



STATE OF NEVADA
COMMISSION ON ETHICS
<http://ethics.nv.gov>

NOTICE OF PUBLIC MEETING

NAME OF ORGANIZATION: NEVADA COMMISSION ON ETHICS
DATE & TIME OF MEETING: Wednesday, September 18, 2013 at 8:30 a.m.
PLACE OF MEETING:

Nevada Legislative Building
Room 3143
401 S. Carson Street
Carson City, NV 89701

and via video-conference to:

Grant Sawyer State Building
Room 4412
555 E. Washington Avenue
Las Vegas, NV 89101

This meeting will be available via the Internet at
<https://www.leg.state.nv.us/App/Calendar/A/>

AGENDA

NOTE:

- Two or more agenda items may be combined for consideration.
- At any time, an agenda item may be taken out of order, removed, or delayed.
- Agenda items 5, 6 and 7 are exempt from the provisions of NRS Chapter 241 (the Open Meeting Law). The hearing room may be closed to the public during the consideration of those agenda items.
- Public comment will be accepted at the beginning of the meeting and again before the conclusion of the meeting. Comment and/or testimony by the public will be limited to three (3) minutes. No action may be taken on any matter referred to in remarks made as public comment.

The following agenda lists all items the Commission will consider:

	1. Call to Order , Roll Call, and Pledge of Allegiance to the Flag.
	2. Open Session for Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item.

For Possible Corrective Action	3. Open Session pursuant to section 4 of Assembly Bill No. 65 of the 77 th Nevada Legislative Session (2013) to take corrective action regarding the public notices and agendas posted for the Commission's July and August 2013 meetings to comply with NRS 241.020(2), as amended by section 7 of Assembly Bill No. 65 of the 77 th Legislative Session (2013), effective July 1, 2013, to include "the name and contact information of the person designated by the public body from whom a member of the public may request the supporting material for the meeting... and a list of the locations where the supporting material is available to the public."
For Possible Action	4. Open Session for consideration and approval of Minutes from the June 19, 2013 and July 17, 2013 Commission meetings.
For Possible Action *	5. Open Session pursuant to NRS 281A.440(8) to ratify the amended Stipulation concerning Consolidated Third-Party Requests for Opinion Nos. 12-72C and 12-74C, regarding the conduct of Theodore Fuller and Bea Epstein, Former Trustees, Incline Village General Improvement District Board of Trustees , submitted pursuant to NRS 281A.440(2). Pursuant to NRS 281A.440(15), all or a portion of this agenda item may be held in closed session.*
For Possible Action *	6. Open Session pursuant to NRS 281A.440(8) to consider a Motion for Summary Resolution concerning Third-Party Request for Opinion No. 13-24C , regarding the conduct of Carolyn Edwards, Member, Clark County School District Board of Trustees, District F , submitted pursuant to NRS 281A.440(2). Pursuant to NRS 281A.440(15), all or a portion of this agenda item may be held in closed session.*
	7. Closed Session to discuss potential or pending litigation. This portion of the meeting will not be available to the public.
For Possible Action	8. Open Session for consideration of agenda item requested by Commissioner Gale regarding the Commission bringing Requests for Opinion on its own motion.
	9. Open Session for report by Executive Director and Commission Counsel on agency status and operations.
	10. Open Session for Commissioner comments on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.
	11. Open Session for Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item.
	12. Adjournment.

***NRS 281A.440(15) states that a meeting or hearing held by the Commission to receive information or evidence regarding the conduct of a public officer or employee pursuant to NRS 281A.440 and the deliberations of the Commission are not subject to the provisions of NRS Chapter 241, known as the Open Meeting Law. As a result, these agenda items, or any portion of them, may be heard in closed session.**

NOTES:

- ❖ The Commission is pleased to make reasonable accommodations for members of the public who have a disability and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada Commission on Ethics, in writing, at 704 W. Nye Lane, Carson City, Nevada 89703, email ncoe@ethics.nv.gov or call (775) 687-5469 as soon as possible.
- ❖ To request a copy of the supporting materials for this meeting, contact Executive Director Caren Cafferata-Jenkins, Esq. at ncoe@ethics.nv.gov or call 775-687-5469.
- ❖ This Agenda and supporting materials are available before the meeting at the Commission's office, 704 W. Nye Lane, Ste. 204, Carson City, Nevada, or on the Commission's website at www.ethics.nv.gov, and a copy will be available at the meeting location on the meeting day.

This Notice of Public Meeting and Agenda was posted in compliance with to NRS 241.020 before 9:00 a.m. on the third working day before the meeting at the following locations:

- Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City
- Nevada Commission on Ethics' website: <http://ethics.nv.gov>
- State Library & Archives Building, 100 North Stewart Street, Carson City
- Blasdel Building, 209 E. Musser Street, Carson City
- Washoe County Administration Building, 1001 East 9th Street, Reno
- Grant Sawyer State Office Building, 555 E. Washington Ave., Las Vegas

AGENDA ITEM NO. 3

AGENDA ITEM NO. 3

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee has at least two members who are not employed by the public officer or entity; and

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201.

~~["Public body" does not include the Legislature of the State of Nevada.~~

~~4.]~~ 5. "Quorum" means a simple majority of the constituent membership of a public body or another proportion established by law.

Sec. 7. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) *The name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in*



subsection 5 and a list of the locations where the supporting material is available to the public.

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item ~~4~~ *or, if the item is placed on the agenda pursuant to section 4 of this act, by placing the term "for possible corrective action" next to the appropriate item.*

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

↳ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

(6) Notification that:

(I) Items on the agenda may be taken out of order;



(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and



(c) Subject to the provisions of subsection 6 ~~H~~ or 7, as *applicable*, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

↳ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

↳ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. *The governing body of a county or city whose population is 45,000 or more shall post the supporting material described in paragraph (c) of subsection 5 to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 5. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.*

8. A public body may provide the public notice, information ~~and~~ or supporting material required by this section by electronic



mail. ~~HF~~ *Except as otherwise provided in this subsection, if a public body makes such notice, information ~~and~~ or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available.* The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or *supporting material or a link to a website* required by this section to a person who has agreed to receive such notice, information ~~or~~ , *supporting material or link* by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

~~8.~~ **9.** As used in this section, “emergency” means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

- (a) Disasters caused by fire, flood, earthquake or other natural causes; or
- (b) Any impairment of the health and safety of the public.

Sec. 8. NRS 241.030 is hereby amended to read as follows:

241.030 1. Except as otherwise provided in this section and NRS 241.031 and 241.033, a public body may hold a closed meeting to:

- (a) Consider the character, alleged misconduct, professional competence, or physical or mental health of a person.
- (b) Prepare, revise, administer or grade examinations that are conducted by or on behalf of the public body.
- (c) Consider an appeal by a person of the results of an examination that was conducted by or on behalf of the public body, except that any action on the appeal must be taken in an open meeting and the identity of the appellant must remain confidential.

2. A person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body during a meeting may waive the closure of the meeting and request that the meeting or relevant portion thereof be open to the public. A request described in this subsection:

- (a) May be made at any time before or during the meeting; and
- (b) Must be honored by the public body unless the consideration of the character, alleged misconduct, professional competence, or



AGENDA ITEM NO. 5

AGENDA ITEM NO. 5



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Requests
for Opinion Concerning the Conduct of
Theodore Fuller and **Bea Epstein**, Former
Trustees, Incline Village General Improvement
District, State of Nevada,

**Requests for Opinion Nos. 12-72C
12-74C**

Subjects. /

STIPULATED AGREEMENT

1. **PURPOSE**: This stipulated agreement resolves certain allegations set forth in Third-Party Requests for Opinions (“RFOs”) Nos. 12-72C and 12-74C concerning Theodore Fuller (“Fuller”) and Bea Epstein (“Epstein”), (collectively referred to hereafter as “Subjects”), Former Trustees of the Incline Village General Improvement District (“IVGID”) Board of Trustees (“Board”), before the Nevada Commission on Ethics (“Commission”) and serves as the final opinion in this matter with respect to those allegations.

2. **JURISDICTION**: At all material times, Subjects formerly served as Trustees of the Board. The Board was formed pursuant to Nevada Revised Statute (“NRS”) 318.080. NRS 318.082 provides that the trustees of a general improvement district are elected officials. The Ethics in Government Law set forth in NRS Chapter 281A (“Ethics Law”) gives the Commission jurisdiction over former elected and appointed public officers for conduct which occurred within two years preceding the

filing of the RFO. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Subjects in these requests.

3. **FINDINGS OF FACT:**

The following events are relevant to the matter:

- a. Fuller is a former member of the IVGID Board and served two nonconsecutive four-year terms; the first term from 2000 to 2004, and the second term from 2008 to 2012.
- b. Epstein is a former member of the IVGID Board, having served two consecutive four-year terms from 2004 to 2012.
- c. According to its website (www.ivgid.org), IVGID maintains various departments, including, without limitation, the Parks and *Recreation Department*.
- d. IVGID's *Parks and Recreation Department* offers programs in the following categories: *Youth; Teen; Day Camps; Family and Special Events; Aquatics; Sports; and Senior*.
- e. The *Senior Program* encompasses several groups, including, without limitation: *55+ Senior Transportation Program; Conversation Café; Veterans' Club; and The Incliners*.
- f. *The Incliners* is IVGID's first *Senior Program* providing social and educational opportunities for seniors which is open to any resident of Incline Village who is 49 years of age and over. Members of *The Incliners* pay annual membership dues in the amount of \$19. *The Incliners* conducts its meetings free of charge at the *Chateau*, an IVGID-owned event facility. *The Incliners* meets at the *Chateau* from 5:30 p.m. to 9:00 p.m. on the first Tuesday of each

month for a potluck dinner and bingo, and from 5:30 p.m. to 9:00 p.m. on the third Tuesday of each month for a catered dinner and dancing. Members attending the catered dinners must make reservations and payment for the cost of the catered dinners in the amount of \$24 per person before each dinner to *The Incliners*, mailed to *The Incliners'* Post Office Box in Incline Village.

- g. IVGID may authorize the use of the Chateau free of charge on any day for its government-sponsored recreational programs.
- h. *The Incliners* was formerly registered as an independent non-profit Nevada corporation. *The Incliners* dissolved its status as a private business entity in August 2010. Currently, *The Incliners* is neither a private entity (e.g., non-profit), nor a formal incorporated department of IVGID. *The Incliners* is treated as an IVGID-sponsored recreational program.
- i. No records are available concerning any discussion, consideration or vote by the IVGID Board to establish *The Incliners* as an IVGID Senior Program or other formal or incorporated division or department of IVGID.
- j. *The Incliners* maintain a bank account separate from IVGID.
- k. IVGID staff supports activities of *The Incliners* and creates and distributes advertising materials and flyers for *The Incliners'* programs.
- l. Information concerning *The Incliners* is posted on a page within IVGID's website (www.inclinerecreation.com), which is created and maintained by IVGID.

- m. Fuller is over the age of 49 and has been an Incline Village resident for over 16 years. Fuller was a member of *The Incliners* while he served as a Trustee for IVGID.
- n. Epstein is over the age of 49 and has been an Incline Village resident for over 17 years. Epstein was a member of *The Incliners* while she served as a Trustee for IVGID.
- o. On September 14, 2011, Item J.1. on the IVGID Board Meeting Agenda requested the Board's approval of a "*Purchase Order with Crosby's Grille Pub Casino in the amount of not to exceed \$40,000.00 for the service of approximately nine to ten meals, including non-alcoholic beverages, from October 1, 2011 through June 30, 2012 for the District's Incliners Senior Program.*" Although this agenda item sought authorization for an expenditure of up to \$40,000.00, in reality, IVGID never intended to, nor did it, actually expend any public funds for the catered meals and services because the Incliners would pay IVGID for the costs of the catered meals *before* IVGID forwarded payment to Crosby's Grille Pub. The IVGID Board voted unanimously (5-0) to approve the purchase order. The Subjects voted to approve the purchase order without disclosing that they were members of *The Incliners*, or that they could obtain a pecuniary benefit (in the form of a reduced cost meal) if they voted in favor of the agenda item. They did, however, later in the meeting disclose that they were members of *The Incliners*. The vote on the item was unanimous (5-0) and thus the item would have been approved regardless of the Subjects' votes.

- p. By making its catering purchases through IVGID, *The Incliners* were not subject to payment of Washoe County sales tax in the amount of 7.725%. Assuming that the Incliners purchased meals up to the authorized sum of \$40,000.00 through June 30, 2012, the savings to the members of *The Incliners* would be approximately \$3,090.00.
- q. The vote and approval of the September 14, 2011 agenda item resulted in savings to the members of *The Incliners* of approximately \$1.85 on each \$24.00 meal purchased.
- r. *The Incliners* accepts reservations and payments for the catered dinners and orders the respective meals from Crosby's. *The Incliners* issues a check from its separate bank account to IVGID for payment of the meals to the caterer. IVGID thereafter issues payment to Crosby's Grille Pub Casino under the approved purchase order.
- s. During the period encompassed by Agenda Item J.1 (October 1, 2011 to June 30, 2012), Trustee Epstein attended one (1) *Incliners* catered function. As a result of her favorable vote on Agenda Item J.1, she obtained a cost savings of approximately \$1.85.
- t. During the period encompassed by Agenda Item J.1 (October 1, 2011 to June 30, 2012), Trustee Fuller attended three (3) *Incliners* catered functions. As a result of his favorable vote on Agenda Item J.1, he obtained a cost savings of approximately \$5.55.

- u. Prior to the period encompassed in Agenda Item J.1, Subjects were both entitled to a \$10.00 refund from *The Incliners* for registration fees which they had previously paid. Neither accepted the refund to which they were entitled.

4. **PROCEDURAL HISTORY BEFORE COMMISSION**

- a. On or about December 24, 2012 (approximately one week prior to the expiration of Subjects' terms), the Commission received RFO Nos. 12-72C and 12-74C from a private citizen alleging that approximately 15 months previous thereto, Subjects voted on a public matter in which IVGID would provide its tax exemption for certain catering costs incurred by *The Incliners*, without disclosing their private/pecuniary interests as members of *The Incliners*. Through their respective affirmative votes and failures to disclose, the RFOs alleged that Subjects: 1) failed to avoid conflicts between their private interests and public duties (NRS 281A.020); 2) sought or accepted gifts which improperly influenced their public duties (NRS 281A.400(1)); 3) used their positions in government to secure or grant unwarranted benefits to themselves or to persons/entities to whom they have a commitment in a private capacity (NRS 281A.400(2)); 4) used governmental resources to further a personal or pecuniary interest (NRS 281A.400(7)); and 5) failed to properly disclose their interests and abstain from participating in the IVGID matters related to those interests (NRS 281A.420(1) and (3)).
- b. Specifically, the RFOs alleged that *The Incliners* was a private organization, and Subjects failed to disclose their memberships in the organization and/or pecuniary interests in a matter authorizing *The Incliners* to utilize IVGID's tax

exempt status for the purchase of catered meals and beverages, resulting in a savings to *The Incliners* and a corresponding savings to the members who paid for the meals. Subjects voted to approve the matter. In addition to the specific allegations regarding failures to disclose and abstain, the RFOs alleged that the affirmative votes by Subjects constituted improper gifts and use of governmental resources and secured an unwarranted discount to the members of *The Incliners* for their individual catered dinner costs, a privilege not available to the general public.

- c. As required by NAC 281A.410, the Commission provided Subjects with notice of the RFOs by mail. Pursuant to NRS 281A.440(3), Subjects were provided an opportunity to respond to the RFOs, and submitted written responses through their counsel, Thomas P. Beko, Esq., of the Erickson, Thorpe & Swainston, Ltd. law firm in Reno, Nevada.
- d. Pursuant to NRS 281A.440, on April 17, 2013, a two-member Investigatory Panel consisting of Chairman Lamboley and Commissioner Carpenter reviewed the RFOs, Subjects' responses, the Executive Director's report and recommendation and other evidence. The Panel was concerned about what appeared to be a \$40,000.00 expenditure of public funds for a select private organization, as well as the overall propriety of the Board's vote to allow *The Incliners* to benefit through IVGID's tax exempt status. Therefore, the Panel voted to forward the RFOs to the Commission for a hearing and opinion in the matters.

- e. The Commission now enters this Stipulated Agreement regarding the allegations concerning NRS 281A.020, NRS 281A.400(1), (2) and (7) and NRS 281A.420(3). However, the Commission addresses the allegations regarding NRS 281A.420(1) concerning disclosure in a separate decision.

5. **TERMS / CONCLUSIONS OF LAW:** In lieu of a full hearing regarding these allegations and based on the foregoing, Fuller, Epstein and the Commission agree as follows:

- a. Each of the findings of fact enumerated in section 3 is deemed to be true and correct.
- b. Subjects each held a public office which constituted a public trust to be held for the sole benefit of the people of the State of Nevada (in particular, the people of Incline Village, Nevada).
- c. The parties agree that the Commission does not have jurisdiction to consider the propriety of the IVGID Board's decision to allow the Incliners to utilize IVGID's tax exempt status, but rather, the Commission's jurisdiction extends only to the questions of whether the actions of Trustee Fuller and/or Epstein violated the Ethics Law. Thus, the Commission lacks any jurisdiction to render any decision on the propriety of IVGID's decision to afford a private group tax exempt status under IVGID's umbrella.
- d. The parties agree that the potential pecuniary interest at stake in the agenda item for the purchase order was nominal. If Subjects chose to attend every dinner within the relevant time frame, the total pecuniary interest would have been \$16.65, and the evidence reflected that Subjects did not regularly attend

the catered dinners. During the time frame affected by the matter, Fuller attended three (3) dinners for a total pecuniary benefit of \$5.55 and Epstein attended one (1) dinner for a total pecuniary benefit of \$1.85.

- e. The parties further agree that Subjects did not have a "commitment in a private capacity to the interests of" *The Incliners* as defined by NRS 281A.420(8).¹ The Commission has previously interpreted memberships in various private entities as "commitments in a private capacity" only when the public officer or employee serves as a fiduciary to the entity or has some other affiliation with the entity which is substantially similar to a substantial and continuing business relationship. See *In re McCoy*, Comm'n. Opinion No. 09-58A (2012)(Public officer's membership in private association for \$20 per year without role on Board of Directors did not constitute commitment to the association); *In re Public Officer*, Comm'n. Opinion No. 11-84A (2012)(Public officer's membership in private association along with his service on various governing committees of the association constituted a commitment) and *In re Public Officer*, Comm'n Opinion No. 12-04A (2012)(Public officer's volunteer service on the Board of Directors of private association constituted commitment to association). No evidence was presented that Subjects had any affiliation with *The Incliners* beyond their general membership costing approximately \$19 per year.

¹ NRS 281A.420(8) was revised and replaced in revision with a new section of NRS 281A by Sections 19 and 41 of Senate Bill 228 of the 77th Legislative Session, effective June 13, 2013 (Chapter 551, Statutes of Nevada 2013).

f. Finally, the parties agree that the undisputed evidence does not support any finding by the Commission that Fuller or Epstein:

(1) Sought or accepted improper gifts as prohibited by NRS 281A.400(1).

No evidence was presented that the potential, nominal pecuniary interest amounted to a gift that would improperly influence a reasonable person in the Subjects' position to depart from the faithful discharge of his public duties.

