

# **AGENDA**

## **PUBLIC SCHOOLS OVERCROWDING & REPAIR NEEDS COMMITTEE**

*(As authorized by Senate Bill 411 of the 2015 Legislative Session)*

February 26, 2016 – 9 a.m.

1001 Ninth Street, Building A, 2<sup>nd</sup> Floor, Caucus Room, Reno, NV

### **1. Opening Items – Chairman**

- 1.01 Call to Order
- 1.02 Roll Call & Introductions
- 1.03 Public Comment\*

### **2. Items for Discussion and Possible Action**

- Public comment: any individual may address the public body concerning any item listed below. A completed “Citizen’s Right to Speak” card must be submitted to the public body at the meeting. During the discussion of each item on the agenda, the Chair will invite the individual to come forward to speak. Individuals are limited to three minutes per item.
  - Please note:
    - Items on this agenda may be taken out of order;
    - The Public Body may combine two or more agenda items for consideration; and
    - The Public Body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
- 2.01 Presentation of the Board Policy 9405 as considered by the Washoe County School Board of Trustees concerning the creation of a new Capital Fund Protection Committee to oversee capital funds (For Information and Discussion) – WCSD Superintendent Traci Davis
  - 2.02 Presentation and consideration of an analysis of the impact of setting an end term for the proposed tax rate as authorized by Senate Bill 411 (For Discussion and Possible Action) – Committee Vice-Chairman Dylan Shaver
  - 2.03 Discussion and possible action to adopt a recommendation to the Washoe County Commission as required by Senate Bill 411 (For Discussion and Possible Action) – Committee Chairman Shaun Carey
  - 2.04 Discussion and possible action to forward the recommendation in the form of a proposed resolution, ballot question, explanation, and Description of Anticipated Financial Impact. (For Discussion and Possible action) – Committee Chairman Shaun Carey
  - 2.05 Requests for future agenda items (For Discussion Only)

### 3. Closing Items

3.01 Announcement of Next Meeting

3.02 Public Comment\*

3.03 Adjourn Meeting

- \* *Comments from the public are invited at this time on topics not specifically addressed elsewhere in the agenda. A yellow "Citizen's Request to Speak" card should be filled out and submitted to the Committee before speaking during the Public Comment section. Individuals are limited to three minutes per item. The Panel is precluded from discussing or acting on items raised by Public Comment, which are not already on the agenda. The Panel may impose reasonable restrictions on the format allowed for public comment. Written comments submitted for public comment may be submitted to the Panel and will be attached to the minutes of the meeting.*

*Members of the public wishing to request supporting materials for this meeting or who are disabled and require special accommodations at the meeting should contact Jennifer (JJ) Batchelder in writing at 425 East Ninth Street, Reno NV 89512, or by calling 775-789-4612 prior to the meeting date.*

*This agenda has been posted at the following locations:*

- Washoeschools.net
- State of Nevada: notice.nv.gov
- Washoe County School District Central Administrative Building
- Washoe County Administration Building
- Washoe County Courthouse
- Incline Library
- Reno City Hall
- Sparks City Hall
- Sparks Library
- Pyramid Lake Paiute Tribe Administration Building
- Reno Sparks Indian Colony Administrative Office



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**Responsible Office:** Office of Operations / Capital Projects and Facilities Management

## **BOARD POLICY 9405**

### **CAPITAL FUNDING / BOND OVERSIGHT**

#### **PURPOSE**

The Board of Trustees (Board) is committed to the responsible oversight of capital expenditures for the acquisition, construction, repair, and renovation of schools in the Washoe County School District (District). An oversight framework for capital funding for the acquisition, construction, repair, and renovation of schools and District facilities shall ensure the needs of the community and District are met. This policy and any associated documents shall establish this commitment.

#### **POLICY**

##### 1. Guiding Principles

- a. In accordance with state law, the Board of Trustees may build, purchase or rent school facilities and/or enter into lease agreements for school facilities with an option to purchase the facilities.
- b. The Office of Capital Projects & Facilities Management shall provide capital planning (short and long range), design, construction management, and accountability of new construction, renovation, and repair projects for all planned, new, and existing school facilities.
- c. The Board will evaluate school facility needs annually using the three-year plan for the renovation of school facilities and a five-year plan for the construction of school facilities. A capital improvement plan will be developed to prioritize the District's capital improvement needs in order for available funding to be applied to the areas of greatest need first.
- d. Any change, in whole or in part, to Board Policy 9405 must be noticed on a public agenda with the following language contained within the agenda item, using similar type face: "NOTICE: This item reflects an intent to change the way the School District manages tax funds approved for the acquisition, construction, repair, and renovation of schools and District facilities."

