

EUREKA COUNTY SCHOOL DISTRICT

BOARD OF SCHOOL TRUSTEES  
MINUTES OF THE SPECIAL BOARD MEETING OF  
March 28th, 2013

Board Room, Eureka Elementary School, Nevada  
Room 8, Crescent Valley Elementary School, Nevada  
Meeting sites were connected by interactive video.

11:30 a.m. – Call to Order

The meeting was called to order by President Kathy Bacon-Bowling.

Roll Call

Present:

Kathy Bacon-Bowling, President	Ben Zunino, Superintendent/Principal
John Brown, Clerk	Ken Fujii, High School Principal
Darla Baumann, Member	Mark Martinsen, District Administrator
Terrilynn Brown, Member	Student Advisory Member – Alyissa Williams (Absent)
Sara Simmons, Member (Absent)	

Motion made by Darla Baumann, seconded by Terrilynn Brown to adopt the agenda. Motion carries  
A short recess was called by President Bacon-Bowling for lunch at 11:43.  
The board reconvened at 12:15 p.m.

Discussion Items:

1. *Board Budget Workshop: The Board will discuss budgetary items for the fiscal year 2014 budget. Administrators/Building Principals and department managers will make presentations to the board with their budget requests. Discussion will occur regarding department budgets, capital projects, five-year capital projects plan and master plan. Depending on time constraints, all department budgets may not be presented. The department budgets that may be discussed are: Eureka Elementary School, Crescent Valley Elementary School, Eureka High School, On-Line School, hot lunch program, operation and maintenance, janitorial, transportation, athletics, technology and special education.*

Finance Officer, Lisa Jones begin the budget discussion by introducing the objectives of the workshop. She advised the board that the revenue portion of the budget would not be discussed at this workshop, but department managers/supervisors would make presentations about their departments. The revenue will be discussed at the budget workshop scheduled for April 30<sup>th</sup>, 2013.

Department and School Presentations were made by:

James Damele – Transportation Department  
Amy Damele – Special Education Coordinator  
Ken Fujii – High School  
Mary Jane Hodson – Maintenance and Janitorial  
Elmer Porter – Technology  
Mark Martinsen, Crescent Valley School, On-Line School, Summer School, Professional Development  
Darlene Moody, Hot Lunch Director  
Ben Zunino, Eureka Elementary School and District Superintendent  
Mike Mitchell, Owner's Representative (5 year Capital Improvement Plan and Master Plan)

#### Break between Budget Workshop and Action/Discussion Items

#### Re-Adjourn Meeting at 4:35 p.m.

(Clerk John Brown called roll again for this portion of the meeting and Sara Simmons, Member, is now present.)

President Bacon-Bowling announced that there were several Boy Scouts present and she invited them to lead the group in the Pledge of Allegiance. President Bacon-Bowling announced that the agenda has already been adopted at the beginning of the board workshop.

#### PUBLIC COMMENT

Mike Rebaleati addressed the board by saying that he supports all junior high programs if there is a high school program of the same sport. He made several comments about the sports programs. For agenda item #3, Mr. Rebaleati feels that it is too early for the guaranteed maximum price pursuant to NRS 338.1696. This statute states that the public body has finalized the design for the public work, or any portion thereof sufficient to determine the probable cost of that portion. He has not seen that the designs have been finalized so he doesn't see how the board can actually set a guaranteed maximum price. He realizes that the agenda item states that the superintendent can negotiate with the CMR but he suggests that the board use a negotiating team as he thinks the whole board should be making these decisions negotiating major contracts. Perhaps the board could select a team selected from individuals who have the financial and construction skills to do so. Lastly, he commends Elmer for putting in a code of ethics policy (agenda item #5) but he thinks that wording should be added "The officers, employees, volunteers, and contractors who occupy employment positions shall comply with the following provisions." He mentioned the places in the policy that this language should be included. His last comment was that at the last meeting he submitted public comments and he expects those to be in the minutes. He makes this request for the last meeting and this meeting. Lisa Jones requested clarification regarding his request to read his letter into the minutes, which Mr. Rebaleati provided.

Additional public comments were provided by Elmer Porter. He stated that he is making these comments as a parent. He referred to Mr. Rebaleati's first letter requesting that the district add junior high wrestling. He wondered about the mid-year budgeting request and whether that is a valid budgeting strategy. He disagrees with Mr. Rebaleati when Mr. Rebaleati states that there will be no conflict with other sports and will not negatively impact the existing sports programs. Mr. Porter thinks that the enrollment at the high school is so small, that adding another program will hurt the existing sports. In conclusion, he asked why Mr. Rebaleati was using Eureka County Auditor/Recorder letterhead to make these comments about junior high wrestling. He stated that last night at an awards banquet for kids, that Mr. Rebaleati brought up his feelings about the district sponsoring junior high wrestling, and Mr. Porter feels that that was an inappropriate venue and topic for an awards banquet.