(2) Used their official positions to secure unwarranted benefits as prohibited by NRS 281A.400(2). The Commission has no position regarding whether IVGID's determination to share its tax exempt status with *The Incliners*, a government-sponsored program, was unwarranted. NRS 281A.400(2) applies only where a public officer has used his position to secure or grant unwarranted benefits to himself, a business entity in which he has a significant pecuniary interest, or a person to whom he has a commitment in a private capacity. Because Subjects had neither a significant pecuniary interest nor a commitment in a private capacity to the interests of *The Incliners*, they did not violate NRS 281A.400(2).

(3) Used governmental resources to further personal interests as prohibited by NRS 281A.400(7). A preponderance of evidence does not support a determination that *The Incliners'* use of the Chateau constituted the Subjects' use of governmental property or facility to benefit a personal or financial interest where IVGID may authorize the use of the Chateau free

of charge on any day for its government-sponsored recreational programs.

- (4) Breached their duty to abstain on the matter presented as required by NRS 281A.420(3). The potential, nominal pecuniary interest at stake does not constitute a pecuniary interest that would materially affect the independence of judgment of a reasonable person in Subjects' situation.
- g. Therefore, the parties agree to a dismissal, with prejudice, of all allegations regarding NRS 281A.020, NRS 281A.400(1), (2) and (7) and NRS 281A.420(3), for lack of a preponderance of evidence.²
- h. This agreement applies only to the specific facts, circumstances and law related to these RFOs. Any facts or circumstances that are in addition to or differ from those contained in this agreement may create a different resolution of these matters.
- i. This agreement applies only to these matters before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil, or criminal regarding Fuller and Epstein.

6. **WAIVER:**

- a. Subjects knowingly and voluntarily waive a full hearing before the Commission on the allegations in these RFOs (No. 12-72C and No. 12-74C) regarding NRS 281A.020, NRS 281A.400(1), (2) and (7) and NRS 281A.420(3) and of any and all rights they may be accorded pursuant to NRS

² The Commission addresses the allegations concerning NRS 281A.420(1) regarding disclosure in a separate decision.

Chapter 281A, the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B), and the laws of the State of Nevada.

- b. Subjects knowingly and voluntarily waive their right to any judicial review of this matter as provided in NRS 281A, NRS 233B or any other provision of Nevada law.

7. **ACCEPTANCE:** We, the undersigned parties, have read this agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on August 21, 2013.

DATED this 31st day of August, 2013. 
Theodore "Ted" Fuller
Former Trustee
Incline Village General Improvement
District

DATED this 31st day of August, 2013. 
Bea Epstein
Former Trustee
Incline Village General Improvement
District

DATED this 27th day of August, 2013.

By: /s/ Gregory Gale
Gregory Gale
Vice-Chairman

By: /s/ James Shaw
James Shaw
Commissioner

By: /s/ Magdalena Groover
Magdalena Groover
Commissioner

By: /s/ Keith Weaver
Keith Weaver
Commissioner

By: /s/ Cheryl Lau
Cheryl Lau
Commissioner

The above Stipulated Agreement is approved by:

DATED this 28th day of August, 2013.



Thomas P. Beko, Esq.
Counsel for Theodore Fuller and
Bea Epstein

DATED this 9th day of September, 2013.



Yvonne M. Nevarez-Goodson, Esq.
Commission Counsel

AGENDA ITEM NO. 6

AGENDA ITEM NO. 6

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COMMISSION ON ETHICS

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11 COMMISSION ON ETHICS

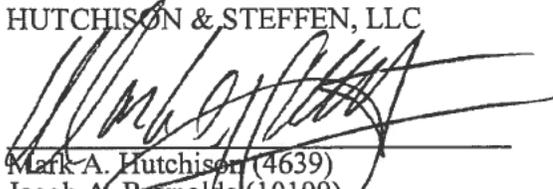
12 In the Matter of Request for Opinion Concerning) Request for Opinion
13 the Conduct of Carolyn Edwards, Member,) No. 13-24C
14 Clark County School District Board of Trustees,)
15 District F)

16 MOTION FOR SUMMARY
17 RESOLUTION

18 Carolyn Edwards, President of the Clark County School District ("CCSD") Board of
19 Trustees, moves the Nevada Commission on Ethics ("NCOE") for Summary Resolution in
20 response to the Panel Determination of the NCOE ("Panel") on May 20, 2013, relating to
21 Michael Silbergleid's Request for Opinion dated February 20, 2013.

22 DATED this 3rd day of September, 2013.

23 HUTCHISON & STEFFEN, LLC

24 
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1 **Points and Authorities**

2 Request for Opinion No. 13-24C asks the NCOE to find that the President of the CCSD
3 Board of Trustees, Carolyn Edwards, is guilty of wilfully violating Ethics in Government Laws,
4 by having her secretary forward an email to President Edwards’ constituent list on October 16,
5 2012. To be clear, the secretary did not prepare the email, she merely *forwarded* the contents of
6 an email to President Edwards’ constituent list.¹ The constituent list is a contact list of
7 President Edwards’ constituents in the community who had specifically requested to be
8 informed by President Edwards of her work in the district, and is maintained by President
9 Edwards’ secretary.² President Edwards sent the email in response to her constituent’s request
10 for more information on how to help get Ballot Question 2 passed. President Edwards had
11 previously voted in favor of Ballot Question 2 in an open meeting before the Board of Trustees,
12 when the measure had passed unanimously.

13 The statute of concern for this matter is NRS 281A.520.1(a), which states in relevant
14 part: “a public officer or employee shall not request or otherwise cause a governmental entity to
15 incur an expense or make an expenditure to support or oppose: (a) A ballot question.”³ This
16 Commission, therefore, must determine whether the \$.20 (i.e *twenty cents*) that could
17 potentially be attributed to the time it took the secretary to forward the email, is a proper basis
18 to conclude that President Edwards wilfully violated NRS 281A.520.

19 This Commission should determine that no violation occurred and dismiss the case
20 against President Edwards. If the NCOE disagrees with this outcome, it must take and consider
21 evidence before the NCOE may determine that a wilful violation has occurred.

22 ////

23
24 _____
25 ¹See Ex. A, Decl. of Lisa Chrapcynski ¶ 5.

26 ²See Ex. A, Decl. of Lisa Chrapcynski ¶ 7; See also Ex. B, Decl. of Carolyn Edwards ¶ 7.

27 ³See NRS 281A.520.1 (emphasis added).

1 **1. Introductory facts and analysis.**

2 **A. Use of the email system is not a violation of NRS 281A.520.**

3 The NCOE has previously discarded the idea that President Edwards’ use of the CCSD
4 email system, to respond to her constituent’s request, caused the Clark County School District
5 to “incur an expense” or “make an expenditure” under NRS 281A.520. This is partly because
6 the uncontroverted testimony is that President Edwards’ use of the email system actually does
7 not cause any governmental entity to “incur” expense or “make” an expenditure.⁴ Attached as
8 Exhibit C is the Affidavit of Dan Wray, Director of Technology and Information Systems
9 Division, Clark County School District, which was previously considered by the Panel prior to
10 issuing its Panel Determination. The testimony stands uncontroverted that use of the email
11 system by President Edwards is allowed under the relevant regulations, and also does not cause
12 any costs to be incurred or expenditures to be made:

13 3. The trustees, including Trustee Edwards, are authorized
14 users of the InterAct email system that was used by Trustee
15 Edwards to send the email in question. Trustee Edwards’ email
16 complied with the operational guidelines of official use and
17 unofficial use of the email system as set forth in the District’s
18 “Acceptable Use Policy.” The Acceptable Use Policy governs the
19 day-to-day use of the InterAct email system. Official use is
20 authorized for official business and trustee communications with
21 constituents is considered official use. If the email constitutes
22 official use, then there was no extra costs incurred or expenditure
23 made

24 4. Employees and trustees are also allowed unofficial or
25 personal use of the InterAct email system. “Incidental Personal Use
26 of Technology Resources” under Section J of the Acceptable Use
27 Policy. Section J states that:

28 *Technology resources may be used by District personnel for
personal purposes provided that the use does not interfere with the
Clark County School District’s ability to carry out District business,
does not interfere with the employee’s duties, does not subject the
Clark County School District to increased costs or risks, and does
not violate the terms of the Acceptable Use Policy.*

26 ⁴See Ex. C, Affidavit of Dan Wray, Director of Technology and Information Systems
27 Division, CCSD at ¶ 3 (considered by Ethics Panel as part of President Edwards’ initial “Response
28 to Allegations” filed April 5, 2013).

1 5. . . . [The Clark County School District] incurs no extra cost
2 or requires an additional expenditure above and beyond normal
3 operating expenses.⁵

4 The expert on the email system concludes: (1) the email was for official use because it
5 was for communication to constituents and therefore did not cost anything; and alternatively (2)
6 that even if the email was classified as personal use, the personal use was acceptable under
7 CCSD’s “Acceptable Use Policy,” and did not cause the district to incur or make an expense.
8 In short, use of the email system did not cause the CCSD to incur or make an expense in
9 connection with the email. Therefore, as a matter of law, the use of the email system in this
10 case does not violate NRS 281A.520.1(a).

11 Further, the Panel Determination specifically omits any determination that use of the
12 email system was improper and gave notice only that use of the secretary was possibly
13 improper:

14 RFO 13-24C alleges, and uncontroverted evidence supports,
15 that Edwards requested or caused a CCSD employee, while CCSD
16 paid for the employee’s services, to undertake an action supporting
17 Question 2. Edwards had been assigned a CCSD e-mail address in
18 her capacity as a Trustee, and was provided access to a CCSD
19 employee to assist in receiving and sending e-mails related to her
20 position on the School Board. The RFO alleges that regardless of
21 the nominal time the employee spent, by Edwards asking the
22 employee to send her email to the District’s master email list, she
23 requested or caused a governmental entity to incur an expense or
24 make an expenditure to support a ballot question, and by doing so
25 violated NRS 281A.520(1)(a).⁶

26 **B. Focusing on the use of the secretary to send the email.**

27 At the Panel hearing, the NCOE’s Executive Director, Caren Jenkins, specifically
28 focused on the use of the secretary as the main point of concern: “directing a staff person to
29 send an e-mail to support or to gather volunteer support to support a ballot question . . .
30 provides sufficient credible evidence to support a reasonable belief that a violation may have

31 _____

32 ⁵See Ex. C attached, Aff. of Dan Wray ¶¶ 3–5 (emphasis added).

33 ⁶See Ex. D, Panel Determination at 1.

1 occurred.”⁷ Commissioner Groover, as a member of the Panel, made the further point that: “it
2 doesn’t matter how much, it is whether it is a violation or not, even if it is \$2.”⁸ Caren Jenkins
3 further instructed, that even at such a nominal amount, the Panel could find a violation and
4 impose a fine solely to cover the nominal cost to the community.⁹

5 At the outset, this Commission should note that the amount is not even \$2; but is **20**
6 **cents** issue (i.e., \$.20). The secretary who was used to forward this email was Lisa
7 Chrapcynski, who at the time the email was sent, was making \$24.28 an hour.¹⁰ Ms.
8 Chrapcynski attests that the entire process of forwarding the email took approximately 30
9 seconds because she had to link it to President Edwards’ constituent list, *not to a master email*
10 *list as mistakenly charged in the Panel Determination*.¹¹ This means the time it took Ms.
11 Chrapcynski to send the email in question is valued at *20 cents* — literally less than “two
12 bits.”¹²

13 ////
14 ////
15 ////
16 ////

18 ⁷See Ex. E, Tr. Panel Proceedings, May 20, 2013, at 9:2–4.

19 ⁸See Ex. E, Tr. Panel Proceedings, May 20, 2013 at 12:8–11.

20 ⁹See Ex. E, Tr. Panel Proceedings, May 20, 2013 at 12:16–13:6 (referring to RFO 04-82
21 wherein the panel imposed a \$15 fine to cover costs of copies made).

22 ¹⁰See Ex. A, Decl. of Lisa Chrapcynski at ¶ 9.

23 ¹¹See Ex. A, Decl. of Lisa Chrapcynski at ¶¶ 6–7; *see also* Ex. B, Decl. of Carolyn Edwards
24 ¶ 6; *see also* Ex. D, Panel Determination at 1 (stating erroneously that the email was sent to a
25 “master email list”).

26 ¹²As such, if a fine is ultimately imposed, the fine should be limited to 20 cents based on
27 this Commission’s prior precedent. *See* RFO 04-82 (wherein the panel imposed a \$15 fine to cover
28 cost of copies made).

1 **2. Analysis.**

2 **A. There is no violation of NRS 281A.520.**

3 **(1) *The email was not sent for “political reasons” and therefore is not a violation.***

4 At the Panel hearing, members of the Panel and the Executive Director relied on the
5 NCOE’s previous decision in RFO 09-01C, the *David Humke, et al.* case.¹³ In *In re Humke, et*
6 *al.*, RFO 09-01C, this Commission recognized that the Nevada Supreme Court’s decision
7 interpreting the previous version of NRS 281A.520 (i.e NRS 293.725) still applied in the
8 current statutory language.¹⁴ However, the NCOE’s opinion in *In re Humke*, RFO 09-01C,
9 misquotes the *Glover* decision by the Nevada Supreme Court.¹⁵

10 The NCOE must now recognize that *In re Humke et al.*, RFO 09-01C, contained a
11 misquotation of the Nevada Supreme Court. Although the misquotation may or may not have
12 affected the *In re Humke* decision, the accurate quotation from the Nevada Supreme Court
13 should certainly be considered in this case matter because of the significance to the facts and
14 circumstances of this matter. The accurate quotation in *Glover* is:

15 Here, we conclude that the language prohibiting the
16 government from incurring an expense “to support or oppose” a
17 ballot question *is ambiguous*. It could, read narrowly, refer only to
18 the government’s expenditure to politically support or oppose a
19 ballot question already placed on a ballot and set for an election.
20 Construed broadly, the language could refer to *any* government
21 expenditure relating to a ballot question, including expense incurred
22 in challenging a ballot question’s validity in a legal action prior to
23 the question’s inclusion on the ballot.

24 Since the language of NRS 293.725 is ambiguous, we look
25 to the legislature’s intent, which supports *a narrow construction* of

26 ¹³Tr. Panel Hr’g at 7:4-14.

27 ¹⁴See RFO 09-01C (“The Nevada Supreme Court has interpreted and opined on this
28 provision [referring to 281A.520]” followed by analysis, quoting and citing *Glover v. Concerned*
Citizens for Fuji Park, 119 Nev. 488 (2002) (expressly interpreting NRS 293.725 on ballot
questions [i.e., the predecessor of NRS 281A.520]) *overruled on other grounds*).

¹⁵See *In re David Humke, et al.* at 3 (purporting to quote *Glover* but actually quoting Nevada
Supreme Court in *Las Vegas Convention and Visitors Authority v. Miller*).

1 the statutory language to prevent the government from incurring
2 expense to support or oppose, *for political reasons*, a ballot question
already placed on a ballot.¹⁶

3 This Commission cannot ignore that in interpreting the language now incorporated into NRS
4 281A.520, the Nevada Supreme Court explicitly held that the statutory language should be
5 narrowly construed and the statutory language must be read so as to prevent government from
6 incurring or making expenditures “for political reasons.”

7 In fact, the Nevada Supreme Court has now expressly held that its interpretation of NRS
8 293.725 in *Glover* (2002) was incorporated into the modern version of NRS 281A.520 by virtue
9 of the legislature adopting the same language in the current statute that was previously
10 interpreted in *Glover*. Specifically in 2008 the Nevada Supreme Court stated:

11 The language interpreted by this court in *Glover* was not
12 modified. After some further amendments not pertinent to this case,
13 NRS 293.725 was repealed, and its language was recodified in NRS
Chapter 281 without any modification of the language construed by
this court in *Glover*.

14 It is well settled that when the Legislature amends a statute
15 without disturbing language previously interpreted by this court, it
16 is presumed that the Legislature *approved the interpretation*. Thus,
here, the Legislature implicitly approved this court’s holding in
Glover. . .¹⁷

17 The text of *Glover* is clear. The Nevada Supreme Court explicitly ruled in *Glover* that
18 whether the ballot question is supported “for political reasons” is an element or factor for
19 consideration in the analysis of whether an act should be prohibited under Ethics in
20 Government Law. In 2008, the Nevada Supreme Court reasoned that its interpretation of the
21 statutory language in *Glover*, was now “approved” by the Nevada legislature by adopting the
22 same statutory language without modification into the current statute – NRS 281A.520.1(a).¹⁸

23

24 ¹⁶*Glover*, 118 Nev. at 492 (emphasis added).

25 ¹⁷*Las Vegas Convention Center and Visitors Authority v. Miller*, 124 Nev. 669, 679 (2008)
26 (emphasis added).

27 ¹⁸*See Miller*, 124 Nev. at 679.

28

1 Under the Nevada Supreme Court’s holding, this Commission *cannot* conclude that President
2 Edwards violated NRS 281A.520.

3
4 (a) *This Commission would be acting contrary to its prior opinions if it failed to consider
the “political reasons” prong as part of its analysis pursuant to Glover.*

5 This Commission has expressly recognized the Nevada Supreme Court’s addition of
6 elements related to NRS 281A.520.1(a) beyond the plain language of the statute.¹⁹ Specifically,
7 NRS 281A.520.1(a), as written, has an extremely wide prohibition on a governmental entity
8 incurring an “expense” or making an “expenditure to support or oppose: (a) A ballot question.”
9 As written, there is no requirement or qualification in the statute that the matter *already* be on a
10 ballot.²⁰ This limitation *only* surfaces from the Nevada Supreme Court’s decision in *Glover*
11 wherein the Court *added* the requirement to the statute: “Since the language of NRS 293.725 is
12 ambiguous, we look to the legislature’s intent, which supports a narrow construction of the
13 statutory language to prevent the government from incurring expense to support or oppose, *for*
14 *political reasons* [not in the statute], a ballot question *already placed on a ballot* [also not in
15 the statute].”²¹

16 As noted, in 2008, the Nevada Supreme Court specifically held that its interpretation in
17 *Glover* had been approved by the Legislature when re-adopting the statute as NRS 281A.520
18 without modification.²² Based on this additional limitation, surfacing from the Nevada

19
20 ¹⁹*See In re Humke, et al.*, RFO 09-01C (adopting Nevada Supreme Court’s narrowing of
21 the statute by requiring that a matter “already” be on a ballot before the statutory prohibitions on
22 expenditures apply, and finding that expenditures in *In re Humke, et al.*, occurred before the Ballot
Question was actually on a ballot).

23 ²⁰*See* NRS 281A.520.

24 ²¹118 Nev. at 492 (emphasis added).

25 ²²*Miller*, 124 Nev. at 679 (recognizing the holding in *Glover* to preclude expenditures for
26 something that had “*already* been placed on the ballot.”). The primary holding in *Miller* was to
27 simply allow a governmental entity to defend against or support an injunction without invoking the
28 “support or oppose” language of the statute, as was accomplished in *Glover*. Thus, for obvious

1 Supreme Court’s *Glover* decision, this Commission determined in *In re Humke, et al.*, 09-01C,
2 that NRS 281A.520.1(a) “prohibits the expenditure of public funds to support a ballot question
3 *once it is placed on the ballot.*”²³ Because the NCOE included the element of requiring that a
4 measure *already* be “placed on the ballot,” based on *Glover*, it would now be wholly
5 inconsistent for this Commission to ignore the additional limitation and consideration
6 articulated by the Nevada Supreme Court in *Glover* in narrowing the interpretation of NRS
7 281A.520.1(a), — i.e., that the expenditure must be for political reasons.

