he would be voting no on the motion because he was concerned over the small number of bidders for the individual scopes of work and that the District did not have the ability to seek additional bond funds at the present time. He was also interested in having the incoming superintendent review the project.

Trustee Smith highlighted the motion was not to approve an increase in the project's budget, but to change the delivery approach to maintain the current budget.

President Taylor agreed with Trustee Smith and stated she would also be supporting the motion for the students and community who were interested in seeing the new CTE opportunities.

The result of the vote was 6-1: (Yea: Adam Mayberry, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor. Nay: Jeff Church.) Final Resolution: Motion Carries.

2.02 PRESENTATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE THE UPDATED WASHOE COUNTY SCHOOL DISTRICT FISCAL YEAR 2023-2027, FIVE-YEAR CAPITAL IMPROVEMENT PLAN TO INCLUDE THE

ADDITION OF 4 FULL-TIME POSITIONS APPROVED BY THE BOARD OF TRUSTEES AND MOVEMENT OF THE DESIGN PHASE BUDGET FOR A NEW ELEMENTARY SCHOOL TO YEAR 1 INSTEAD OF YEAR 2, AS RECOMMENDED BY THE CAPITAL FUNDING PROTECTION COMMITTEE

Mark Mathers, Chief Financial Officer, reviewed the two changes to the Five-Year Capital Improvement Plan (CIP): the addition of four positions and moving up the design of elementary school #5 to year 1. The Board had previously approved the four positions during approval of the Fiscal Year (FY) 23 budget. Elementary school #5 would be a new elementary school in the northern part of Spanish Springs and moving the design to year 1 would allow for possible construction in year 3.

Trustee Church wondered how the Board or Superintendent could change the CIP if something unforeseen happened in the future. Mr. Mathers explained the Board could modify the CIP mid-year, if necessary.

It was moved by Trustee Smith and seconded by Trustee Nicolet that **the Board of Trustees accepts the recommendation of the Capital Funding Protection Committee and approves the Washoe County School District's Updated Fiscal Year 2023-2027, Five-Year Capital Improvement Plan.** The result of the vote was Unanimous: (Yea: Jeff Church, Adam Mayberry, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor.) Final Resolution: Motion Carries.

2.03 PRESENTATION, DISCUSSION, AND POSSIBLE ACTION TO APPROVE THE 2021/22 'E' MAJOR PROJECTS PROGRAM THAT INCLUDES PROJECTS THROUGHOUT THE WASHOE COUNTY SCHOOL DISTRICT PURSUANT TO THE ATTACHED LIST OF PROGRAM PROJECTS AND ASSOCIATED COSTS FOR EACH PROJECT IN THE AMOUNT OF \$47,000,000 AS RECOMMENDED BY THE CAPITAL FUNDING PROTECTION COMMITTEE

District staff presented the three major categories included in the \$47 million 2021/22 'E' Major Projects Program. The Capital Renewal Program represented \$40 million of the Major Projects Program and included projects throughout the District. Projects were based on the Facility Condition Index System (FCIS) annual inspections, in consultation with the various Capital Projects departments, and security projects vetted through the Safe and Healthy Schools Commission. The list of proposed projects was reviewed. The Annual Device Refresh Program was presented and would cost about \$4.5 million for FY23. As part of the Annual Device Refresh Program, additional opportunities for professional learning and support for teachers would be provided so they could provide optimal learning opportunities and outcomes for students using technology. It was noted the Annual Device Refresh Program would not fund the teacher laptop refresh program due to a Federal Communications Commission (FCC) grant that would be used for that

purpose. The final category included in the Major Projects Program was \$2.5 million to fund the design phase of the Central 'Getto' Transportation Modernization Project. The improvements to the Transportation Yard would address numerous deficiencies and inadequacies determined by a 2020 study. The scope of work and goals of the project were explained.

Trustee Nicolet asked if the District or schools were responsible for funding the carts and charging stations. Dr. Chris Turner, Chief Information Officer, stated the District had identified a federal grant opportunity to fulfill the number of carts and charging stations requested by the schools. The schools would not be responsible for securing funding for the items.

Trustee Mayberry requested additional information on the security programming installed on District devices provided to students and if there were protections to prohibit children from viewing inappropriate materials. Dr. Turner noted that since the District accepted federal funding, they had to comply with the Children's Internet Protection Action (CIPA). CIPA required internet content filters and the District complied with this in two ways: through a firewall filter on the network and routing all requests through the District's network, even if the device was connected to the internet on a different network.

Trustee Church asked if the Getto Transportation Yard was in the flood plain for the Truckee River. Mr. Searcy indicated it was; however, a culvert had been constructed to address some of the concerns. The project would also move the maintenance building to a higher area of the property so there would be less risk.

It was moved by Trustee Rodriguez and seconded by Trustee Minetto that **the Board of Trustees approves the Washoe County School District Capital Improvement Program, to include the 2021/22 'E' Major Projects Program in the amount of \$47,000,000 to provide for projects throughout the District, as recommended by the Capital Funding Protection Committee.** The result of the vote was Unanimous: (Yea: Jeff Church, Adam Mayberry, Ellen Minetto, Diane Nicolet, Joe Rodriguez, Beth Smith, and Angela Taylor.) Final Resolution: Motion Carries.

3. Closing Items

3.01 PUBLIC COMMENT

Pablo Nava Duran thanked the Trustees for making the time for the special meeting so the important capital projects could be approved. He appreciated their decision on the Debbie Smith CTE Academy High School, even though it would delay the ability for many students to participate in a CTE academy.

3.02 ADJOURN MEETING

There being no further business to come before the members of the Board, President Taylor declared the meeting adjourned at 11:21 a.m.

Angela D. Taylor, President

Ellen Minetto, Clerk