## 2. Guiding Practices

### a. Financial Considerations

#### i. General Obligation Bonds

1. The Board may take action to consider the issuance of general obligation bonds.
2. Upon such consideration by the Board, the District's Oversight Panel for School Facilities and the Debt Management Commission shall be notified of the proposed issuance of general obligation bonds.
3. Upon approval by both the OPSF and the Debt Management Commission, the Board shall take final action for the issuance of general obligation bonds.

### b. Oversight Panel for School Facilities (OPSF) and Capital Funding Protection Committee (CFPC)

#### i. The Board shall establish and maintain the OPSF, in accordance with Nevada state law (NRS 393.092). The OPSF shall:

1. Ensure public money is expended in an open deliberative process, the OPSF shall conduct its business in an open meeting and adhere to Nevada's Open Meeting Law, NRS Chapter 241.
2. Make recommendations to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature, written recommendations for financing the costs of new construction, design, maintenance and repair of school facilities (NRS 393.097); and
3. Review, approve, or disapprove a request by the Board for the issuance of general obligation bonds pursuant to NRS 350.020(4).

#### ii. Further, the Board of Trustees shall establish and maintain the Capital Funding Protection Committee and delegates to this committee the following duties and responsibilities consistent with NRS 393.096:

1. Ensure public money is expended in an open deliberative process, the CFPC shall conduct its business in an open

meeting and adhere to Nevada's Open Meeting Law, NRS Chapter 241.

2. Work cooperatively with the Board to ensure the program of school construction and renovation is responsive to the educational needs of pupils within the school district, adopt plans for construction and renovation, and recommend those plans to the Board;
  3. Review annually, or upon request of the Superintendent, the three-year plan for the renovation of school facilities and the five-year plan for the construction of new school facilities submitted by the school district and make recommendations to the Board for any necessary revisions to the plans;
  4. Conduct, at a minimum, annual evaluations including compliance of the plan with program goals and make recommendations on revisions to capital improvement plans to the Board;
  5. Conduct, at a minimum, annual evaluations of the program of school construction and renovation that is designed to carry out the Capital Improvement Plan and make recommendations to the Board of Trustees concerning the Plan;
  6. Review any changes to a prototype design, development of custom designs for new schools, or substantial program changes to planned projects;
  7. Make recommendations for the management of construction and renovation of school facilities within the school district in a manner that ensures effective and efficient expenditure of public money; and
  8. Prepare an annual report that includes a summary of the progress of the construction and renovation of the school facilities within the school district and the expenditure of public money used for construction and renovation.
- iii. To support the work of the CFPC, the Board shall:
1. Have each recommendation made by the CFPC to the Board placed on the Board's agenda, but may not be placed on the Consent Agenda, and must be considered by the Board at an open public meeting of the Board;

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2. Upon denial of a recommendation from the CFPC, state at a public meeting and in writing the reason for its decision;
  3. The written statement shall be included in the minutes of the Board meeting, and the recommendation and the Board decision will be sent back to the CFPC for re-consideration;
  4. At reconsideration, the CFPC will either take action to accept the Board's decision and reasons, or send the item back to the Board for re-consideration by the Board, or the CFPC will revise its recommendation for Board review;
    - a. If the CFPC accepts the Board's decision and reasons, then the item is considered approved;
    - b. If the CFPC does not accept the Board's decision and reasons, then CFPC will forward the recommendation to the Board for its reconsideration; and if the Board still denies the CFPC's recommendation, the Board must state at a public meeting the reason for the denial of the recommendation and place its reasons in a writing in the minutes of the record, and the item is considered approved based on the Board's decision and findings; or
    - c. If the CFPC revises the recommendation, the Board may either approve or follow sub-paragraph (4)(b), *immediately above*.
  5. Provide such administrative support to the CFPC as is necessary for the CFPC to carry out its duties; and
  6. Work cooperatively with the CFPC to ensure that the program of school construction and renovation is responsive to the educational needs of the students of the District.
- iv. The OPSF and CFPC shall consist of the same 11 voting members as follows:
1. Two members of the Washoe County Board of County Commissioners selected by the Washoe County Board of County Commissioners;
  2. Two members of the Reno City Council selected by the Reno City Council;

3. Two members of the Sparks City Council selected by the Sparks City Council;
4. Five members appointed by the Board of Trustees as follows:
  - a. One member who has experience in structural or civil engineering;
  - b. One member who has experience in matters relating to the construction of public works projects;
  - c. One member who has experience in the financing or estimation of the cost of construction projects;
  - d. One member who is a representative of the gaming industry; and
  - e. One member who is a representative of the general public who has an interest in education.