8 (b) *The email was not sent for political reasons.*

9 The term “political reasons” had actually been used in several Nevada Supreme Court
10 cases prior to the *Glover* case and is instructive here: *Labastida v. State*, 112 Nev. 1502, 1518
11 (1996) (“When a District Attorney selectively prosecutes someone because of racial and/or
12 *political reasons*, the public has every just cause to question the integrity of the justice
13 system.”) (quoting a brief to Court); *Whitehead v. Nevada Commission on Judicial Discipline*,
14 110 Nev. 874, 879 n.4 (1994) (*Whitehead II*); *Young v. Ninth Judicial Dist. Court, In and For*
15 *County of Douglas*, 107 Nev. 642, 644 (1991) (a \$250 fine imposed on a public defender for
16 asserting, but failing to show, that prosecutor sought death penalty in trial for “political
17 reasons”).

18 In the *Labastida* case the Nevada Supreme Court addressed the “political ambition” of a
19 District Attorney which led to her self-selection for prosecuting a high-profile case to enhance
20 her chances for re-election.²⁴ The “political ambition” point was dismissed by the majority for
21 not having been raised in the trial court, but was a focus of the dissent, which determined
22 explicitly that there was *no other* explanation for the prosecution than the district attorney’s
23

24 reasons the “timing” question of the when something was “already on the ballot” and the “political
25 reasons” prong was never analyzed in *Miller*.

26 ²³(emphasis added) (immediately followed by analysis of *Glover* and *Miller*).

27 ²⁴*Labastida*, 112 Nev. at 1506 n.3.

1 desire for “making political capital” in an election year when she was performing poorly.²⁵

2 In *Whitehead II*, the Nevada Supreme Court began its analysis by citing a prior decision
3 amongst the same parties (*Whitehead I*, 110 Nev. 128 (1994)) that addressed the fear that if the
4 Attorney General advised the Commission on Judicial Discipline, then the Attorney General
5 could also initiate investigations of Judges for “political reasons,” by obtaining confidential
6 information from the Commission on Judicial Discipline.²⁶ The Nevada Supreme Court then
7 specifically prohibited the Attorney General from participating in meetings and deliberations of
8 the Commission on Judicial Discipline because: “The policy rationale behind requiring the
9 Commission to use independent counsel to perform both advisory and prosecutorial functions
10 for the Commission in judicial discipline proceedings is obvious: it ensures that disciplinary
11 proceedings are not pursued for personal, partisan, *or political gain*, and it ensures that one
12 branch of government does not usurp the vital functions of another or place itself in the position
13 of holding the others hostage.”²⁷ The Nevada Supreme Court continued to discuss the
14 impropriety of the Attorney General having access to the Commission’s records because of the
15 fear that the Attorney General may put the confidential information to “political use” against
16 judges that were a “political threat” or favor the Attorney General’s “political allies” or the
17 Attorney General’s “political agenda.”²⁸

18 The conclusion reached from reading and considering these cases is that the “political
19 reasons” and concerns that existed in *Whitehead II* and *Labastida* do not exist in this matter
20 involving President Edwards. She was first elected in 2006, and re-elected in 2010.²⁹ President
21 Edwards was not up for re-election on the November 2012 ballot. As such, there was no

22 ²⁵*Labastida*, 112 Nev. at 1519 (J. Shearing, dissent).

23 ²⁶110 Nev. 874, 879 n.4.

24 ²⁷*Id.* at 883 (emphasis added).

25 ²⁸*Id.*

26 ²⁹*See* Ex. B, Decl. of Carolyn Edwards ¶ 2.

1 immediate, pressing, political gain to be had for pushing any type of political agenda with
2 Ballot Question 2.

3 Further, there is no evidence, and there could be no evidence, that there was an
4 inappropriate political gain or leverage over any other member of the public, or Member of the
5 Board of Trustees, by sending this email relating to the Ballot Question 2. Remember that
6 Ballot Question 2 was approved *unanimously* by the Clark County School District Board of
7 Trustees.³⁰ As such it is difficult, if not impossible, to claim any subsequent support of the
8 measure was for improper *political reasons* addressed in *Whitehead II*, or *Labastida*.

9 The NCOE should also review the email itself which exhibits no evidence of any
10 “political reason” of concern noted by the Nevada Supreme Court.³¹

11 As part of the NCOE’s analysis, it must consider whether President Edwards sent the
12 email “for political reasons.”³² The entirety of the evidence is that the email was *not* sent for
13 political reasons. Therefore, no violation of NRS 281A.520.1(a) occurred. To the contrary, the
14 evidence shows, and the most accurate answer to this question is, that President Edwards was
15 attempting in good faith to fulfill her statutory responsibilities as a CCSD Board Trustee by
16 sending the email.³³ Specifically, NRS 393.100 mandates: “The board of trustees of a school
17 district *shall* keep the public school buildings, teacherages, dormitories, dining halls,
18 gymnasiums, stadiums and all other buildings in its charge in such repair as is necessary for the
19 comfort and health of pupils and teachers.”³⁴

20 There can be no reasonable dispute that the very purpose of Ballot Question 2 was the

21 _____
22 ³⁰See Ex. F, Minutes of CCSD meeting at 4 (“Motion on Trustee Wright’s motion was
23 unanimous.”).

24 ³¹See Ex. G, October 16, 2012, email from Carolyn Edwards.

25 ³²*Glover*, 118 Nev. at 492.

26 ³³See Ex. B, Decl. of Carolyn Edwards ¶¶ 5 & 10.

27 ³⁴(emphasis added).

1 statutory mandate imposed on the Board of Trustees’ members by NRS 393.100. President
2 Edwards’ good-faith attempts to discharge her duties under this separate statute, by informing
3 the public how they could support Ballot Question 2, in response to constituents’ requests to
4 know what they could do to support the measure,³⁵ cannot reasonably be considered a “political
5 reason.” Moreover, President Edwards’ good-faith efforts cannot fairly be described as a
6 “wilful violation” of the Ethics in Government Laws. As shown in the Nevada Supreme
7 Court’s opinion in *Young*, though admittedly a different context, there should not be a
8 presumption by this Commission, or by a Court, that a public officer’s actions are motivated by
9 “political reasons” when the officer is simply discharging his or her duties as a public officer.³⁶
10 The presumption, if any, should be in favor of the public officer fulfilling statutory duties.

11 **(2) *It would be unreasonable, arbitrary, and capricious, to sanction President Edwards***
12 ***for sending the email at a cost savings in violation of the Nevada and United States***
13 ***Constitutions as applied.***

14 Imposing a sanction for wilful violation of the Ethics in Government Laws on President
15 Edwards would be patently unreasonable, arbitrary, and capricious. Lisa Chrapcynski is not
16 just any employee of the Clark County School District, she is President Edwards’ secretary. As
17 stated in the Panel Determination: “[President] Edwards had been assigned a CCSD e-mail
18 address in her capacity as a Trustee, and was provided access to a CCSD employee *to assist in*
19 *receiving and sending emails* related to her position on the School Board.”³⁷ It is therefore
20 surprising that the use of this secretary to *forward an email* to President Edwards’ constituent
21 list, in response to requests for information from President Edwards’ constituents, is
22 controversial in *any* respect.

23 The unreasonableness of the controversy is heightened by Ms. Chrapcynski’s support of

24 ³⁵See Ex. B, Decl. of Carolyn Edwards ¶¶ 5 & 6.

25 ³⁶See generally 107 Nev. 642 (1991).

26 ³⁷See Ex. D, Panel Determination at 1 ¶ 3 (emphasis added); see also Ex. A, Decl. of Lisa
27 Chrapcynski ¶ 3.

1 Ballot Question 2.³⁸ Ms. Chrapcynski, did not take her two 15-minute breaks on the day she
2 sent the email.³⁹ This means that Ms. Chrapcynski essentially volunteered 30 *minutes* of her
3 own free time to the CCSD on October 16, 2012, and spent 30 *seconds*⁴⁰ forwarding the email
4 for President Edwards. Therefore, the Panel’s Determination that “regardless of the nominal
5 time the employee spent, by Edwards asking the employee to send her email to the District’s
6 master email list [sic], she requested or caused a governmental entity to incur an expense or
7 make an expenditure to support a ballot question” is inaccurate.⁴¹ Rather, based on the facts,
8 the CCSD actually *did not* pay Ms. Chrapcynski for the time she spent sending the email in
9 question.

10 In summary, the email was in response to constituents’ desires to know more about how
11 to support a ballot measure, which Ms. Chrapcynski already supported, and was not paid to
12 send because Chrapcynski voluntarily gave up her two 15-minute breaks— i.e., her own personal
13 time— that day.

14 The email also wasn’t sent to a broad “master list” as inaccurately described in the Panel
15 Determination.⁴² Rather, the email was sent only to President Edwards’ *own* constituent list
16 maintained by Ms. Chrapcynski.⁴³ The uncontradicted testimony from the expert on the CCSD
17 email system, Dan Wray, is (1) the email constituted “official use;” and (2) even if the email
18
19

20 ³⁸See Ex. A, Decl. of Lisa Chrapcynski ¶ 11.

21 ³⁹See Ex. A, Decl. of Lisa Chrapcynski ¶ 10.

22 ⁴⁰See Ex. A, Decl. of Lisa Chrapcynski ¶ 6.

23 ⁴¹See Ex. D, Panel Determination at 1 ¶ 3.

24 ⁴²See Ex. D, Panel Determination at 1 ¶ 3; *see also* Ex. A, Decl. of Lisa Chrapcynski ¶¶ 6-7;
25 *see also* Ex. B, Decl. of Carolyn Edwards ¶ 6-7.

26 ⁴³See Ex. A, Decl. of Lisa Chrapcynski ¶¶ 6-7; *see also* Ex. B, Decl. of Carolyn Edwards
27 ¶ 6-7.

1 was not official use, but personal use, the email did not cost CCSD anything to send.⁴⁴ The
2 significance of this is that if President Edwards had sent the email herself there would be no
3 consideration of a potential violation of the Ethics in Government Laws. President Edwards
4 had every right to send the email to *her own* constituent list, built by people specifically
5 requesting to be on the list. The only controversy therefore is whether Ms. Chrapcynski
6 forwarding the email caused the CCSD to “incur” or “make” an expense by using the secretary.

7 Ms. Chrapcynski has declared how much more “burdensome” it would have been on her
8 time to give President Edwards the email list to forward the email herself.⁴⁵ President Edwards
9 has also given understanding of this burdensome process based on prior experience.⁴⁶ This
10 evidence stands uncontradicted. Ms. Chrapcynski attests that she maintains President Edwards’
11 constituent email list as part of her duties with the CCSD.⁴⁷ No doubt, President Edwards
12 rightfully may send an email directly to her own constituent list. President Edwards’
13 constituent list has grown throughout her term in office (2006–Present), and is made up of
14 people who specifically requested to be informed, by President Edwards, of what is going on in
15 CCSD.⁴⁸ However, in this instance, it was understood that for President Edwards to send the
16 email personally to the constituent list would have required Chrapcynski to copy each of the
17 hundreds of email addresses individually into an email for President Edwards to copy into her
18 own “To:” box for emails.⁴⁹ As such, if President Edwards had requested Ms. Chrapcynski to
19 copy all the emails from *President Edwards’* constituent list individually, so that President
20

21 ⁴⁴See Ex. C, Aff. of Dan Wray ¶¶ 3–5.

22 ⁴⁵See Ex. A, Decl. of Lisa Chrapcynski ¶ 8.

23 ⁴⁶See Ex. B, Decl. of Carolyn Edwards ¶ 9.

24 ⁴⁷See Ex. A, Decl. of Lisa Chrapcynski ¶ 7.

25 ⁴⁸See Ex. A, Decl. of Lisa Chrapcynski ¶ 7; *see also* Ex. B, Decl. of Carolyn Edwards ¶ 7.

26 ⁴⁹See Ex. A, Decl. of Lisa Chrapcynski ¶ 8; *see also* Ex. B, Decl. of Carolyn Edwards ¶ 9.

1 Edwards could then send the email personally to the list (clearly a legitimate request), it would
2 have taken Ms. Chrapcynski much more time, perhaps even more than 30 minutes of break time
3 Ms. Chrapcynski voluntarily gave up that day.⁵⁰ Rather than do this, Ms. Chrapcynski, whose
4 duties as President Edwards’ secretary included maintaining the constituent list, forwarded the
5 email in 30 seconds to the entire constituent list. This method avoided what Ms. Chrapcynski
6 and President Edwards declare would have been a more burdensome and time-consuming
7 process.⁵¹

8 Therefore, it would be unreasonable, arbitrary, and capricious, for this Commission to
9 determine that President Edwards wilfully violated Ethics in Government Laws by causing the
10 CCSD to “incur” or “make” an expense. For President Edwards to send the email to the
11 constituent list herself— as she rightfully may do— would have cost the CCSD much more
12 money than the 20 cents perhaps incurred for Ms. Chrapcynski to simply forward the email. Of
13 course, even the 20 cents was likely not incurred by CCSD that day because Ms. Chrapcynski
14 never took her breaks that day – 30 *minutes* worth.

15 Finding that a wilful violation of the Ethics in Government Laws occurred in these
16 circumstances would be arbitrary, capricious, and unreasonable and would violate the Nevada
17 and United States Constitutions as applied.

18 **B. Question 2 was not “on the ballot” because early voting had not begun.**

19 As discussed previously, this Commission has already expressly recognized the Nevada
20 Supreme Court’s additional elements in analyzing NRS 281A.520.1(a), which extend beyond
21 the plain language of the statute.⁵² In *In re Humke, et al.*, the NCOE determined that “the
22

23 ⁵⁰See Ex. B, Decl. of Carolyn Edwards ¶ 9.

24 ⁵¹See Ex. A, Decl. of Lisa Chrapcynski ¶ 8; *see also* Ex. B, Decl. of Carolyn Edwards ¶ 9.

25 ⁵²See generally *In re Humke, et al.*, 09-01C (adopting Nevada Supreme Court’s narrowing
26 of the statute by requiring that a matter “already” be on a ballot before the statutory prohibitions
27 on expenditures apply, and finding that expenditures in *In re Humke, et al.*, occurred before the
28 Ballot Question was actually on a ballot); *see also discussion supra* re “political reasons.”

1 Ethics Law at issue prohibits the expenditure of public funds to support a ballot question *once it*
2 *is placed on the ballot.*” RFO09-01C at 3. The NCOE received testimony and analyzed what
3 date should be considered for determining whether a measure was actually on a ballot.⁵³ The
4 NCOE received testimony from the Secretary of State’s office to determine when a measure
5 was “on the ballot” for purposes of the 2008 general election.⁵⁴ Ultimately, the NCOE
6 determined that because the Nevada Supreme Court used the term “on the ballot” in *Glover* and
7 *Miller*, the NCOE would use the ballot printing deadline– testified to by the Secretary of
8 State’s office (i.e., September 3, 2008)– as the deadline date for expenditures and expenses
9 under NRS 281A.520.1(a).

10 There is no evidence in the record of the printing deadline for ballots for the 2012
11 election. Accordingly, even under this Commission’s precedent, there can be no determination
12 there was an expenditure made “to support or oppose” a ballot measure after that deadline
13 passed. Before the NCOE can determine that a wilful violation occurred it must first receive
14 evidence from the Secretary of State’s office on this point. If the NCOE proceeds down this
15 path, President Edwards requests permission to conduct a deposition of the Clark County
16 Recorder and the appropriate member of the Secretary of State’s office to mount her defense.

17 In the alternative, the NCOE can consider its opinion in *In re Humke, et al.* and take
18 notice of the fact that Early Voting did not begin in Clark County Nevada until October 20,
19 2012.⁵⁵ Attached as Exhibit I is a printout from the Secretary of State’s website showing dates
20 that early voting was available.⁵⁶ Attached as Exhibit J is a schedule from the Clark County’s
21 website of dates, times, and locations of early voting polling stations for the 2012 general
22

23
24 ⁵³See *In re Humke, et al.*, 09-01C at 1–4.

25 ⁵⁴*Id.*

26 ⁵⁵Ex. H, Decl. of Jacob A. Reynolds ¶¶ 4–6.

27 ⁵⁶Ex. I is *available at* <http://nvsos.gov/index.aspx?page=1092>.
28

1 election.⁵⁷ Both the Nevada Secretary of State’s office and Clark County’s publicly available
2 schedules confirm that early voting did not commence in the 2012 general election until
3 October 20, 2012.⁵⁸ Obviously, the significance of this point is that the email in question was
4 sent on October 16, 2012, i.e., four days before anyone in Clark County voted for or against
5 Ballot Question 2.

6 This Commission should interpret the “already on a ballot” language from the Nevada
7 Supreme Court to mean “the first day of early voting” for several reasons: *First*, it is the first
8 day that public polling is open for a person to actually *vote* for a measure. Selecting a date such
9 as the “printing deadline” that was chosen in *In re Humke, et al.*, has no relevance to the typical
10 voter. Rather, the relevant date for a voter is the date that a person is actually able to enter a
11 polling location and cast a vote.

12 *Second*, until voting has actually started, a court may issue an injunction to prevent
13 voters from casting votes on ballot questions. With an ever increasing reliance on technology
14 in the election booth, and with sample ballots online⁵⁹, it is conceivable that a court may issue
15 an injunction one or two days before an election, which would require the Secretary of State to
16 omit a certain question from the ballot before early voting begins. Given advances in
17 technology, and more to come, it is conceivable that a ballot question could be entirely omitted
18 from the sample ballots and actual ballots before the first voter enters the first booth on the first
19 day of early voting even with only a day or two of notice to change the ballot. It is even more
20 likely that the ballot could be changed with this technology in time for an election if notice was
21 received months before an election — e.g., just after the “print deadline” date used by the
22 Secretary of State in the 2008 election.

23
24 ⁵⁷Ex. J is available at [http://www.clarkcountynv.gov/Depts/election/Documents/2012/
EVSched_12G.pdf](http://www.clarkcountynv.gov/Depts/election/Documents/2012/EVSched_12G.pdf).

25 ⁵⁸See Ex. H, Decl. of Jacob A. Reynolds ¶¶ 4–6; see also Exs. I & J.

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27 ⁵⁹See Ex. H, Decl. of Jacob A. Reynolds ¶ 7; see also Ex. K, printout from Clark County
28 website (available at <http://www.clarkcountynv.gov/depts/election/pages/sambal.aspx>).

1 *Third*, choosing the first day of early voting as the deadline is also a bright-line rule for
 2 people to follow and identifies a date certain that is more readily available, and meaningful, to
 3 both voters and the public officers who are affected by the proscriptions in NRS 281A.520.1(a).

4 In summary, Ms. Chrapcynski sent the email on October 16, 2012. Early voting did not
 5 begin in Clark County in 2012 until October 20, 2012– four days later. The NCOE is well
 6 within its authority to consider the determination of *In re Humke, et al.*, and now determine that
 7 the applicable date to determine whether a matter is “already on the ballot” is the first day of
 8 early voting. In which case, President Edwards engaged in no violation of the Ethics in
 9 Government Laws.

10 Alternatively, if the NCOE determines that the date by which Ballot Question 2 was “on
 11 the ballot” is prior to October 20, 2012, then the NCOE must delay a decision in this matter so
 12 witnesses may present testimony on that point as in *In re Humke, et al.*⁶⁰

13 **C. If NRS 281A.520 was violated, it was unwilful based on safe harbor provisions.**

14 NRS 281A.480.5 specifically prevents the NCOE from finding that a willful violation
 15 occurred when the public officer produces “sufficient evidence” that:

- 16 (a) The public officer or employee relied in good faith upon the
 17 advice of the legal counsel retained by the public body which the
 18 public officer represents or by the employer of the public
 19 employee or upon the manual published by the Commission
 20 pursuant to NRS 281A.290;
- 21 (b) The public officer or employee was unable, through no fault
 22 of the public officer or employee, to obtain an opinion from the
 23 Commission before the action was taken; and
- 24 (c) The public officer or employee took action that was not
 25 contrary to a prior published opinion issued by the Commission.