#### *Agenda Item #2 - Review current design and project status of the Gymnasium/Recreation Facility.* *Presentation by Mike Mitchell, Owner's Representative.* DISCUSSION ONLY. Public Comment

Mike Mitchell updated the board on the current status of the gymnasium such as where the district is contractually and design-wise. An overview of the floor plan was provided and a lengthy explanation of the design was provided, along with drawings which were displayed on the smart-board. The board did not have any questions about the design. Mike Rebaleati asked if the fire marshal had approved the plans, with Mr. Mitchell indicating that they had. Mr. Mitchell apprised the board that these plans are 100% complete and bid. Mr. Mitchell reminded the board that at the last meeting, the question had been posed on whether some things could be changed with the plans and he had told the board that things could be changed as long



as the board did not affect the overall floor plan and as long as the basic design was not compromised. Based on the plans being accepted, Core performed value engineering and arrived at the guaranteed maximum price. Terrilynn Brown stated that some people had indicated that the plans were not finalized, but she feels that the plans were finalized and that is what the board voted on at the prior meeting. The second concern that has been expressed to her by the public that the NRS states that any amount of money that Core Construction was under in erecting the building, was that they could take that amount of money. But according to the contract, Core could only get one per cent. Mr. Mitchell reiterated that this was correct – Core could only yield one percent from the savings – the rest of the savings belongs to the school district. President Bacon-Bowling inquired that if the board were to vote that they want the kitchen upgrade and some other things, the board can't actually vote on that until Mr. Mitchell comes back with another price? Mr. Mitchell informed President Bacon-Bowling that if the kitchen were to be added, they could authorize the kitchen with a "not to exceed cost" \$175,000 as that is the add-on cost built in. President Bacon-Bowling called for public comment. Donna Moyer indicated that she supports the kitchen add on.

*Agenda Item #3 - Discuss, Approve, or Deny accepting Guaranteed Maximum Price (GMP) from Core Construction for the Phase II construction of the gymnasium/recreational facility. Presentation by Mike Mitchell, Owner's Representative and Core Construction representatives. Action to include authorizing Superintendent to enter into negotiations with Core Construction for the construction of the Phase II project. Contract will be subject to review and approval by district's legal counsel. FOR POSSIBLE ACTION. Public Comment*

Mike Mitchell explained the guaranteed maximum price (GMP) work that Core Construction had prepared. The board had been provided with a GMP document that indicated that the GMP is \$10,545,247 dollars. This price is in accordance with the drawings. He explained that there are some line items that are not included in this price such as the heating/cooling water loop which would be an add if Barrick does not participate in this project with the school district. This water loop would be added back in if arrangements do not work out with Barrick, but it is not in the GMP so that Core does not make money on it if the project is donated. Some additional costs that are not included are the shared improvements where the project ties into the swimming pool. The solar on the roof is not included, because Barrick is interested in purchasing the renewable energy credits from the school district. (Terrilynn Brown advised that board that she needed to be excused from the meeting due to a prior engagement and she left the meeting at this point in the discussion.) If Barrick does not participate in the solar aspect of the gym, then Mr. Mitchell doubts that the district would proceed with the solar panels for hot water. The emergency generator project may be conducted with the county as a shared cost, if they decide to participate because of the emergency preparedness aspect. Miscellaneous equipment, fixtures, and furniture are in the five year capital improvement plan that will be incorporated in the district's capital improvement budget and are not included in the GMP. The kitchen upgrade is also not included in the GMP.

Kathy Bacon-Bowling stated that for the record, she would like to entertain a motion to approve the plans with a charge order with minor changes. She thinks that this needs to happen to clarify this action for the record. Sara Simmons stated that this could not be done because it is not on the agenda, and Darla Baumann said that this topic was already on the last agenda. Mrs. Bacon-Bowling said that it wasn't clear because it said "conceptual drawing" not plans. If it can't be voted on at this meeting because it isn't on the agenda, then the board needs to do that. Darla Baumann said that it wouldn't have gone forward if the board hadn't okayed the plans. Mrs. Bacon-Bowling doesn't think it was clear, but Mrs. Baumann does think it was clear except for the parking lot and the hill. As far as doing the GMP, she stated that the work was authorized to arrive at the GMP. Mr. Mitchell made a suggestion that a GMP was available based on these plans, completed by Core Construction. The board could accept the GMP based on the drawings dated on a certain date. Mrs. Bacon-Bowling suggested that a negotiating team be established, as had been suggested by Mike Rebaleati. Superintendent Zunino said that he was not going to negotiate with Core, but would merely be signing and reviewing the contracts. Bonding requirements would be reviewed and verified and vetted by the attorney already. Mr. Mitchell explained the contract approval process and this contract had been fully vetted.



John Brown made a motion that the board accept the guaranteed maximum price (GMP) from Core Construction for Phase II construction of the gymnasium/recreation facility for \$10,545,247 dollars and \$175,000 for the kitchen upgrade (full service). Motion seconded by Darla Baumann.