## **DEFINITIONS**

1. Capital Renewal - fixing what is already in schools and classrooms, bringing them up to standards.
2. Renovation - complete refurbishment of learning environments. This includes making changes to and repairing older buildings so that they are as safe and secure as possible.
3. Technology and Infrastructure Upgrades - transitioning classrooms into up-to-date locales of learning, offering students and teachers the best technology possible given current funding.
4. Capital Improvement Plan - A Capital Improvement Plan (Program), or CIP, is a short-range plan, usually three to ten years, which identifies capital projects and equipment purchases, provides a planning schedule, and identifies options for financing the plan.

## **DESIRED OUTCOMES**

1. Through this policy and the work of the OPSF and the CFPC, the Board shall:
  - a. Utilize a transparent and public system of oversight for school renovation and construction spending to ensure maximum accountability and efficiency.
  - b. Establish and maintain open lines of communication between the Board and its constituents, as well as to keep the public informed of the status of the Capital Improvement Plan; and
  - c. Endorse efforts to establish a stable source of capital projects funding to maintain safe and secure schools and to increase capacity to deal with enrollment growth.

## **IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS**

1. This policy reflects the goals of the District's Strategic Plan.
2. This policy aligns with the following WCSD governing documents:
  - a. Board Policy 3100, Financial Services
  - b. Board Policy 7100, Capital Projects and Facilities Management
3. This policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) to include:
  - a. Chapter 350, Municipal Obligations

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- b. Chapter 387, Financial Support of School System, and specifically:
  - i. NRS 387.328, Financing of Construction of Schools and Other Projects: Establishment; purposes; accumulation of money for specified period; source; reversion prohibited; pledge of proceeds for payment on bonds.
- c. Chapter 393, School Property, to include:
  - i. NRS 393.092, Oversight panel for school facilities; ...
  - ii. NRS 393.095, Oversight panel for school facilities: Duty of board of trustees to provide administrative support and information.
  - iii. NRS 393.096, Expanded duties

### **REVIEW AND REPORTING**

1. This document shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the policy as well as an audit of the accompanying governing documents.
2. Administrative regulations, and/or other associated documents, will be developed as necessary to implement this policy.

### **REVISION HISTORY**

| Date | Revision | Modification           |
|------|----------|------------------------|
| TBA  | 1.0      | Effective upon passage |

**PUBLIC SCHOOLS OVERCROWDING AND REPAIR NEEDS COMMITTEE  
SENATE BILL NO. 411**

**RECOMMENDATION TO IMPOSE A 0.54% INCREASE IN THE TAX ON THE GROSS RECEIPTS OF ANY RETAILER FROM THE SALE OF ALL TANGIBLE PERSONAL PROPERTY SOLD AT RETAIL, OR STORED, USED OR OTHERWISE CONSUMED IN THE COUNTY TO PROVIDE FUNDING FOR THE WASHOE COUNTY SCHOOL DISTRICT FOR THE PURPOSES SET FORTH IN NRS 387.328 AND NRS 387.335(1)**

**WHEREAS**, pursuant to 2015 Nevada Statutes, Chapter 425; S.B. 411 of the 78<sup>th</sup> Legislative Session of the State of Nevada ("SB 411"), the Washoe County School District Board of Trustees (Board) determined by resolution that a Public Schools Overcrowding and Repair Needs Committee (Committee) is necessary to address overcrowding and repair needs in the Washoe County School District (District);

**WHEREAS**, pursuant to SB 411, the Committee may recommend to establish a new rate on a particular tax, or new rates on particular taxes, to the Washoe County Commission for a ballot question on the November 2016 general election to fund the capital projects needed to address repair needs and school overcrowding;

**WHEREAS**, NRS 387.328 and NRS 387.335(1) require that capital project funds be used for the acquisition, construction, repair, and renovation of District facilities or debt service for capital projects;