26 NRS 281A.480.5(a)–(c).

27 *First*, before President Edwards sent her email to her constituents in response to their

28 ⁶⁰*See* RFO 09-01C at 1–4 discussing evidence received from Secretary of State regarding
 testimony of when the dispositive date should be.

1 desire to know how they could support Ballot Question 2, she confirmed that the Board of
2 Trustees' legal counsel (i.e., CCSD General Counsel, Carlos McDade) had approved the
3 content of the email, and approved forwarding the email to constituents under the Ethics in
4 Government Laws.⁶¹

5 *Second*, because the email was sent on October 16, 2012, there was no time before early
6 voting began on October 20, 2012, to request an opinion from the NCOE.⁶² Accordingly,
7 President Edwards reasonably relied on the advice of counsel employed by the Board of
8 Trustees.⁶³

9 *Third*, NCOE opinions are generally qualified with some variant of a disclaimer, which
10 significantly limits the opinion to the specific facts before the NCOE for any given case, and
11 which expressly *does not* allow the opinion and interpretations of statutes to be used for
12 precedent in other cases. For example:

13 **NOTE: THE FOREGOING OPINION APPLIES ONLY TO**
14 **THE SPECIFIC FACTS AND CIRCUMSTANCES DEFINED**
15 **HEREIN. FACTS AND CIRCUMSTANCES THAT DIFFER**
16 **FROM THOSE IN THIS OPINION MAY RESULT IN AN**
17 **OPINION CONTRARY TO THIS OPINION. NO**
18 **INFERENCES REGARDING THE PROVISIONS OF**
19 **NEVADA REVISED STATUTES QUOTED AND DISCUSSED**
20 **IN THIS OPINION MAY BE DRAWN TO APPLY**
21 **GENERALLY TO ANY OTHER FACTS AND**
22 **CIRCUMSTANCES.**⁶⁴

23 The general practice of making this disclaimer would lead to the conclusion that only
24 the person who had previously received an advisory opinion from the NCOE on a given topic

25 ⁶¹ See Ex. L, Decl. of Carlos L. McDade ¶¶ 3 & 5; *see also* Ex. B, Decl. of Carolyn Edwards
26 at ¶ 8.

27 ⁶² See Ex. L, Decl. of Carlos L. McDade ¶ 4; *see also* Ex. B, Decl. of Carolyn Edwards at
28 ¶ 11.

⁶³ See Ex. B, Decl. of Carolyn Edwards at ¶ 11.

⁶⁴ *In re Ron Pierini*, AO No. 06-19 at 7 (emphasis in original).

1 could be at risk for taking action contrary to the opinion of the NCOE. Because President
2 Edwards cannot prove a negative, it would be incumbent upon the NCOE to show that her
3 actions do actually violate a prior NCOE opinion.

4 Surprisingly, *In re Humke, et al.*, RFO 09-01C, is one opinion that does not contain a
5 variant of the boilerplate disclaimer stated above. However, as argued previously, *In re Humke,*
6 *et al.*, contains a significant misquotation of the Nevada Supreme Court on perhaps the main
7 theory in President Edwards’ matter (*see supra* discussion of “political reasons”). As such, *In*
8 *re Humke, et al.*, is not directly comparable to President Edwards’ principal theory in this case.
9 Further, although *In re Humke* may be relevant to President Edwards’ alternative defense,
10 which discusses the date Ballot Question 2 was actually on the ballot, even that question
11 currently has no contrary evidence in the record pertinent to the 2012 election. As such, before
12 this Commission can determine that President Edwards actually violated a prior opinion of the
13 NCOE, the NCOE must establish when Ballot Question 2 was “on the ballot” for the 2012
14 election. As stated above, based on modern technological voting methods, a question may not
15 be considered “on the ballot” until after early voting starts – which in this case was on October
16 20, 2012.

17 President Edwards satisfies the safe harbor provisions of NRS 281A.480.5(a)–(c), and
18 the NCOE is precluded from finding that a wilful violation occurred.

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20 ////

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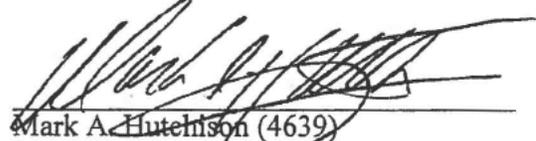
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3. Conclusion.

For the foregoing reasons this Commission should summarily adjudicate and dismiss the request for opinion against President Carolyn Edwards in its entirety.

DATED this 3rd day of September, 2013.

HUTCHISON & STEFFEN, LLC



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Jacob A. Reynolds (10199)
HUTCHISON & STEFFEN, LLC.
Peccole Professional Park
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Attorneys for Carolyn Edwards

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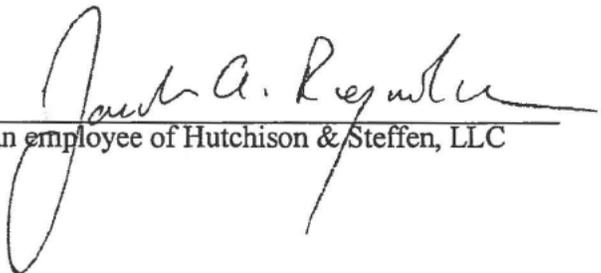
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN, LLC and that on this 3rd day of September 2013, I caused the above and foregoing document entitled **MOTION FOR SUMMARY RESOLUTION** to be served:

- by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- to be served via facsimile; and/or
- pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail; and/or
- by electronic mail

to the attorneys/parties listed below at the address and/or facsimile number indicated below:

Yvonne Nevarez-Goodson
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703
775.687.1279 - fax



An employee of Hutchison & Steffen, LLC

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EXHIBIT PAGE ONLY

EXHIBIT A

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

1 Mark A. Hutchison (4639)
2 Jacob A. Reynolds (10199)
3 HUTCHISON & STEFFEN, LLC
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6 Telephone: (702) 385-2500
7 mhutchison@hutchlegal.com
8 jreynolds@hutchlegal.com

9 *Attorneys for Carolyn Edwards*

10 STATE OF NEVADA
11 COMMISSION ON ETHICS

12 In the Matter of Request for Opinion Concerning) Request for Opinion
13 the Conduct of Carolyn Edwards, Member,) No. 13-24C
14 Clark County School District Board of Trustees,)
15 District F)

16 **DECLARATION OF LISA
17 CHRAPCYNSKI**

18 **Pursuant to NRS 53.045**

19 I, Lisa Chrapcynski, hereby declare under the penalty of perjury:

20 1. I am currently employed as an Administrative Secretary II, for the Board of
21 School Trustees, Clark County School District ("CCSD"), and am over 18 years of age.

22 2. I provide support and assistance to the trustees in the normal course of my
23 duties. I have been employed by CCSD for approximately nine and a half years. I have been in
24 a supporting role to President Carolyn Edwards for approximately seven years.

25 3. President Edwards is an authorized user of the InterAct email system and I assist
26 her with managing her email, including sending out email, upon her request.

27 4. In the fall of 2012, President Edwards was then Trustee Edwards.

28 5. At Trustee Edwards' request, I sent an email on her behalf to her District F
constituent list entitled "Subject 10/16/12 Volunteers Needed: Ballot Question 2." To be clear,
I did not type the email in question. I only forwarded the information in the email to Trustee
Edwards' constituent list.

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EXHIBIT B

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

1 Mark A. Hutchison (4639)
Jacob A. Reynolds (10199)
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5 *Attorneys for Carolyn Edwards*
6

7
8 **STATE OF NEVADA**
9 **COMMISSION ON ETHICS**

10 In the Matter of Request for Opinion Concerning) Request for Opinion
the Conduct of **Carolyn Edwards**, Member,) No. 13-24C
11 Clark County School District Board of Trustees,)
District F)

DECLARATION OF CAROLYN EDWARDS

Pursuant to NRS 53.045

14
15 I, Carolyn Edwards, hereby declare under the penalty of perjury:

16 1. I am currently serving as President of the Board of Trustees for the Clark County
17 School District and the subject of RFO No. 13-24C before the Ethics Commission. I make this
18 declaration in support of my Motion for Summary Resolution.

19 2. I was first elected to the Board of Trustees in 2006 and was re-elected in 2010.

20 3. In October 2012 I was serving on the Board of Trustees as a Trustee and not as
21 President.

22 4. In October 2012 my secretary was Lisa Chrapcynski.

23 5. Leading up to October 16, 2012, I had various constituents contact me about
24 wanting to help with Ballot Question 2, which related to raising funds for schools. As I
25 understood my responsibilities as a Trustee, it was my duty to care for the physical grounds of
26 our schools and to provide sufficient facilities for students in Clark County Nevada.

27 6. On October 16, 2012, in response to my constituent's requests for information
28 on how to support Ballot Question 2, I asked Lisa to forward an email from my account to my

1 constituent list. I never requested that the email be sent to a "master list" maintained by the
2 Clark County School District. Nor was the email sent to any master list to my knowledge.

3 7. There are hundreds of people on my constituent list. The people on my
4 constituent list are people that come to my speaking events or other members of the community
5 who specifically approach me with a desire for updates on what is going on in the district and
6 what is happening with the Board of Trustees. The list is comprised of people wanting to
7 follow what I am doing with the Board of Trustees.

8 8. Before I asked Lisa Chrapcynski to send the email on October 16, 2012, I
9 confirmed that our general counsel, Carlos McDade, approved the email and confirmed that we
10 could send the email to our constituents.

11 9. I had Lisa Chrapcynski forward the email from my account because my
12 understanding of the email system at the time was that it would have taken nearly a half-hour or
13 more for Lisa to copy all the email addresses into a form that I could use to personally send the
14 email to my constituents. This understanding was based on my past experience in having asked
15 Lisa for the constituent email list. Clark County School District now has modified its system to
16 simplify this process, so now I can send emails to my constituent list myself with much less
17 effort from Lisa, and this will not be a problem or a concern going forward.

18 10. I believed that by sending the email I was fulfilling my duties as a member of the
19 Board of Trustees to inform my constituents of an important issue on the ballot.

20 11. I did not have time to receive an opinion from the Ethics Commission before
21 sending the email because the early voting for Ballot Question 2 began just four days after the
22 email was forwarded. As such I relied on the representations of my counsel, Carlos McDade,
23 who is responsible for advising the Board of Trustees.

24 I declare under penalty of perjury that the foregoing is true and correct to the best of my
25 understanding.

26 Date: 9.03.13
27 Signature: Carolyn Edwards
28

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EXHIBIT C

HUTCHISON & STEFFEN

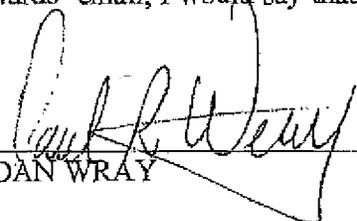
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4. Employees and trustees are also allowed unofficial or personal use of the InterAct email system. "Incidental Personal Use of Technology Resources" under Section J of the Acceptable Use Policy. Section J states that:

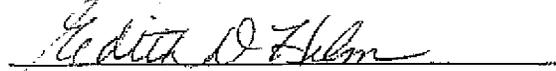
Technology resources may be used by District personnel for personal purposes provided that the use does not interfere with the Clark County School District's ability to carry out District business, does not interfere with the employee's duties, does not subject the Clark County School District to increased costs or risks, and does not violate the terms of the Acceptable Use Policy.

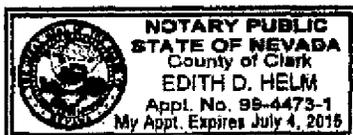
5. Due to the size and complexity of the email system, my Division has determined that policing minor, non-harmful personal use is not cost efficient or practical, given funding and manpower constraints and the fact that it creates little if any additional costs to the cost of doing business. Most incidental use is minor in nature in comparison to the huge volume of official email and as a consequence, requires no additional labor and no additional data storage of measurable amount. It incurs no extra cost or requires an additional expenditure above and beyond normal operating expenses.

6. As Trustee Edwards' use did not constitute extraordinary use, I consider the use to be in normal course of day-to-day business whether it was "official" or "personal incidental" use. If I had to quantify the cost to the District of Trustee Edwards' email, I would say that is was so negligible as to be incalculable.


DAN WRAY

Subscribed and Sworn to by Dan Wray before me this 5th day of April, 2013.


NOTARY PUBLIC



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EXHIBIT D

HUTCHISON & STEFFEN
A PROFESSIONAL LLC



**STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS**

In the Matter of the Requests for Opinion
Concerning the Conduct of **CAROLYN EDWARDS**,
Member, Clark County School District Board of
Trustees, District F, and **JOYCE HALDEMAN**,
Associate Superintendent for Community and
Government Relations, Clark County School District,
State of Nevada,

Requests for Opinion Nos.: 13-24C
13-25C

Subjects. /

PANEL DETERMINATION

NRS 281A.440(5); NAC 281A.440

On May 20, 2013, pursuant to NRS 281A.440(5), an Investigatory Panel reviewed Requests for Opinion Nos. 13-24C and 13-25C, regarding the conduct of **CAROLYN EDWARDS**, Member, Clark County School District Board of Trustees, District F, and **JOYCE HALDEMAN**, Associate Superintendent for Community and Government Relations, Clark County School District.

In November 2012, Clark County voters addressed Question 2 - whether to permit the Clark County School District (CCSD) to levy an additional property tax of up to 21.2 cents (per \$100 of assessed valuation) to finance capital projects for schools, including constructing and equipping school improvements and replacements; and acquiring school sites.

RFO 13-24C alleges, and uncontroverted evidence supports, that Edwards requested or caused a CCSD employee, while CCSD paid for the employee's services, to undertake an action supporting Question 2. Edwards had been assigned a CCSD e-mail address in her capacity as a Trustee, and was provided access to a CCSD employee to assist in receiving and sending e-mails related to her position on the School Board. The RFO alleges that regardless of the nominal time the employee spent, by Edwards asking the employee to send her email to the District's master email list, she requested or caused a governmental entity to incur an expense or make an expenditure to support a ballot question, and by doing so violated NRS 281A.520(1)(a).

RFO 13-25C alleges that Haldeman violated NRS 281A.520(1)(a) by requesting or causing CCSD to incur an expense or make an expenditure, even if it was subsequently reimbursed, when she asked the CCSD's Purchasing Division to arrange for CCSD staff to handle and inventory Question 2 materials, drive CCSD vehicles to transport the materials, and utilize CCSD warehouse space to store the materials.

On seven separate days between October 4 and October 18, 2012, in response to Haldeman's request, the CCSD Purchasing Division used a School District vehicle and its employees to retrieve printed materials supporting Question 2 from R & R Partners Public Relations Firm, deliver a portion of the materials to a location on Sahara Avenue in Las Vegas, Nevada, unload and store the remaining materials in a CCSD Warehouse on behalf of a political action committee ("PAC") registered with the Nevada Secretary of State as the "School Improvement Committee". The School Improvement Committee was formed to promote Question 2, and on October 30, 2012, CCSD billed the School Improvement Committee \$648.00 for the services, described as "Work done in connection with promotional materials for CCSD "Question 2" campaign." A copy of a PAC check payable to Clark County School District dated October 31, 2012 in that amount was obtained as evidence, along with a copy of the PAC's contributions and expenses report filed with the Secretary of State on November 2, 2012, showing the expenditure as "other miscellaneous expenses" paid to CCSD.

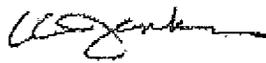
The relevant and material facts in this RFO are not in dispute, though the legal conclusions are controverted. Edwards does not dispute that she directed the CCSD-assigned staff person to assist her in sending the email, or that the staff person did so on her behalf. Haldeman does not dispute that she asked the Purchasing Division to arrange for the materials to be handled, which caused CCSD personnel, vehicles and storage space to be used, or that she arranged for CCSD to bill the PAC for the related expenses and costs. The sole issue is whether these acts violated the Ethics in Government Law.

Ms. Haldeman's response includes her affidavit (and that of the CCSD's counsel) suggesting that, at some point after CCSD transported some of the materials, a legal opinion was rendered by the CCSD's counsel, that if the PAC reimbursed the costs incurred, the CCSD's involvement with the Question 2 materials would not violate NRS 281A.520(1)(a). The Commission may rely on this information should it be required to consider the willfulness of any potential violation, but this alleged advice has no bearing on the determination made by this panel.

The Panel unanimously finds and concludes as follows:

The Investigatory Panel finds sufficient credible evidence to support a finding of just and sufficient cause for the Commission to render an opinion whether Edwards and Haldeman violated NRS 281A.520. Accordingly, **these allegations are forwarded to the Commission for hearing.**

Dated: May 21, 2013


By: _____
Caren Cafferata-Jenkins, Esq.
Executive Director

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I placed a true and correct copy of the **PANEL DETERMINATION in Consolidated Requests for Opinion Nos. 13-24C and 13-25C** in an envelope and caused the same to be mailed via certified mail, return receipt requested to Carlos L. McDade, Esq., and via regular First Class mail to Michael Silbergleid, through the State of Nevada Mailroom, addressed as follows:

Carlos L. McDade, Esq.,
General Counsel
Clark County School District
5100 West Sahara Ave.
Las Vegas, NV 89146
Attorney for Subjects

Cert. No. 7011297000004388707

Carolyn Edwards, Trustee
Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89146
Subject

First Class Mail

Joyce Haldeman
Associate Superintendent
Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89146
Subject

First Class Mail

Michael Silbergleid
7381 Silver Spirit
Las Vegas, NV 89131
Requester

First Class Mail

DATED: May 21, 2013



Valerie Carter, Executive Assistant

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EXHIBIT E

HUTCHISON & STEFFEN
A PROFESSIONAL LLC

BEFORE THE NEVADA COMMISSION ON ETHICS

-o-o-

PANEL PROCEEDINGS
TELEPHONIC CONFERENCE CALL

Matter of Request for Opinion)
concerning the conduct of)
CAROLYN EDWARDS, Member, Clark)
County School District Board)
of Trustees, District F; and) Request for Opinion
JOYCE HALDEMAN, Associate) Nos: 13-24C, 13-25C
Superintendent for Community and)
Government Relations, Clark County)
School District, State of Nevada,)
)
Subjects.)

MONDAY, MAY 20, 2013

3476 Executive Pointe Way, Suite 10
Carson City, Nevada

Reported by: ERIC V. NELSON, CCR #57, RPR, CM

SUNSHINE REPORTING SERVICES (775) 323-3411

A P P E A R A N C E S

COMMISSION MEMBERS PRESENT

JAMES SHAW
MAGDALENA GROOVER

EXECUTIVE DIRECTOR

CAREN CAFFERATA-JENKINS

COMMISSION COUNSEL

YVONNE NEVAREZ-GOODSON

SUNSHINE REPORTING SERVICES (775) 323-3411

CARSON CITY, NEVADA, MONDAY, MAY 20, 2013, 3:00 P.M.