President Bacon-Bowling asked for public comment. Mike Rebaleati expressed his concerns that in the minutes of the February 12<sup>th</sup> meeting, the plans haven't been approved. There is no wording in the February 12<sup>th</sup> minutes that the board approved the finalized plans – he states that the wording says the plans are “conceptual”. He suggests that the board delay the vote and finalize the plans so it is official. Architect Jack Hawkins said that the plans are 100% complete and the plans that were bid were 100% complete, not 95% complete. Amy Damele said that she is hopeful that the board is moving forward on the gymnasium facility because there have been a lot of delays over many years. She is speaking for a lot of people who want the gym to be finished and would encourage the board to get it built.

John Brown encouraged the board to vote on the motion that he had made and was on the floor. Motion carries.

*Agenda Item #4 - Discuss, Approve, or Deny accepting Employment Contract for System's Engineer position for Elmer Porter for a one year period from July 1, 2013 to June 30<sup>th</sup>, 2014 in the amount of \$88,711.50. FOR POSSIBLE ACTION. Public Comment*

Superintendent Zunino said that this was the same contract with no changes, except for the cost of living increase granted to the certified staff. President Bacon-Bowling asked if the evaluation had been performed that was referenced in the contract, with the Superintendent indicating that it had been done. Motion made by Sara Simmons, seconded by Darla Baumann to approve Elmer Porter's contract. Motion carries

*Agenda Item #5 - Discussion only on proposed policy #4126, "Code of Ethical Standards – All Employees". 1<sup>st</sup> Reading. Presentation by Elmer Porter, Activities Director. Public Comment*

Superintendent Zunino stated that this is the first reading of the policy. Elmer Porter said that he agreed with Mike Rebaleati's suggestions for change in the policy.

President Bacon-Bowling asked Mr. Rebaleati to read his letter into the minutes. He stated that he did not want to read the letter in, but the letter just needed to be placed in the minutes. Discussion occurred regarding the placement of the letter into the minutes.

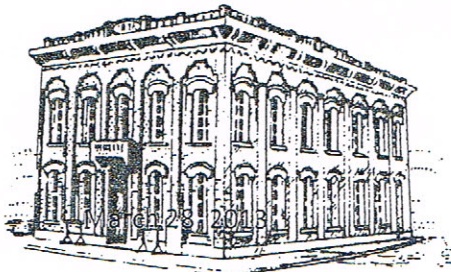
Motion made by John Brown to adjourn meeting, seconded by Darla Baumann. Motion

Meeting Adjourned at 6:45 p.m.

ATTACHED TO THESE MINUTES IS A LETTER FROM MIKE REBALEATI. HE REQUESTED THAT THIS LETTER BE “READ INTO THE MINUTES” AND BE ATTACHED AS A PERMANENT RECORD INCLUDED WITH THE MINUTES.







OFFICE OF  
**Eureka County Recorder/Auditor**

EUREKA COUNTY COURTHOUSE  
10 SOUTH MAIN STREET  
P.O. BOX 556 - EUREKA, NEVADA 89316  
PHONE: (775) 237-5263 • FAX: (775) 237-5614

MICHAEL REBALEATI  
COUNTY RECORDER/AUDITOR

E-MAIL: [mr@eurekanv.org](mailto:mr@eurekanv.org)

Eureka County School Board  
P.O. Box 249  
Eureka, NV 89316

*Letter Attached to March 28, 2013  
minutes*

Dear Board members:

**School Districts tentative budgets.**

I believe our school district should support junior high athletic programs for every high school sport being offered in the Eureka High School. If there is High School Football team then there should be Junior High Football team supported and so on. In my opinion for all sports from wrestling to cheerleading, these activities in Junior High should be supported by the school district just as long as there are qualified coaches to coach. Secondly, I request that the School Board consider changing its policy of paying coaches for the sports with very few participants. For instance if only 3 kids go out for track and all three are very serious about track, the district has the financial means to support these kids. I suggest a prorated pay base be established because the coach has less to manage.

**Item 3.**

The decision on the "Guaranteed Maximum Price" needs to be tabled in my opinion. In summary, my opinion is based on NRS 338.1696. NRS 338.1696 specifically states that the "public body has finalized the design for the public work, or any portion thereof sufficient to determine the provable cost of that portion". There has been no finalized design approved by the Eureka County School Board so pursuant to NRS 338.1696 the board can't enter into negotiations until the board finalizes the design. My second comment is that the Eureka County School Board should be one negotiating directly with Core Construction not the Superintendent. If the School Board doesn't want to negotiate the board could appoint a negotiating team with the individuals who have the financial and construction skills to negotiate.

**Item 5.**

The wording in "Code of Ethics" proposal needs to include contractors who hold employment positions. It also needs to include all volunteers. So the wording in the first sentence of the second paragraph should be changed to state "The officers, employees, volunteers, and contractors who occupy employment positions shall comply with the following provisions." This language should be included in section 1 and the last paragraph.

My last comment is on my last written public comment that I submitted to the School Board. I sent these comments to the School District and I requested that my entire written comments are included into the minutes of your last meeting. I still expect this to be done and expect these comments are entered into the minutes of this meeting on March 28, 2013. If both of these written comments are not put into your minutes you will be in violation of the Open Meeting Law.

Regards,

*Michael Rebaleti*

Michael Rebaleti

Eureka County Auditor and Taxpayer