**WHEREAS**, any funds raised per SB 411 and the Committee's recommendation may only be placed in the District's capital project funds;

**WHEREAS**, the Committee was presented a plan for acquisition, construction, repair, and renovation amounting to approximately \$781 million based on a 9-year funding package financed with proceeds of taxes and bonds to address the District's repair needs and overcrowding issues;

**WHEREAS**, the plan for acquisition, construction, repair, and renovation endorsed by the Committee includes: funding for school repairs; an addition to Damonte Ranch High School; Sun Valley Area Middle School; Arrow Creek Area Middle School; Spanish Springs Area Middle School; Cold Springs High School; South McCarran/Butler Ranch Area High School; Wild Creek Area High School to replace Hug High School; Repurposing of Hug High School; South Meadows Area Elementary School; North Valleys/Spanish Springs Area Elementary School; Core school investments; Strategic purchase of Sparks High School properties; Seven Elementary Schools to ultimately eliminate Multi-Track Year Round Calendar; Nutrition Services Expansion; and expansion for a new Transportation Yard;

**WHEREAS**, this list of projects is based on current growth projections by outside experts, including funds set aside to respond to projected cost inflation, and is subject to change based on updated projections and/or in response to actual growth should it differ from the projections;

**WHEREAS**, the Committee determined that the plan was necessary for the future of education in Washoe County;

**WHEREAS**, the Board created a new public body, the Capital Funding Protection Committee, which consists of government officials from Washoe County, the City of Reno, and the City of Sparks as well as a person with experience as a structural or civil engineer, a person with experience in construction of public works projects, a person with experience in finance or estimation of public works projects, a person representing the gaming industry, and one member of the general public with an interest in education, to oversee the acquisition, construction, repair and renovation of schools; and

**WHEREAS**, the Committee voted by a majority of its membership to recommend the imposition of a tax of 0.54% on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the County.

**NOW, THEREFORE THE PUBLIC SCHOOLS OVERCROWDING AND REPAIR NEEDS COMMITTEE HEREBY RECOMMENDS, PURSUANT TO 2015 NEVADA STATUTES, CHAPTER 425; SB 411 OF THE 78TH LEGISLATIVE SESSION, the following:**

Shall the Board of County Commissioners of Washoe County be authorized to impose a sales and use tax of 0.54% in the County to fund only capital projects of Washoe County School District for the acquisition, construction, repair, and renovation of school facilities?

**THE PUBLIC SCHOOLS OVERCROWDING AND REPAIR NEEDS COMMITTEE**, further provides the following “**Explanation**” and “**Description of Anticipated Financial Effect**” to assist the County Commission with preparation of the ballot question:

**Explanation:**

A “yes” vote will allow the Washoe County School District to raise the funds necessary to acquire, construct, repair, and renovate school facilities in the Washoe County School District to alleviate overcrowding, address repair needs, ultimately eliminate the multi-track year round calendar and double sessions at an individual school site. The expected uses are:

- Repair, upgrade and reconstruct existing schools in the District based on a prioritization by a citizen oversight panel;
- Build an addition to Damonte Ranch High School; a Sun Valley Area Middle School; an Arrow Creek Area Middle School; a Spanish Springs Area Middle School; a Cold Springs High School; a South McCarran/Butler Ranch Area High School; a Wild Creek Area High

School to replace Hug High School; repurpose Hug High School; a South Meadows Area Elementary School; and a North Valleys/Spanish Springs Area Elementary School;

- Strategically purchase properties for Sparks High School; and
- Build seven elementary schools to ultimately eliminate multi-track year round calendar for students and their families as well as expand nutrition services and a new transportation yard.

A “no” vote means the funds necessary to address the overcrowding and repair needs of the Washoe County School District will not be raised.

**Description of Anticipated Financial Effect [to be included in sample ballot]:** The sales and use tax increase would not terminate. The average annual cost of this sales and use tax increase is expected to be \$54.00 for a typical payer of sales and use tax in the State, based on average annual expenditures on goods that are subject to the sales and use tax of \$10,000. Following the imposition of the tax, additional expenses are expected to be incurred to pay for the operation and maintenance of the school facilities financed with the additional sales and use tax.

Dated: This \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Shaun Carey, Chairman

Ayes \_\_\_\_\_

Nays \_\_\_\_\_