-o-o-

MS. CAFFERATA-JENKINS: This is the time and place set for a two-member investigatory panel hearing regarding Request for Opinion Nos. 13-24C and 13-25C concerning the conduct of Carolyn Edwards, who was a member of the Clark County School District Board of Trustees, District F, and is now the president of the Clark County School Board, and Joyce Haldeman, the Associate Superintendent for Community and Government Relations for the Clark County School District.

These two individuals were the subject of separate requests for opinion that have been consolidated into one for the purpose of this panel because they both are alleged to have violated NRS 281A.520 with regard to requesting or causing a political subdivision, in this case the school district, to make an expenditure -- or I am sorry -- to incur an expense or make an expenditure in support of a ballot question.

Now Ms. Edwards was and is a member of the Board of Trustees, and Ms. Edwards is provided, just like all the other trustees on the School Board, access to an administrative support staff person who works for the district to help her to carry out her duties as a trustee.

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And in this instance Ms. Edwards was very much involved in a ballot question that would raise a great deal of money for the improvement of various school facilities and equipment and even constructing new schools because of the growth in Clark County schools were either antiquated or simply too full, and it would have imposed a property tax of up to 21.2 cents per \$100 of assessed valuation to finance these capital projects.

And the allegation in the request for opinion is that Ms. Edwards directed that administrative support staff person to send an e-mail to the master e-mail list for the district from the e-mail address assigned to Ms. Edwards, which this employee had access to, and the e-mail asked for volunteers to go door to door to distribute door hangers with regard to question 2 and distribute yard signs and to encourage the district's master e-mail list recipients to support question 2.

Ms. Edwards claims that she wrote the e-mail and that this employee simply copied and pasted it into a new e-mail from the school district provided e-mail address and sent it to the master list.

With regard to Ms. Haldeman, Ms. Haldeman is an employee of the district, and it is her job to reach out to the community and to governments in Clark County to develop good relationships with these entities, and as a part of her

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1 job she requested that the purchasing division of the school
 2 district use its pickup and delivery van, as well as some
 3 employees, to drive to the public relations firm that was
 4 handling question 2, or at least a portion of question 2 in
 5 this matter, to go to their location and pick up materials,
 6 the door hangers and yard signs, I presume, and take them,
 7 drop off, a group of them at a certain location and take the
 8 remainder to a school district warehouse between October 4th
 9 and October 8th of 2012. So this was maybe three weeks
 10 before the election. That was also the time frame within
 11 which Ms. Edwards's e-mail went out on October 16th.

12 Anyway, so during that time period, that
 13 two-week time period, these employees and the van and these
 14 materials were handled by those individuals on not less than
 15 seven separate occasions, and shortly following the last of
 16 those occasions, on October 30th, a bill was presented for
 17 those services to a political action committee known as the
 18 School Improvement Committee, and that political action
 19 committee raised private funds to pay for the support of and
 20 the community development of voters in favor of question 2.
 21 So that any cost, if you will, to the school district was
 22 presumably reimbursed by this \$648 that was received or at
 23 least sent the very next day, and the services were invoiced
 24 to the PAC as work done in connection with promotional
 25 materials for CCSD question 2 campaign.

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1 the public safety measure and also use those rooms because
 2 it was not seen to be an expenditure of public funds or an
 3 expense.

4 At the same time three years later the
 5 Commission considered RFO 09-01 -- Pierini was 06-19 --
 6 09-01 was regarding the members of the Washoe County area
 7 Regional Transportation Commission, and the Regional
 8 Transportation Commission in that instance approved a
 9 generalized budget that did not include line items. But one
 10 of the things in the budget was to do a comprehensive public
 11 education campaign about the need for, again, a ballot
 12 question to educate the voters as to the state of the
 13 Regional Transportation Commission's services and
 14 facilities.

15 The staff later, after the budget was approved,
 16 developed mailers and distributed them, and they were not
 17 information providing at all, they were advocating in
 18 support of the ballot question, and the Commission found
 19 that the RTC members in approving the budget did not cause
 20 an expenditure in favor, supporting or opposing the ballot
 21 question, they were not seen to have violated the statute,
 22 and the statute then, by the way, is identical to the one
 23 that we have today, because they did not cause the money to
 24 be expended in support of the ballot question, their kind of
 25 more generic approval was to do a public education campaign.

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1 The question here is not one of fact but one of
 2 law, and so this panel has the enviable position of not
 3 having to weigh the credibility of various witnesses and
 4 other sources of facts, but rather, weigh the facts
 5 themselves to determine whether just and sufficient cause
 6 exists to forward this matter to the full Commission for
 7 hearing.

8 I'd like to bring a couple of things to light,
 9 and I know that the materials provided to the panel includes
 10 excerpts from 281A.520. I provided subparagraph (1) and
 11 (6), but I realized after the fact that perhaps it would be
 12 important to at least reference the rest of that statute
 13 because I believe that the Commission has applied it on
 14 several occasions and several occasions that might be very
 15 important for the panel to consider, much less for the
 16 Commission to consider.

17 First, in 2006 there was an opinion, an
 18 advisory opinion to Sheriff Pierini that gave him authority
 19 as the Sheriff of Douglas County at the time to lobby, if
 20 you will, on behalf of a public safety related measure as
 21 part of his campaign for re-election. In his campaign he
 22 took a stand in favor of the ballot question that was also
 23 on the ballot, and he was also using public rooms, if you
 24 will, to have public meetings about the same question, and
 25 the Commission gave him permission to discuss and talk about

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1 So those two matters were before the Commission
 2 in the past, same statute. Certainly the statute, I think,
 3 reads rather clearly, but the reason I'd like to direct you
 4 to page 156 of your panel books is because we have included
 5 the entirety of the statute there. The statute also
 6 prohibits the requesting or causing of a government entity
 7 to incur an expense or make an expenditure to support or
 8 oppose a candidate.

9 And I'd like to clarify that subsections (2),
 10 (3) and (4) deal solely with those candidates and not with
 11 the ballot question that is NRS 281A.520, paragraph (1)(a),
 12 the ballot question.

13 (b) is regarding a candidate, and (2), (3), and
 14 (4) are to do with those candidates.

15 What's interesting is that there are two cases,
 16 judicial opinions that talk about measures being placed on
 17 the ballot, and when they are officially placed on the
 18 ballot being the beginning of the period that the
 19 prohibition on making an expenditure or causing an expense
 20 begins and goes until the vote itself. Now it is my reading
 21 of the statute that that time period is only relevant with
 22 regard to candidates and not with regard to ballot
 23 questions. But the courts have ruled otherwise in 2002 and
 24 in 2008.

25 So it is a rather sticky issue that I stick

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1 with my recommendation in my Executive Director's report and
 2 recommendation that the facts to me are not in dispute, but
 3 directing a staff person to send an e-mail to support or to
 4 gather volunteer support to support a ballot question and
 5 using a van that contains gasoline, people who are on the
 6 payroll and warehouse space that belongs to the school
 7 district to transport, distribute and house materials that
 8 support a ballot question, to me, provides sufficient
 9 credible evidence to support a reasonable belief that a
 10 violation may have occurred.

11 I have not used the analysis of the timeline in
 12 my Executive Director's report and recommendation because,
 13 as I said, I don't believe the timing that is outlined in
 14 sections (2), (3) and (4) of the statute apply to ballot
 15 questions. But if the full Commission interprets it that
 16 way, I would retain my recommendation because October 16th
 17 for the e-mail and October 4th through 18th certainly would
 18 be after the ballot question was placed on to the ballot, it
 19 was two or three weeks before the election itself, and
 20 whether the placing on the ballot is when you submit the
 21 language or the questions for and against language is
 22 certified, in either instance I believe that would be well
 23 before October of 2012.

24 So with that, I will leave it to this
 25 inestimable panel to do the analysis and determine what, if
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1 we have or that was before?

2 MS. CAFFERATA-JENKINS: Well, I find that to be
 3 an interesting question because neither Ms. Haldeman's
 4 affidavit nor the counsel's affidavit refers to a time
 5 frame. And there is an inference, I think, that can be
 6 drawn from that, but we will have to investigate that
 7 further if this goes forward to hearing. The inference I
 8 would draw is that the facts are not helpful to the affiants
 9 and that is why they were left out. I'm going to guess that
 10 from that, that the opinion was rendered after the acts were
 11 undertaken.

12 COMMISSIONER GROOVER: Thank you very much.

13 COMMISSIONER SHAW: I would concur with that,
 14 too, because in the testimony received, I think both of the
 15 individuals involved here, Ms. Edwards and Ms. Haldeman, did
 16 not dispute the violation -- not the violation -- but the
 17 complaint that something was not right in this regard, and
 18 even though I think they are basing their, they being the
 19 people involved, the two women, based on the advice given to
 20 them from counsel thought that, yes, we may border on
 21 violating the ethics law but we did it without thinking that
 22 we were making -- we were doing anything wrong here, I
 23 guess.

24 I think the full Board probably needs to review
 25 this and make their decision on if there is a violation of
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1 anything, should happen with this request for opinion.

2 COMMISSIONER SHAW: Go ahead, Magdalena.

3 COMMISSIONER GROOVER: Caren, in the material
 4 there is an affidavit, I think it is the Haldeman affidavit,
 5 I have some notes here but I'm not sure. It says that after
 6 the affidavit there is an opinion that he got from, what was
 7 that?

8 MS. CAFFERATA-JENKINS: It was from the lawyer
 9 for the school district who gave an opinion that
 10 participating in these activities would not violate the
 11 Ethics in Government Law. And I did address that,
 12 Commissioner Groover, in my report in that that fact, while
 13 it is relevant to the Commission's analysis on willfulness
 14 if a violation is deemed to have occurred, it should not be
 15 relevant as to whether a violation occurred or not. So I
 16 recognize that that opinion may have been offered and may be
 17 correct or may be erroneous, but the consideration by the
 18 Commission only comes in, in the safe harbor provisions,
 19 only comes in after a finding of a violation exists and
 20 whether the violation would be deemed willful. That's when
 21 that fact would be relevant.

22 But you are right, there is an affidavit both
 23 from Ms. Haldeman and from the counsel.

24 COMMISSIONER GROOVER: On this opinion that
 25 they are talking about here, that was after the facts that
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1 NRS 281A.520 here.

2 MS. CAFFERATA-JENKINS: And Commissioner
 3 Groover, would you agree with that determination?

4 COMMISSIONER GROOVER: You know, when I was
 5 reading this, that is a horrible thing to have to make an
 6 opinion knowing that it is just a very little amount of
 7 money that we are talking about and very little thing that
 8 in fact happen, but at the end, it doesn't matter how much,
 9 it is whether it is a violation or not, even if it is \$2.
 10 So in this case I think that I am agreeing with your
 11 recommendation, my Executive Director.

12 MS. CAFFERATA-JENKINS: Thank you. Well, that
 13 would mean that both panel members concur and that this
 14 matter will be forwarded to the full Commission for a
 15 hearing.

16 If it is any relief, Commissioner Groover, I
 17 recall a request for opinion about a schoolteacher who was
 18 running for assembly, and the individuals who were named as
 19 the subjects of the request for opinion were alleged to have
 20 used or caused a government to expend, make an expenditure
 21 in support of a candidate by making several copies on the
 22 school district's copy machine, and it is my recollection,
 23 and this was regarding the candidacy of Bonnie Parnell in
 24 Carson City, and my recollection is that each of the
 25 subjects were found to have willfully violated and \$15 fine
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1 was imposed.
 2 So the sanction, I would imagine the full
 3 Commission if they find a violation, the sanction should be
 4 in line with the severity of the violation and the cost to
 5 the public. So I'm sure that your comments on the
 6 transcript will be considered.
 7 Any other comments to make?
 8 COMMISSIONER GROOVER: Not from the South.
 9 COMMISSIONER SHAW: Okay.
 10 MS. CAFFERATA-JENKINS: That is it. Thank you
 11 for your service.
 12 (Hearing concluded at 3:20 p.m.)

1 STATE OF NEVADA,)
 2) ss.
 3 COUNTY OF WASHOE.)
 4
 5 I, ERIC V. NELSON, Certified Court Reporter and
 6 a notary public in and for the County of Washoe, State of
 7 Nevada, do hereby certify:
 8 That I was present at the Panel Hearing of the
 9 NEVADA COMMISSION ON ETHICS on Monday, May 20, 2013, and
 10 thereafter took stenotype notes of the proceedings, and
 11 thereafter transcribed the same into typewriting as herein
 12 appears;
 13 That the foregoing transcript is a full, true
 14 and correct transcription of my stenotype notes of said
 15 proceedings.
 16 Dated at Reno, Nevada, this 30th day of May
 17 2013.
 18
 19
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 21
 22 _____
 23 ERIC V. NELSON, CCR #57
 24
 25

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EXHIBIT F

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

MINUTES
CLARK COUNTY SCHOOL DISTRICT
SPECIAL MEETING OF THE BOARD OF SCHOOL TRUSTEES
EDWARD A. GREER EDUCATION CENTER, BOARD ROOM
2832 E. FLAMINGO ROAD, LAS VEGAS, NV 89121

Friday, June 8, 2012

8:00 a.m.

Roll Call: Members Present
Dr. Linda E. Young, President
Deanna L. Wright, Vice President
John Cole, Clerk
Lorraine Alderman, Member
Erin E. Cranor, Member
Carolyn Edwards, Member
Chris Garvey, Member

Dwight D. Jones, Superintendent of Schools

Also present were: Mary Ann Peterson, Board Counsel, District Attorney's Office; Carlos McDade, General Counsel, Office of the General Counsel; John Swenside, CCSD Bond Counsel, State of Nevada; Pedro Martinez, Deputy Superintendent, Instruction Unit; Jeffrey Weiler, Chief Financial Officer, Operations Support Unit; Joyce Haldeman, Associate Superintendent, Community and Government Relations; Cindy Krohn, Executive Assistant to the Board, Board Office; Elizabeth Carrero, Executive Assistant to the Superintendent, Office of the Superintendent; Lisa Chrapcynski, Administrative Secretary II, Board Office; and Pat Zamora, Public Finance, Nevada State Bank.

TELECONFERENCE CALL CONNECTED

Teleconference call with Trustee Edwards was connected at 8:00 a.m.

FLAG SALUTE

Trustee Cole led the Pledge of Allegiance.

ADOPT AGENDA

Adopt agenda.

Motion: Garvey Second: Alderman Vote: Unanimous

Trustee Wright was not present for the vote.

ADOPT 2012 ELECTION RESOLUTION

Adoption of the 2012 Election Resolution, placing a capital projects tax question on the ballot at the general election to be held on Tuesday, November 6, 2012; prescribing the Notice of Election and other details in connection with the election; ratifying action previously taken relating thereto; and providing the effective date, as recommended in Reference 2.01.

06-08-12 Special Meeting
Page 1 of 4

NCOE_PB_000148

EDWARDS000020

ADOPT 2012 ELECTION RESOLUTION (continued)

Trustee Young announced that at yesterday's Debt Management Commission (DMC) meeting, the commissioners voted to allow CCSD to move forward with the request to allow the District to propose a bridge capital program to be presented to voters for the November 6, 2012, general election.

Mr. Martinez stated that he believed the District is proposing the best option for gaining capital funding through this resolution. He asked that Mr. Weiler and Mrs. Haldeman speak to the Resolution and what it would mean for CCSD and the community.

Mr. Weiler explained the statutory requirements that staff had to meet in order to bring this forward and what took place up to this point.

BOARD MEMBER ARRIVES

Trustee Wright arrived at the Board meeting at 8:08 a.m.

ADOPT 2012 ELECTION RESOLUTION (continued)

Trustee Young acknowledge everyone who was instrumental in bringing this resolution forward for their work and leadership.

Trustee Cole questioned the omission of any language in the material provided that spoke to capping the tax at \$120 million.

Mr. Weiler guided Trustee Cole to page 3 of 18, Section 3 of the 2012 Election Resolution.

Trustee Cole stated that he did not feel that the language in Section 3 stated strongly enough that there would be a cap of \$120 million.

Mr. Swenside explained that the language here is language that was in the resolution adopted by the DMC and is the condition placed on the District by the DMC.

Trustee Cole suggested the language, "...may not exceed \$120 million in any given fiscal year, and if it does, the rate will be lowered to appropriately conclude at \$120 million."

Mr. Swenside said there is sample language that will be placed on the ballot titled "Description of Anticipated Financial Effect" shown on page 7 of 18. He said that if the Board wanted to strengthen this language, Mr. Weiler is authorized to make minor changes to the language after the Board has adopted the resolution and before it goes to the Registrar of Voters.

Trustee Cole referred to the sentence on page 7 of 18 and suggested inserting the word "total" before "cost." He questioned the amount given on page 7 of \$74.20 after hearing Mr. Weiler refer to an amount of \$76.54 earlier, and he asked Mr. Weiler to clarify.

ADOPT 2012 ELECTION RESOLUTION (continued)

Mr. Weiler explained that \$76.54 would be the new total tax rate.

Trustee Cole asked if that should not be the amount listed then instead of \$74.20.

Mr. Zamora explained how the amount was calculated.

Mr. Weiler further clarified that this is additional cost, not total cost.

Trustee Cole said that should be clarified in this language.

Mr. Weiler agreed to insert "additional" before "cost" in the last sentence on page 7 of 18.

Trustee Alderman recommended revising the language on page 6 of 18, the second sentence under "EXPLANATION" because as it is currently written, it appears that the priority of this program is to purchase more land.

Trustee Edwards referred to page 13 of 18, Section 17, and asked if the Board should schedule a special meeting for this, and she asked what canvassing the returns would involve.

Mr. Swenside said the Board would need to schedule a meeting for within six working days of the election. He explained that canvassing the returns would involve the Board receiving the report from the Registrar of Voters of the results of the Election and then adopting a resolution that officially declares those results.

Trustee Cole recommended simplifying the language for purposes of clarification for the voters.

Mr. Swenside suggested changing the language to, "...will not raise more than \$120 million" from "...is not anticipated to raise more than \$120 million." He suggested perhaps Mrs. Haldeman could work on that language.

Trustee Edwards said caution should be taken in revising the language to ensure that it is clear that the language is specific to this program and does not imply that the District will not raise more than \$120 million total across all programs.

Public Hearing

Victor Joecks asked if the District or the Board would be able to do a rollover, and if so, would they be able to do a rollover on the combined rate. He said charter schools do not get capital funding, and homeowners cannot levy a tax to pay for their home repairs. He said the average age of schools in Clark County is 22 years old, and he encouraged the District to work within its means in terms of operating expenses, instead of asking for more money. He said that this tax increase is likely not temporary, and he said the voters should be aware of that.

ADOPT 2012 ELECTION RESOLUTION (continued)

Motion to adopt the 2012 Election Resolution with the language modifications as indicated by Board members.

Motion: Wright Second: Garvey

Trustee Alderman suggested that the Board designate a representative to review the final language.

Trustee Young recommended that she and Trustee Alderman review the language.

Motion on Trustee Wright's motion was unanimous.

AGENDA PLANNING: ITEMS FOR FUTURE AGENDAS

Trustee Young requested an agenda item to discuss filling the vacancy for District E on the June 21, 2012, Board meeting agenda.

Trustee Cranor noted that she would be absent from the June 21, 2012, meeting.

DISCUSSION AND REQUEST FOR SPECIAL MEETINGS

Trustee Young stated that the Board may need to schedule a special meeting for the third or fourth week in July in preparation for interviews for the vacancy. She asked the Trustees to review their calendars and give their available dates to Mrs. Krohn.

Trustee Garvey suggested scheduling a special meeting in November following the election.

Trustee Cranor asked if the Trustees should be considering a morning or an evening meeting for Board interviews.

Board members agreed that a morning meeting would be best.

PUBLIC COMMENT PERIOD

The Board members expressed appreciation for Trustee Cole's work on the Board.

ADJOURN: 9:10 a.m.

Motion: Wright Second: Cole Vote: Unanimous

Meeting minutes transcribed by Stephanie Gattlin.

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EXHIBIT G

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

From: Carolyn Edwards - Trustee [mailto:cedwards@interact.ccsd.net]

Sent: Tuesday, October 16, 2012 1:28 PM

Subject: 10/20/12 Volunteers Needed: Ballot Question 2

Parents,

As a CCSD Trustee, I am able to advocate on behalf of important issues affecting our students. I feel very strongly on an issue I am writing to you about today. As you know, there is an important initiative on the November ballot that would raise funds to improve some of our oldest schools. Question 2 also would replace two schools that are more than 50 years old and build two new schools in some of our highest growth areas.

This Saturday, volunteers around Clark County will gather to distribute door hangers and yard signs to registered voters encouraging them to support Question 2. If you or anyone you know would like to participate, please call Community and Government Relations at 799-1080 or go to <http://www.ccsd.net/district/capital-improvement-plan/volunteer.php>.

I hope you will take the time to learn more about Question 2 at www.ccsd.net/Q2. Question 2 would add a temporary 21-cent property tax increase per \$100 of assessed value and would cost the average homeowner with a \$100,000 assessed value home about \$6 per month. It is a fiscally responsible way to repair some of our schools that have unreliable air conditioning or electrical systems, or that need vital repairs such as new roofs, and it has been endorsed by the Las Vegas Chamber of Commerce, Henderson Chamber of Commerce and Latin Chamber of Commerce.

If you cannot participate in the walk on Saturday but would still like a yard sign, or if you would like to distribute door hangers to your neighborhood on a different day, please feel free to contact Community and Government Relations at 799-1080. All volunteers will receive a free Question 2 T-shirt. I am always available to answer any questions you have on this initiative.

I hope you will join me in supporting this initiative. All of our students and staff deserve schools that have reliable electrical and AC systems, and we need relief in some of our most overcrowded areas.

Sincerely,

Carolyn Edwards

Trustee, District F

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EXHIBIT H

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

1 Mark A. Hutchison (4639)
2 Jacob A. Reynolds (10199)
3 HUTCHISON & STEFFEN, LLC
4 10080 West Alta Drive, Suite 200
5 Las Vegas, NV 89145
6 Telephone: (702) 385-2500
7 mhutchison@hutchlegal.com
8 jreynolds@hutchlegal.com

9 *Attorneys for Carolyn Edwards*

10 **STATE OF NEVADA**
11 **COMMISSION ON ETHICS**

12 In the Matter of Request for Opinion Concerning) Request for Opinion
13 the Conduct of **Carolyn Edwards**, Member,) No. 13-24C
14 Clark County School District Board of Trustees,)
15 District F)

**DECLARATION OF JACOB A.
REYNOLDS, ESQ.**

Pursuant to NRS 53.045

16 I, Jacob A. Reynolds, hereby declare under the penalty of perjury:

17 1. I am an Associate attorney at Hutchison & Steffen, LLC, and one of the
18 attorneys representing President Carolyn Edwards in this action before the Nevada Commission
19 on Ethics.

20 2. I am over 18 years old.

21 3. I make this declaration in support of President Edwards' Motion for Summary
22 Resolution (the "Motion").

23 4. Attached to the Motion at Exhibit I is a true and correct copy of what I printed
24 out from the Secretary of State's website relating to Early Voting dates in Clark County Nevada
25 for the 2012 General Election.

26 5. Attached to the Motion at Exhibit J is a true and correct copy of what I printed
27 out from the Clark County Government's website relating to Early Voting dates and schedules
28 in Clark County Nevada for the 2012 General Election.

6. It is my understanding from these documents (Exhibits 9 & 10) that Early

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Voting polling stations did not open in Clark County Nevada for the 2012 General Election until Saturday, October 20, 2012.

7. Attached to the Motion at Exhibit K is a true and correct copy of what I printed from the Clark County Government website to verify that sample ballots are in fact available for voters online: *see* <http://www.clarkcountynv.gov/depts/election/pages/sambal.aspx>.

I declare under penalty of perjury that the foregoing is true and correct to the best of my understanding.

Date: September 3, 2013
Signature: *Joseph A. Regalado*

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EXHIBIT I

HUTCHISON & STEFFEN

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Clark County Early Voting - 2012 General Election

For a detailed list of Early Voting Sites in Clark County, click on the dates listed below.

Week 1

Saturday, October 20, 2012

Sunday, October 21, 2012

Monday, October 22, 2012

Tuesday, October 23, 2012

Wednesday, October 24, 2012

Thursday, October 25, 2012

Friday, October 26, 2012

Week 2

Saturday, October 27, 2012

Sunday, October 28, 2012

Monday, October 29, 2012

Tuesday, October 30, 2012

Wednesday, October 31, 2012

Thursday, November 1, 2012

Friday, November 2, 2012

[Return to Early Vote Page.](#)

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EXHIBIT PAGE ONLY

EXHIBIT J

HUTCHISON & STEFFEN

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GENERAL ELECTION EARLY VOTING IS OCTOBER 20 (SATURDAY) TO NOVEMBER 2 (FRIDAY)

VOTING IS EASY at the 88 convenient early voting sites or on Election Day at your polling place. Any voter registered in Clark County may **vote before Election Day** at any early voting site.

MALL AND SHOPPING CENTER EARLY VOTING SITES Open Everyday for All 14 Days of Early Voting

Boulevard Mall <i>"East Events Area" near Rear (EAST) Mall Entrance</i> 3528 S. Maryland Pkwy. between E. Desert Inn Rd. - E. Twain Ave. Las Vegas	Saturday, Oct. 20 <u>and</u> Monday - Friday, Oct. 22 - 26 Sunday, Oct. 21 <u>and</u> Oct. 28 Saturday, Oct. 27 <u>and</u> Monday - Friday, Oct. 29 - Nov. 2	10:00 a.m. - 8:00 p.m. 11:00 a.m. - 6:00 p.m. 10:00 a.m. - 9:00 p.m.
Centennial Center <i>Trailer in Parking Lot Near Petco</i> W. Tropical Pkwy. @ Centennial Pkwy.-Blvd. Las Vegas	Saturday - Thursday, Oct. 20 - Nov. 1 Last Friday, Nov. 2	9:00 a.m. - 7:00 p.m. 9:00 a.m. - 8:00 p.m.
Galleria at Sunset <i>Kohl's Court, 1st Floor</i> 1300 W. Sunset Rd. @ N. Stephanie St. Henderson	Saturday, Oct. 20 <u>and</u> Monday - Friday, Oct. 22 - 26 Sunday, Oct. 21 <u>and</u> Oct. 28 Saturday, Oct. 27 <u>and</u> Monday - Friday, Oct. 29 - Nov. 2	10:00 a.m. - 8:00 p.m. 11:00 a.m. - 6:00 p.m. 10:00 a.m. - 9:00 p.m.
Las Vegas Premium Outlets SOUTH <i>Customer Service Food Court</i> 7400 Las Vegas Blvd. South @ E. Warm Springs Rd. Las Vegas	Saturday - Wednesday, Oct. 20 - 31 Last Thursday - Friday, Nov. 1 - 2	10:00 a.m. - 7:00 p.m. 10:00 a.m. - 9:00 p.m.
Lone Mountain Plaza <i>Trailer in Parking Lot</i> NW Corner of W. Lone Mountain Rd. / N. Decatur Blvd. North Las Vegas	Saturday - Thursday, Oct. 20 - Nov. 1 Last Friday, Nov. 2	9:00 a.m. - 7:00 p.m. 9:00 a.m. - 8:00 p.m.
Meadows Mall <i>Sears Court, 1st Floor</i> 4300 Meadows Ln. @ S. Valley View Blvd. Las Vegas	Saturday, Oct. 20 <u>and</u> Monday - Friday, Oct. 22 - 26 Sunday, Oct. 21 <u>and</u> Oct. 28 Saturday, Oct. 27 <u>and</u> Monday - Friday, Oct. 29 - Nov. 2	10:00 a.m. - 8:00 p.m. 10:00 a.m. - 6:00 p.m. 10:00 a.m. - 9:00 p.m.
Silverado Ranch Plaza <i>Trailer in Parking Lot Near PetSmart</i> Eastern Ave. between E. Silverado Ranch Blvd. - Ione Rd. Las Vegas	Saturday - Thursday, Oct. 20 - Nov. 1 Last Friday, Nov. 2	9:00 a.m. - 7:00 p.m. 9:00 a.m. - 8:00 p.m.

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EV-1

EDWARDS000032

OTHER EARLY VOTING SITES
Open 5 to 14 Days during Early Voting

Clark County Government Center Regional Transportation Commission (RTC) Bldg. <i>RTC Council Chambers</i> 600 S. Grand Central Pkwy. @ W. Bonneville Ave. Las Vegas	Saturday, Oct. 20 <u>and</u> Oct. 27	9:00 a.m. - 5:00 p.m.
	Sunday, Oct. 21 <u>and</u> Oct. 28	CLOSED
	Monday - Thursday, Oct. 22 - 25	8:00 a.m. - 6:00 p.m.
	Friday, Oct. 26 (Nevada Day Holiday)	CLOSED
	Monday - Thursday, Oct. 29 - Nov. 1	8:00 a.m. - 6:00 p.m.
	Last Friday, Nov. 2	8:00 a.m. - 8:00 p.m.

Dr. William U. Pearson Community Center Room A 1625 W. Carey Ave. @ M.L. King Blvd. Las Vegas	Saturday, Oct. 20	9:00 a.m. - 5:00 p.m.
	Sunday, Oct. 21	CLOSED
	Monday - Thursday, Oct. 22 - 25	9:00 a.m. - 7:00 p.m.
	Friday, Oct. 26 to Friday, Nov. 2	CLOSED

Doolittle Community Center Room B 1950 "J" St. @ Lake Mead Blvd. Las Vegas	Saturday, Oct. 20 to Friday, Oct. 26	CLOSED
	Saturday, Oct. 27	9:00 a.m. - 5:00 p.m.
	Sunday, Oct. 28	CLOSED
	Monday - Thursday, Oct. 29 - Nov. 1	9:00 a.m. - 7:00 p.m.
	Last Friday, Nov. 2	9:00 a.m. - 8:00 p.m.

East Las Vegas Community Center Room 139B 250 N. Eastern Ave. @ Stewart Ave. Las Vegas	Saturday, Oct. 20 <u>and</u> Oct. 27	10:00 a.m. - 6:00 p.m.
	Sunday, Oct. 21 <u>and</u> Oct. 28	CLOSED
	Monday, Oct. 22 <u>and</u> Oct. 29	9:00 a.m. - 6:00 p.m.
	Tuesday - Thursday, Oct. 23 - 25	9:00 a.m. - 6:00 p.m.
	Friday, Oct. 26 (Nevada Day Holiday)	CLOSED
	Tuesday - Thursday, Oct. 30 - Nov. 1	9:00 a.m. - 7:00 p.m.
	Last Friday, Nov. 2	9:00 a.m. - 8:00 p.m.

Las Vegas Athletic Club Trailer by Club Entrance 5200 W. Sahara Ave. West of Decatur Blvd. Las Vegas	Saturday, Oct. 20 <u>and</u> Oct. 27	10:00 a.m. - 6:00 p.m.
	Sunday, Oct. 21 <u>and</u> Oct. 28	10:00 a.m. - 6:00 p.m.
	Monday - Friday, Oct. 22 - 26	8:00 a.m. - 6:00 p.m.
	Monday - Thursday, Oct. 29 - Nov. 1	8:00 a.m. - 6:00 p.m.
	Last Friday, Nov. 2	8:00 a.m. - 8:00 p.m.

Las Vegas Strip Site Trailer behind the Mirage Hotel / Casino East Side of Industrial Rd., between Frank Sinatra Dr. and Mel Torme Way, Enter at the "Mirage Entrance #1" Sign Las Vegas	Saturday - Friday, Oct. 20 - Nov. 2	9:00 a.m. - 7:00 p.m.
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NEIGHBORHOOD EARLY VOTING SITES

VOTING TIPS

- To locate Early Voting Sites near you, go to www.clarkcountynv.gov/vote
- Lines are shorter in the afternoon or during the 1st week of Early Voting.
- To minimize the time it takes to vote and as a courtesy to other voters, study, mark and bring your sample ballot to the polls. Be prepared to vote. Don't wait until you're in the voting booth to make your decisions.

DATE / LOCATION	ADDRESS / CROSS STREETS	TIME
OCTOBER 20, SATURDAY		
Albertsons	Charleston / Bruce	9:00 a.m. - 7:00 p.m.
Albertsons	College / Horizon	9:00 a.m. - 7:00 p.m.
Albertsons	Craig / Decatur	8:00 a.m. - 6:00 p.m.
Albertsons	Flamingo / Durango	9:00 a.m. - 7:00 p.m.
Albertsons	Stephanie / Horizon Ridge	8:00 a.m. - 6:00 p.m.
Arroyo Market Square (Trailer)	I-215 / Rainbow	9:00 a.m. - 7:00 p.m.
Buy Low Market	Owens / H St.	9:00 a.m. - 7:00 p.m.
Nellis Crossing Shopping Ctr. (Trailer)	1200 - 1300 S. Nellis Blvd. @ Charleston	9:00 a.m. - 7:00 p.m.
Seafood City Market	3890 S. Maryland Pkwy. @ Katie	8:00 a.m. - 6:00 p.m.
Siena Town Ctr. (Trailer)	10080 - 10180 W. Tropicana @ Hualapai	9:00 a.m. - 7:00 p.m.
Vons	Charleston / Rampart	8:00 a.m. - 6:00 p.m.
Vons - Las Palmas Village (Trailer)	E. Windmill Ln. / Bermuda	9:00 a.m. - 7:00 p.m.
Windmill Library	7060 W. Windmill Ln. @ Rainbow	10:00 a.m. - 7:00 p.m.
OCTOBER 21, SUNDAY		
Albertsons	Charleston / Bruce	9:00 a.m. - 7:00 p.m.
Albertsons	College / Horizon	9:00 a.m. - 7:00 p.m.
Albertsons	Craig / Decatur	8:00 a.m. - 6:00 p.m.
Albertsons	Flamingo / Durango	9:00 a.m. - 7:00 p.m.
Albertsons	Stephanie / Horizon Ridge	8:00 a.m. - 6:00 p.m.
Arroyo Market Square (Trailer)	I-215 / Rainbow	9:00 a.m. - 7:00 p.m.
Buy Low Market	Owens / H St.	9:00 a.m. - 7:00 p.m.
Nellis Crossing Shopping Ctr. (Trailer)	1200 - 1300 S. Nellis Blvd. @ Charleston	9:00 a.m. - 7:00 p.m.
Seafood City Market	3890 S. Maryland Pkwy. @ Katie	8:00 a.m. - 6:00 p.m.
Siena Town Ctr. (Trailer)	10080 - 10180 W. Tropicana @ Hualapai	9:00 a.m. - 7:00 p.m.
Vons	Charleston / Rampart	8:00 a.m. - 6:00 p.m.
Vons - Las Palmas Village (Trailer)	E. Windmill Ln. / Bermuda	9:00 a.m. - 7:00 p.m.
Windmill Library	7060 W. Windmill Ln. @ Rainbow	10:00 a.m. - 6:00 p.m.

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EDWARDS000034

NEIGHBORHOOD EARLY VOTING SITES

OCTOBER 22, MONDAY

Albertsons	College / Horizon	9:00 a.m. - 7:00 p.m.
Albertsons	Craig / Decatur	8:00 a.m. - 6:00 p.m.
Aliante Library	2400 W. Deer Springs @ Clayton	10:30 a.m. - 8:00 p.m.
Arroyo Market Square (Trailer)	I-215 / Rainbow	9:00 a.m. - 7:00 p.m.
Clark County Library	1401 E. Flamingo @ Tamarus	10:00 a.m. - 7:00 p.m.
Nellis Crossing Shopping Ctr. (Trailer)	1200 - 1300 S. Nellis Blvd. @ Charleston	9:00 a.m. - 7:00 p.m.
Siena Town Ctr. (Trailer)	10080 - 10180 W. Tropicana @ Hualapai	9:00 a.m. - 7:00 p.m.
Solera Anthem Community Ctr.	2401 Somersworth @ Andromeda	8:00 a.m. - 6:00 p.m.
Vons	Charleston / Rampart	8:00 a.m. - 6:00 p.m.
Vons	Windmill Pkwy. / Pecos	8:00 a.m. - 6:00 p.m.
Vons - Las Palmas Village (Trailer)	E. Windmill Ln. / Bermuda	9:00 a.m. - 7:00 p.m.
West Charleston Library	6301 W. Charleston @ Torrey Pines	10:00 a.m. - 7:00 p.m.
West Flamingo Senior Ctr.	6255 W. Flamingo @ Jones	8:30 a.m. - 5:30 p.m.

OCTOBER 23, TUESDAY

Aliante Library	2400 W. Deer Springs @ Clayton	10:30 a.m. - 8:00 p.m.
Arroyo Market Square (Trailer)	I-215 / Rainbow	9:00 a.m. - 7:00 p.m.
Nellis Crossing Shopping Ctr. (Trailer)	1200 - 1300 S. Nellis Blvd. @ Charleston	9:00 a.m. - 7:00 p.m.
North Las Vegas City Hall	2250 Las Vegas Blvd. N. @ Civic Ctr. Dr.	8:00 a.m. - 5:00 p.m.
Paseo Verde Library	280 S. Green Vly. Pkwy. @ Paseo Verde	10:00 a.m. - 8:00 p.m.
Sahara West Library	9600 W. Sahara @ Grand Canyon	10:00 a.m. - 7:00 p.m.
Silver Mesa Recreation Ctr.	4025 Allen Ln. @ Alexander	9:00 a.m. - 7:00 p.m.
Solera Anthem Community Ctr.	2401 Somersworth @ Andromeda	8:00 a.m. - 6:00 p.m.
Southern Highlands Mktpl. (Trailer)	Southern Highlands Pkwy. / Cactus	9:00 a.m. - 7:00 p.m.
Sunrise Library	5400 Harris Ave. @ Nellis	10:00 a.m. - 7:00 p.m.
UNLV Lied Library	Harmon, East of Swenson	8:00 a.m. - 5:00 p.m.
Vons	Windmill Pkwy. / Pecos	8:00 a.m. - 6:00 p.m.
West Flamingo Senior Ctr.	6255 W. Flamingo @ Jones	8:30 a.m. - 5:30 p.m.

OCTOBER 24, WEDNESDAY

Albertsons	Cheyenne / Durango	8:00 a.m. - 6:00 p.m.
Alexander Library	1755 W. Alexander @ Scott Robinson	10:30 a.m. - 8:00 p.m.
Arroyo Market Square (Trailer)	I-215 / Rainbow	9:00 a.m. - 7:00 p.m.
Paseo Verde Library	280 S. Green Vly. Pkwy. @ Paseo Verde	10:00 a.m. - 8:00 p.m.
Pecos Plaza (Trailer)	3175 - 3375 E. Tropicana @ Pecos	9:00 a.m. - 7:00 p.m.
Sahara West Library	9600 W. Sahara @ Grand Canyon	10:00 a.m. - 7:00 p.m.
Searchlight Community Ctr.	200 Michael Wendell Wy., Searchlight	10:00 a.m. - 3:00 p.m.
Silver Mesa Recreation Ctr.	4025 Allen Ln. @ Alexander	9:00 a.m. - 7:00 p.m.
Southern Highlands Mktpl. (Trailer)	Southern Highlands Pkwy. / Cactus	9:00 a.m. - 7:00 p.m.
Spirit Mountain Activity Ctr.	1975 Arie, Laughlin	8:00 a.m. - 6:00 p.m.
Sunrise Library	5400 Harris Ave. @ Nellis	10:00 a.m. - 7:00 p.m.
UNLV Lied Library	Harmon, East of Swenson	8:00 a.m. - 5:00 p.m.
Whitney Library	5175 E. Tropicana @ Nellis	10:00 a.m. - 7:00 p.m.
Winchester Cultural Ctr.	3130 McLeod @ Desert Inn	10:00 a.m. - 8:00 p.m.

NEIGHBORHOOD EARLY VOTING SITES

OCTOBER 25, THURSDAY

Albertsons	Ann / Drexel	8:00 a.m. - 6:00 p.m.
Albertsons	Cheyenne / Durango	8:00 a.m. - 6:00 p.m.
Albertsons	Horizon Ridge / Eastern	9:00 a.m. - 7:00 p.m.
Albertsons	Lake Mead Dr. / Boulder Hwy.	9:00 a.m. - 7:00 p.m.
Albertsons	Tropicana / Jones	8:00 a.m. - 6:00 p.m.
Alexander Library	1755 W. Alexander @ Scott Robinson	10:30 a.m. - 8:00 p.m.
Food 4 Less	Lake Mead Blvd. / Nellis	9:00 a.m. - 7:00 p.m.
Lowe's Parking Lot (Trailer)	2570 E. Craig @ Losee	9:00 a.m. - 7:00 p.m.
Pecos Plaza (Trailer)	3175 - 3375 E. Tropicana @ Pecos	9:00 a.m. - 7:00 p.m.
Sahara West Library	9600 W. Sahara @ Grand Canyon	10:00 a.m. - 7:00 p.m.
Southern Highlands Mktpl. (Trailer)	Southern Highlands Pkwy. / Cactus	9:00 a.m. - 7:00 p.m.
UNLV Lied Library	Harmon, East of Swenson	8:00 a.m. - 5:00 p.m.
Whitney Library	5175 E. Tropicana @ Nellis	10:00 a.m. - 7:00 p.m.

OCTOBER 26, FRIDAY (Nevada Day Holiday)

Albertsons	Ann / Drexel	8:00 a.m. - 6:00 p.m.
Albertsons	Charleston / Town Center	9:00 a.m. - 7:00 p.m.
Albertsons	Cheyenne / Durango	8:00 a.m. - 6:00 p.m.
Albertsons	Eastern / Warm Springs	8:00 a.m. - 6:00 p.m.
Albertsons	Horizon Ridge / Eastern	9:00 a.m. - 7:00 p.m.
Albertsons	Lake Mead Dr. / Boulder Hwy.	9:00 a.m. - 7:00 p.m.
Albertsons	Tropicana / Jones	8:00 a.m. - 6:00 p.m.
Food 4 Less	Lake Mead Blvd. / Nellis	9:00 a.m. - 7:00 p.m.
Lakes Lutheran Church	8200 W. Sahara @ S. Cimarron	9:00 a.m. - 7:00 p.m.
Lowe's Parking Lot (Trailer)	2570 E. Craig @ Losee	9:00 a.m. - 7:00 p.m.
Pecos Plaza (Trailer)	3175 - 3375 E. Tropicana @ Pecos	9:00 a.m. - 7:00 p.m.
Vons - Trails Village Ctr. (Trailer)	Village Ctr. Circle / Trails Ctr.	9:00 a.m. - 7:00 p.m.

OCTOBER 27, SATURDAY

Albertsons	Blue Diamond Rd. / Decatur	8:00 a.m. - 6:00 p.m.
Albertsons	Charleston / Town Center	9:00 a.m. - 7:00 p.m.
Albertsons	Craig / Tenaya	8:00 a.m. - 6:00 p.m.
Albertsons	Eastern / Warm Springs	8:00 a.m. - 6:00 p.m.
Albertsons	Farm / Durango	9:00 a.m. - 7:00 p.m.
Albertsons	Horizon Ridge / Eastern	9:00 a.m. - 7:00 p.m.
Albertsons	Lake Mead Blvd. / Hollywood	9:00 a.m. - 7:00 p.m.
Chinatown Plaza	4215 Spring Mountain @ Arville	11:00 a.m. - 6:00 p.m.
Food 4 Less	Bonanza / Pecos	8:00 a.m. - 6:00 p.m.
Lowe's Parking Lot (Trailer)	2570 E. Craig @ Losee	9:00 a.m. - 7:00 p.m.
Renaissance III Shopping Ctr. (Trailer)	3220 - 3370 E. Flamingo @ Pecos	9:00 a.m. - 7:00 p.m.
Vons - Trails Village Ctr. (Trailer)	Village Ctr. Circle / Trails Ctr.	9:00 a.m. - 7:00 p.m.

EV-5

EDWARDS000036

NEIGHBORHOOD EARLY VOTING SITES

OCTOBER 28, SUNDAY

Albertsons	Blue Diamond Rd. / Decatur	8:00 a.m. - 6:00 p.m.
Albertsons	Charleston / Town Center	9:00 a.m. - 7:00 p.m.
Albertsons	Craig / Tenaya	8:00 a.m. - 6:00 p.m.
Albertsons	Desert Inn / Pecos	9:00 a.m. - 7:00 p.m.
Albertsons	Farm / Durango	9:00 a.m. - 7:00 p.m.
Albertsons	Lake Mead Blvd. / Hollywood	9:00 a.m. - 7:00 p.m.
Chinatown Plaza	4215 Spring Mountain @ Arville	11:00 a.m. - 6:00 p.m.
Food 4 Less	Bonanza / Pecos	8:00 a.m. - 6:00 p.m.
Renaissance III Shopping Ctr. (Trailer)	3220 - 3370 E. Flamingo @ Pecos	9:00 a.m. - 7:00 p.m.
Sun City Anthem Community Ctr.	2450 Hampton @ Anthem Pkwy.	9:00 a.m. - 6:00 p.m.
Vons - Rhodes Rnch. Town Ctr. (Trailer)	Durango / Warm Springs	9:00 a.m. - 7:00 p.m.
Vons - Trails Village Ctr. (Trailer)	Village Ctr. Circle / Trails Ctr.	9:00 a.m. - 7:00 p.m.

OCTOBER 29, MONDAY

Albertsons	Desert Inn / Pecos	9:00 a.m. - 7:00 p.m.
Albertsons	Flamingo / Hualapai	9:00 a.m. - 7:00 p.m.
Boulder City, City Hall	401 California @ Arizona	7:00 a.m. - 6:00 p.m.
Desert Vista Community Ctr.	10360 Sun City Blvd. @ Thomas W. Ryan	8:00 a.m. - 6:00 p.m.
Moapa Valley Community Ctr.	320 N. Moapa Vly. Blvd. @ N. Andersen	8:00 a.m. - 6:00 p.m.
Nev. St. College - Lib. Arts/Science Bldg.	1125 Nevada State Dr. @ Conestoga	9:00 a.m. - 4:30 p.m.
Rainbow Library	3150 N. Buffalo Dr. @ Cheyenne	10:00 a.m. - 7:00 p.m.
Skyview YMCA	3050 E. Centennial Pkwy. @ Losee	9:00 a.m. - 7:00 p.m.
Sun City Aliante Community Ctr.	7390 Aliante Pkwy. @ Elkhorn	8:00 a.m. - 6:00 p.m.
Sun City Anthem Community Ctr.	2450 Hampton @ Anthem Pkwy.	8:00 a.m. - 6:00 p.m.
Vons - Rhodes Rnch. Town Ctr. (Trailer)	Durango / Warm Springs	9:00 a.m. - 7:00 p.m.
Vons - Trails Village Ctr. (Trailer)	Village Ctr. Circle / Trails Ctr.	9:00 a.m. - 7:00 p.m.
Whole Foods Marketplace (Trailer)	7290 W. Lake Mead Blvd. @ Tenaya	9:00 a.m. - 7:00 p.m.

OCTOBER 30, TUESDAY

Albertsons	Desert Inn / Pecos	9:00 a.m. - 7:00 p.m.
Albertsons	Flamingo / Hualapai	9:00 a.m. - 7:00 p.m.
Boulder City, City Hall	401 California @ Arizona	7:00 a.m. - 6:00 p.m.
Desert Vista Community Ctr.	10360 Sun City Blvd. @ Thomas W. Ryan	8:00 a.m. - 6:00 p.m.
Mesquite Community Senior Ctr.	102 E. Old Mill Rd. @ N. Sandhill Blvd.	8:00 a.m. - 7:00 p.m.
Nev. St. College - Lib. Arts/Science Bldg.	1125 Nevada State Dr. @ Conestoga	9:00 a.m. - 4:30 p.m.
Park Central Plaza (Trailer)	5860 - 5990 Losee Rd. @ Tropical	9:00 a.m. - 7:00 p.m.
Rainbow Library	3150 N. Buffalo Dr. @ Cheyenne	10:00 a.m. - 7:00 p.m.
Skyview YMCA	3050 E. Centennial Pkwy. @ Losee	9:00 a.m. - 7:00 p.m.
Sun City Aliante Community Ctr.	7390 Aliante Pkwy. @ Elkhorn	8:00 a.m. - 6:00 p.m.
Sun City Anthem Community Ctr.	2450 Hampton @ Anthem Pkwy.	8:00 a.m. - 6:00 p.m.
Vons - Rhodes Rnch. Town Ctr. (Trailer)	Durango / Warm Springs	9:00 a.m. - 7:00 p.m.
Whole Foods Marketplace (Trailer)	7290 W. Lake Mead Blvd. @ Tenaya	9:00 a.m. - 7:00 p.m.

NEIGHBORHOOD EARLY VOTING SITES

OCTOBER 31, WEDNESDAY

Albertsons	Ann / Simmons	8:00 a.m. - 6:00 p.m.
Albertsons	Buffalo / Vegas	8:00 a.m. - 6:00 p.m.
Albertsons	Flamingo / Hualapai	9:00 a.m. - 7:00 p.m.
Albertsons	Sunset / Green Valley Pkwy.	8:00 a.m. - 6:00 p.m.
Cardenas Market	4421 E. Bonanza Rd. @ Lamb	9:00 a.m. - 7:00 p.m.
College of Sthn. Nev. - Cheyenne (Trailer)	3200 E. Cheyenne Ave. @ Pecos	9:00 a.m. - 7:00 p.m.
College of Sthn. Nev. - Henderson	Bldg. C, 700 College Dr. @ Heather	9:00 a.m. - 4:30 p.m.
Desert Willow Community Ctr.	2020 W. Horizon Ridge @ Green Vly. Pkwy.	8:00 a.m. - 6:00 p.m.
Henderson City Hall	240 S. Water @ W. Atlantic	7:30 a.m. - 5:30 p.m.
Mesquite Community Senior Ctr.	102 E. Old Mill Rd. @ N. Sandhill Blvd.	8:00 a.m. - 7:00 p.m.
Park Central Plaza (Trailer)	5860 - 5990 Losee Rd. @ Tropical	9:00 a.m. - 7:00 p.m.
Rainbow Library	3150 N. Buffalo Dr. @ Cheyenne	10:00 a.m. - 7:00 p.m.
Vons - Rhodes Rnch. Town Ctr. (Trailer)	Durango / Warm Springs	9:00 a.m. - 7:00 p.m.
Whole Foods Marketplace (Trailer)	7290 W. Lake Mead Blvd. @ Tenaya	9:00 a.m. - 7:00 p.m.

NOVEMBER 1, THURSDAY

Albertsons	Ann / Simmons	8:00 a.m. - 6:00 p.m.
Albertsons	Buffalo / Vegas	8:00 a.m. - 6:00 p.m.
Albertsons	Nellis / Vegas Valley	9:00 a.m. - 7:00 p.m.
Albertsons	Sunset / Green Valley Pkwy.	8:00 a.m. - 6:00 p.m.
Cardenas Market	4421 E. Bonanza Rd. @ Lamb	9:00 a.m. - 7:00 p.m.
College of Sthn. Nev. - Cheyenne (Trailer)	3200 E. Cheyenne Ave. @ Pecos	9:00 a.m. - 7:00 p.m.
College of Sthn. Nev. - Henderson	Bldg. C, 700 College Dr. @ Heather	9:00 a.m. - 4:30 p.m.
Desert Breeze Community Ctr.	8275 Spring Mountain @ Durango	9:00 a.m. - 7:00 p.m.
Desert Willow Community Ctr.	2020 W. Horizon Ridge @ Green Vly. Pkwy.	8:00 a.m. - 6:00 p.m.
Hollywood Recreation Ctr.	1650 S. Hollywood @ E. Charleston	8:00 a.m. - 6:00 p.m.
Park Central Plaza (Trailer)	5860 - 5990 Losee Rd. @ Tropical	9:00 a.m. - 7:00 p.m.
Vons	Horizon / Horizon Ridge	9:00 a.m. - 7:00 p.m.
Vons - Rhodes Rnch. Town Ctr. (Trailer)	Durango / Warm Springs	9:00 a.m. - 7:00 p.m.
Whole Foods Marketplace (Trailer)	7290 W. Lake Mead Blvd. @ Tenaya	9:00 a.m. - 7:00 p.m.

NOVEMBER 2, FRIDAY

Albertsons	Ann / Simmons	8:00 a.m. - 7:00 p.m.
Albertsons	Buffalo / Vegas	8:00 a.m. - 7:00 p.m.
Albertsons	Nellis / Vegas Valley	9:00 a.m. - 8:00 p.m.
Albertsons	Sunset / Green Valley Pkwy.	8:00 a.m. - 7:00 p.m.
Cardenas Market	4421 E. Bonanza Rd. @ Lamb	9:00 a.m. - 8:00 p.m.
College of Sthn. Nev. - Cheyenne (Trailer)	3200 E. Cheyenne Ave. @ Pecos	9:00 a.m. - 8:00 p.m.
Desert Breeze Community Ctr.	8275 Spring Mountain @ Durango	9:00 a.m. - 8:00 p.m.
Desert Willow Community Ctr.	2020 W. Horizon Ridge @ Green Vly. Pkwy.	8:00 a.m. - 7:00 p.m.
Hollywood Recreation Ctr.	1650 S. Hollywood @ E. Charleston	8:00 a.m. - 7:00 p.m.
Park Central Plaza (Trailer)	5860 - 5990 Losee Rd. @ Tropical	9:00 a.m. - 8:00 p.m.
Vons	Horizon / Horizon Ridge	9:00 a.m. - 8:00 p.m.
Vons - Rhodes Rnch. Town Ctr. (Trailer)	Durango / Warm Springs	9:00 a.m. - 8:00 p.m.
Whole Foods Marketplace (Trailer)	7290 W. Lake Mead Blvd. @ Tenaya	9:00 a.m. - 8:00 p.m.

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EXHIBIT K

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

[Clark County](#) > [Departments](#) > [Election](#) > [Sample Ballots](#)

Election: Sample Ballots

Easier and Faster Voting

If you are currently registered, you may view and print your specific sample ballot from our website by logging-in to **Registered Voter Services** and selecting **View My Sample Ballot** from the dropdown menu.

Voting will be EASIER for you and FASTER for everyone if you study, mark and bring your sample ballot with you when you vote. Do not wait until you are in the voting booth to review the information.

When to Expect Your Sample Ballot

All active registered voters eligible to vote in a specific election are sent a sample ballot for every election before early voting begins. Sample ballots are **NON-FORWARDABLE**. If you move and do not notify the Election Department in writing of your new address by the ~~registration deadline~~, you will not receive a sample ballot. Login to our **Registered Voter Services** and select **Change My Address** from the dropdown menu to complete and print a form to mail before the ~~registration deadline~~.

What Your Sample Ballot Contains

- **Your Polling Place, Precinct and Party**
On the back cover, your polling place name and address is printed, along with an area map, your political party and your precinct number. At your polling place, you must sign in at the table displaying your precinct number.
- **Early Voting Schedule**
Find the dates, times and locations of early voting sites, open during a 14-day period before Election Day, in the front of your sample ballot.
- **Reproduction of Your Ballot**
The contests and questions applicable to your precinct (and political party in federal/state primary elections) will appear in the order you will see them on your actual ballot.
- **Detailed Ballot Question Information**
Each question will include a title, the full text, an explanation and arguments for and against it.
- **Voting Instructions**
Sample ballots will have simple voting instructions for Clark County's voting systems.

Formatting

All sample ballots are printed in a large 14-point font. Federal law requires sample ballots to be available in English, Filipino (Tagalog) and Spanish.

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EXHIBIT L

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

1 Mark A. Hutchison (4639)
Jacob A. Reynolds (10199)
2 HUTCHISON & STEFFEN, LLC
10080 West Alta Drive, Suite 200
3 Las Vegas, NV 89145
Telephone: (702) 385-2500
4 mhutchison@hutchlegal.com
jreynolds@hutchlegal.com

5 *Attorneys for Carolyn Edwards*

7
8 STATE OF NEVADA
9 COMMISSION ON ETHICS

10 In the Matter of Request for Opinion Concerning) Request for Opinion
the Conduct of Carolyn Edwards, Member,) No. 13-24C
11 Clark County School District Board of Trustees,)
District F)

DECLARATION OF CARLOS L.
McDADE, ESQ.

Pursuant to NRS 53.045

15 I, Carlos L. McDade, hereby declare under the penalty of perjury:

- 16 1. I am currently employed as General Counsel for the Clark County School
- 17 District and provide legal counsel for its Board of Trustees.
- 18 2. I am over 18 years old.
- 19 3. Prior to President Edwards sending out the October 16, 2012, email at issue in
- 20 this case regarding Ballot Question 2, I advised that the information in the email was
- 21 appropriate and that it could be forwarded to their constituents.
- 22 4. I did not seek an ethics opinion as there was not enough time (approximately 4
- 23 days) to obtain an opinion from the Ethics Commission before Early Voting began.
- 24 5. I am the attorney for the Board of Trustees identified by NRS 281A.480.5(a).

25 I declare under penalty of perjury that the foregoing is true and correct to the best of my
26 understanding.

27 Date: September 3, 2013
28 Signature: Carlos L McDade



STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of CAROLYN EDWARDS,
Trustee, District F, Clark County School District,
State of Nevada,

Request for Opinion No.: 13-24C

Subjects. /

Commission Documents for Agenda Item No. 6: Motion for Summary Resolution

DOCUMENT DESCRIPTION:	BATES Nos.
RFO 13-24C (Carolyn Edwards)	000001-000005
Subject's Response To Allegations	000007 000028
Executive Director's Report and Recommendation to the Panel	000029 000031
Panel Determination - See Exhibit D in Motion Exhibit Book (yellow)	
Panel Transcript - See Exhibit E in Motion Exhibit Book (yellow)	
ADDITIONAL EVIDENCE:	
Clark County Ballot Question No. 2 - Timeline, Quick Facts brochure and arguments supporting/opposing Question No. 2.	000033-000039
"Vote YES on Question 2" door hanger and print out from the School Improvement Committee (PAC) website www.fixourschoolsnow.com .	000041-000046
Pay-As-You-Go Plan for Capital Improvement brochure, created and distributed by CCSD.	000047-000052
Print out of relevant CCSD website pages and News Releases.	000053-000056
NV Secretary of State records: School Improvement Committee (Political Action Committee "PAC").	000057-000059
Contributions & Expenses Report for the School Improvement Committee, filed November 2, 2012 with the NV Secretary of State.	000061-000066
E-mail sent to parents of CCSD students on October 16, 2012.	000067
NV Secretary of State: November 6, 2012 Election Results for Clark County Ballot Questions.	000069
2012 Election Resolution and Minutes of the June 8, 2012 CCSD Board of Trustees Special Meeting.	000071-000092

FEB 25 2013

NEVADA COMMISSION ON ETHICS
THIRD-PARTY REQUEST FOR OPINION

NRS 281A.440(2)

COMMISSION
ON ETHICS

13-24C

1. Provide the following information for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. (If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)

NAME: <small>(Last, First)</small>	Carolyn Edwards		TITLE OF PUBLIC OFFICE: <small>(Position, e.g. city manager)</small>	Trustee, Distict F
PUBLIC ENTITY: <small>(Name of the entity employing this position: e.g. the City of XYZ)</small>	Clark County School District (CCSD)			
ADDRESS: <small>(Street number and name)</small>	Admin. Center, 5100 W. Sahara Ave.	CITY, STATE, ZIP CODE	Las Vegas, NV 89146	
TELEPHONE:	<small>Work:</small> 702-799-1072	<small>Other: (Home, cell)</small>	E-MAIL:	cedwards@interact.ccsd.net

2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS chapter 281A. (You must include specific facts and circumstances to support your allegations, times, places, and the name and position of each person involved.)

Check here if additional pages are attached.

I allege Carolyn Edwards, as a CCSD Trustee, violated NRS 281A.520 "Public officer or employee prohibited from requesting or otherwise causing governmental entity to incur expense or make expenditure to support or oppose ballot question or candidate in certain circumstances."

As a Trustee, Carolyn Edwards falls under the definition of a Public Officer under NRS 281A.160.

On October 16, 2012, Carolyn Edwards sent or had sent an email from her official CCSD email account cedwards@interact.ccsd.net) to a number of parents of CCSD students with the subject line "10/20/12 Volunteers Needed: Ballot Question 2" (see attached).

The email begins: "As a CCSD Trustee, I am able to advocate on behalf of important issues affecting our students." While Ms. Edwards is free to advocate using her own personal resources, as a Public Officer, she can not advocate for a ballot question using CCSD resources, including the email system or any administrative staff required to prepare the a'orementioned email and its mailing list.

3. Describe in specific detail whether the alleged conduct is the subject of any action currently pending before another administrative or judicial body.

4. What provision(s) of NRS Chapter 281A are relevant to the conduct alleged? Please check all that apply.

Statute	Essence of Statute:
<input type="checkbox"/> NRS 281A.020(1)	Failing to hold public office as a public trust; failing to avoid conflicts between public and private interests.
<input type="checkbox"/> NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input type="checkbox"/> NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person.
<input type="checkbox"/> NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and any business entity in which he has a significant pecuniary interest.

<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.
<input type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.
<input type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his personal or financial interest. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Failing to file a disclosure of representation and counseling of a private person before public agency.
<input type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest.
<input type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on a matter in which abstention is required.
<input type="checkbox"/>	NRS 281A.430	Engaging in government contracts in which public officer or employee has interest.
<input type="checkbox"/>	NRS 281A.500	Failing to timely file an ethical acknowledgment.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input checked="" type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.

5. Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide.

Check here if additional pages are attached.

NAME and TITLE: (Person #1)	Ken Small		
ADDRESS:	4630 Arville St.	CITY, STATE, ZIP	Las Vegas, NV 89103
TELEPHONE:	Work: 702- 873-1718	Other: (Home, cell) 702-300-9119 (cell)	E-MAIL: ken@smallstudioassociates.com
NATURE OF TESTIMONY:	Will testify that the attached email was received by him and has not been modified in any way.		
NAME and TITLE: (Person #2)			
ADDRESS:		CITY, STATE, ZIP	
TELEPHONE:	Work:	Other: (Home, cell)	E-MAIL:
NATURE OF TESTIMONY:			

6. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS (NRS 281A.400(2)(b)(1). Attach all documents or items you believe provide credible evidence to support your allegations. NAC 281A.435(3) defines credible evidence as any reliable and competent form of proof provided by witnesses, records, documents, exhibits, minutes, agendas, videotapes, photographs, concrete objects, or other similar items that would reasonably support the allegations made. A newspaper article or other media report will not support your allegations if it is offered by itself.

State the total number of additional pages attached (including evidence) 1.

7. REQUESTER'S INFORMATION:

YOUR NAME:	Michael Silbergleid		
YOUR ADDRESS:	7381 Silver Spirit St.	CITY, STATE, ZIP:	Las Vegas, NV 89131
YOUR TELEPHONE:	Day: 702-629-2965	Evening: 702-629-2965	E-MAIL: msilbergleid@silverknight.com

By my signature below, I do affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief and I am willing to provide sworn testimony if necessary regarding these allegations.

I acknowledge that, pursuant to NRS 281A.440(8) and NAC 281A.255(3), this Request for Opinion, the materials submitted in support of the allegations, and the Commission's investigation are confidential until the Commission's Investigatory Panel renders its determination, unless the subject of the allegation authorizes their release.



February 20, 2013

Signature:

Date:

Michael Silbergleid

Print Name:

You must submit an original and two copies of this form bearing your signature, and three copies of the evidence to:



Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703

Forms submitted by facsimile will not be considered as properly filed with the Commission.
NAC 281A.255(3)

TELEPHONE REQUESTS FOR OPINION ARE NOT ACCEPTED.

From: Carolyn Edwards - Trustee [mailto:cedwards@interact.ccsd.net]

Sent: Tuesday, October 16, 2012 1:28 PM

Subject: 10/20/12 Volunteers Needed: Ballot Question 2

Parents,

As a CCSD Trustee, I am able to advocate on behalf of important issues affecting our students. I feel very strongly on an issue I am writing to you about today. As you know, there is an important initiative on the November ballot that would raise funds to improve some of our oldest schools. Question 2 also would replace two schools that are more than 50 years old and build two new schools in some of our highest growth areas.

This Saturday, volunteers around Clark County will gather to distribute door hangers and yard signs to registered voters encouraging them to support Question 2. If you or anyone you know would like to participate, please call Community and Government Relations at 799-1080 or go to <http://www.ccsd.net/district/capital-improvement-plan/volunteer.php>.

I hope you will take the time to learn more about Question 2 at www.ccsd.net/Q2. Question 2 would add a temporary 21-cent property tax increase per \$100 of assessed value and would cost the average homeowner with a \$100,000 assessed value home about \$6 per month. It is a fiscally responsible way to repair some of our schools that have unreliable air conditioning or electrical systems, or that need vital repairs such as new roofs, and it has been endorsed by the Las Vegas Chamber of Commerce, Henderson Chamber of Commerce and Latin Chamber of Commerce.

If you cannot participate in the walk on Saturday but would still like a yard sign, or if you would like to distribute door hangers to your neighborhood on a different day, please feel free to contact Community and Government Relations at 799-1080. All volunteers will receive a free Question 2 T-shirt. I am always available to answer any questions you have on this initiative.

I hope you will join me in supporting this initiative. All of our students and staff deserve schools that have reliable electrical and AC systems, and we need relief in some of our most overcrowded areas.

Sincerely,

Carolyn Edwards

Trustee, District F

Caren Jenkins

From: Michael Silbergleid [msilbergleid@silverknight.com]
Sent: Thursday, February 28, 2013 5:05 PM
To: Nevada Commission on Ethics
Subject: Carolyn Edwards Complaint

At 1:42 on February 28, I sent the following email to Carolyn Edwards at "cedwards@interact.ccsd.net"

Ms. Edwards,

I have a few questions I would like to get some answers to, if possible. It is in regard to email and privacy:

1- Do you personally receive emails at "cedwards@interact.ccsd.net" or does someone else at the school district get those and forward appropriate emails to you?

2-When you send out an email to a large number of parents, where do the email addresses come from?

3-If there is a list or lists of parents' email addresses, who has control of these lists and how is it decided what email goes to which list?

4-When an email from you to a large number of parents is sent, do you send those out personally, or does someone from the school district send those out on your behalf, using your "cedwards@interact.ccsd.net" email address.

If you can also let me know if there are any exceptions to your answers to the above, I would appreciate it.

At 2:52pm, I received a phone call from CCSD (702-799-1072) saying that Ms. Edwards was on the line. During that phone call, Ms. Edwards told me that the answers to my questions above were complicated.

Ms. Edwards explained that when she sends out a mass email, she tells her CCSD secretary (referred to as the secretary to the Trustee) what to send out. Her CCSD secretary then puts together the email and sends it to Ms. Edwards for approval. Once approved, Ms. Edwards' secretary then sends the emails out under Ms. Edwards' email account ("cedwards@interact.ccsd.net").

It is my belief that CCSD resources were improperly used to send out the mass email noted in my original complaint.

Please let me know if you require anything further.

Michael Silbergleid
The SilverKnight Group, Inc.
7381 Silver Spirit St.
Las Vegas, NV 89131
Tel: 702-629-2965 | Mobile: 561-379-7387 | Fax: 702-947-4727 | Skype: michael.silbergleid
www.silverknight.com   

CONFIDENTIAL/PROPRIETARY

Unless otherwise indicated, all information (including attachments) contained in this email communication is

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RECEIVED

APR 08 2013

**COMMISSION
ON ETHICS**

April 5, 2013

BOARD OF SCHOOL TRUSTEES

Dr. Linda E. Young, President
Deanna L. Wright, Vice President
John Cole, Clerk
Lorraine Alderman, Member
Erin E. Cranor, Member
Carolyn Edwards, Member
Chris Garvey, Member

Dwight D. Jones, Superintendent

Caren Cafferata-Jenkins, Esq.
Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703Re: In the Matter of the Request for Opinion - Request No. 13-24C
Re: Carolyn Edwards
In the Matter of the Request for Opinion - Request No. 13-25CC
Re: Joyce Haldeman

Dear Ms. Cafferata-Jenkins:

Enclosed please find the Clark County School District's Responses to Request No. 13-24C and Request No. 13-25CC.

These Responses were emailed to you on Friday, April 5, 2013.

Sincerely,

Eva Martinez, Secretary to
Carlos L. McDade, General Counsel

Enclosures as stated

APR 08 2013

COMMISSION
ON ETHICSSTATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of
Carolyn Edwards, Trustee, District F,
Clark County School District,
State of Nevada

Response to Allegations
RFO 13-24C

RESPONDENT TRUSTEE CAROLYN EDWARDS is in receipt of a Request for Opinion from the above-identified Commission, and responds herewith:

I. REPRESENTATION OF TRUSTEE EDWARDS

Respondent is represented by Counsel, the Office of General Counsel, Clark County School District (the "District"). Counsel refers to NRS 281A.450 as instructive guidance and has determined that an act or omission on which the alleged violation is based (a) appears to be within the course and scope of public duty or employment of Trustee Edwards, and (b) appears to have been performed or omitted in good faith. Therefore, representation by this office is appropriate.

II. ALLEGATIONS

The Request for Opinion ("RFO") alleges that Trustee Edwards violated NRS 281A.520. That statute states in pertinent part: a public officer shall not request or otherwise cause a governmental entity to incur an expense or make an expenditure to support or oppose (a) a ballot question. The RFO refers to an email that Trustee Edwards sent to her constituents on October 16, 2012 (enclosure 1).

III. FACTS

A. PUBLIC OFFICER

Trustee Edwards admits that she is a public officer under NRS 281A.160.

B. EMAIL

Trustee Edwards admits that she sent the email at enclosure 1 to her constituents.

C. BALLOT QUESTION

Trustee Edwards admits that “Question 2” refers to Question No. 2 on the November 6, 2012 General Election Ballot, to wit:

Clark County School District Capital Projects Funding Question: Shall the Clark County School District be authorized to levy an additional property tax rate of up to 21.2 cents per \$100 assessed valuation for capital construction for schools for a period of up to 6 years, commencing on July 1, 2013? The cost for the owner of a new \$100,000 home is estimated to be \$74.20 per year. If this question is approved by the voters, any property tax levied as authorized by this question will be outside of the caps on a taxpayer’s liability for property (ad valorem) taxes established by the legislature in the 2005 session.

IV. DISCUSSION

Trustee Edwards denies that the sending of the email violated NRS 281A.520.

A. NO EXPENSE WAS INCURRED OR FUNDS EXPENDED

NRS 281A.520 states that a public officer shall not incur an expense or make an expenditure to support or oppose a ballot question.

The petitioner’s sole allegation is that Trustee Edwards sent (“e-mailed”) the email at enclosure 1 and that this action is a violation of NRS 281A.520. The allegation is simple and simply refuted. There was no expense incurred to the District or expenditure made as a result of Trustee Edwards’ use of the email system for this purpose. Therefore, there can be no violation.

The affidavit of Mr. Dan Wray, Director, Technology & Information Systems Services Division, Clark County School District, makes it clear that the cost of Trustee Edwards’ email was so negligible as to be indeterminable (enclosure 2). The InterAct email system is designed to provide services to 37,000 employees. The trustees of the Board of School Trustees oversee the entire District, including the email system, and are authorized users of the system. Trustees are provided the use of InterAct to communicate amongst themselves, to the District staff and to their constituents and other persons for school business. It is noted that their constituents include the parents of District students.

Trustee Edwards’ use of email to communicate school business is within the authorized uses permitted to her. In other words, the District’s budget provides for Trustee Edwards’ use of the email system and it cost the District no more or no less that Trustee Edwards sent this email. This particular email in question did not incur an expense to the District or cause the District to make an expenditure of any calculable amount.

B. THE DISTRICT PROVIDES COMMUNICATION RESOURCES TO THE TRUSTEES FOR DAY-TO-DAY USE

To further illustrate that Trustee Edwards' use of the InterAct email did not constitute any expense, the District directs the Commission's attention to the fact that the District provides several methods of communication to the trustees for their use for official business. Trustees are provided the use of the following District communication systems in the normal course of business: "Contact Your Board Member" which allows citizens to send electronic messages to the trustees and is available on the District website; "Community Linkage" surveys which are available on the District website; citizens may call the trustees via the Board office at 799-1072, the number is available on the District website; the trustees also utilize "Educational Service Announcements," "School Matters," and "Web Casting" under Board Governance Policy GP-17: Cost of Governance (enclosure 3). These different avenues of communication allow the board members to fulfill their duties as elected representatives of their constituents to oversee the District, including communicating with those constituents.

Trustee Edwards' use of the District's email system to send out the particular email in question did not incur costs or require expenditures simply because she is authorized to use the system to communicate with the public. This email did not cost the District any manpower, time or money.

C. INCIDENTAL PERSONAL USE IS AUTHORIZED BECAUSE IT DOES NOT INCUR EXTRA EXPENSE OR REQUIRE ADDITIONAL EXPENDITURES TO THE OPERATION OF THE INTERACT EMAIL SYSTEM

Additionally, even certain unofficial use of the email system is authorized by District policy because minor use does not incur any additional expense or require additional expenditures.

Due to the size and complexity of the email system and the enormous volume of emails sent and received every day, the District developed an "Acceptable Use Policy" to govern day-to-day use of the InterAct email system. Employees and trustees are allowed "Incidental Personal Use of Technology Resources" under Section J of the Acceptable Use Policy. Section J states that:

Technology resources may be used by District personnel for personal purposes provided that the use does not interfere with the Clark County School District's ability to carry out District business, does not interfere with the employee's duties, does not subject the Clark County School District to increased costs or risks, and does not violate the terms of the Acceptable Use Policy.

The Technology Division of the District has determined that most incidental use is minor in nature in comparison to the huge volume of official email and as a consequence, requires no additional labor and no additional data storage of measurable amount. Therefore, even if this email is considered incidental personal use, it did not incur extra expense or require additional expenditures.

D. TRUSTEES' STATUTORY DUTIES

The petitioner states that “while Ms. Edwards is free to advocate using her own personal resources, as a Public Officer, she cannot advocate for a ballot question using CCSD resources, including the email system or any administrative staff required to prepare the aforementioned email and its mailing list.”

Petitioner’s position is incorrect for several reasons. First, it is incorrect to refer to Trustee Edwards as “Ms. Edwards,” (she is now “President Edwards” after election to that Board position) as though she has no more duties or obligations as a trustee than a normal citizen would have. As an elected official, Trustee Edwards has a duty to represent her constituents. NRS 386.165 creates county school boards to run county school districts. NRS 386.350 grants school boards, by statutory edict, “such reasonable and necessary powers...as may be requisite to attain the ends for which the public schools...are established and to promote the welfare of school children...” The District School Board promulgated rules in order to carry out its statutory duties. The Board’s Governance Policy “GP-4.2 Board Members’ Principles of Operation” (enclosure 4) states in Section 6 that Board members shall meet responsibilities to the community by vigorously seeking adequate financial support of the schools, effectively communicating Board and District actions to the community and seeking to involve the community in the schools and the education process.

County school districts are effectively required to raise money for capital construction projects, such as building schools and major infrastructure maintenance, repair and replacement. Question No. 2 was an effort, in compliance with Nevada law, to raise funds for capital projects, including construction to relieve overcrowding in schools and capital maintenance such as replacing old and unreliable air conditioning systems. The trustees were elected to provide an education to and protect the welfare of children. They chose to do so by asking the voters to decide if they would vote to allow the District to raise money for these purposes by way of Question No. 2.

The provision of NRS 281A.520 cited by petitioner may actually prevent trustees from performing their statutory duty. At the very least, there is a question as to how NRS 386.165 and NRS 281A.520 interact that has not been previously raised or resolved in Nevada courts. The District reserves the right to raise that question and any other legal defense within this and other venues, if necessary.

V. CONCLUSION

The District and Trustee Edwards respectfully request that the Commission find that Trustee Edwards' use of the email system did not violate NRS 281A.520.

Dated this 5th day of April, 2013.

Respectfully submitted,

OFFICE OF THE GENERAL COUNSEL
CLARK COUNTY SCHOOL DISTRICT



CARLOS L. McDADE

General Counsel

5100 W. Sahara Avenue

Las Vegas, Nevada 89146

(702) 799-5373

ENCLOSURE “1”

ENCLOSURE “1”

From:  Carolyn Edwards - Trustee
Subject: 10/20/12 Volunteers Needed: Ballot Question 2
To:  Carlos L. McDade

Friday, April 05, 2013 10:56:40 AM 

----- Original Message -----

From: Carolyn Edwards - Trustee Tuesday, October 16, 2012 1:27:52 PM
Subject: 10/20/12 Volunteers Needed: Ballot Question 2

Parents,

As a CCSD Trustee, I am able to advocate on behalf of important issues affecting our students. I feel very strongly on an issue I am writing to you about today.

As you know, there is an important initiative on the November ballot that would raise funds to improve some of our oldest schools. Question 2 also would replace two schools that are more than 50 years old and build two new schools in some of our highest growth areas.

This Saturday, volunteers around Clark County will gather to distribute door hangers and yard signs to registered voters encouraging them to support Question 2. If you or anyone you know would like to participate, please call Community and Government Relations at 799-1080 or go to <http://www.ccsd.net/district/capital-improvement-plan/volunteer.php>

I hope you will take the time to learn more about Question 2 at www.ccsd.net/Q2. Question 2 would add a temporary 21-cent property tax increase per \$100 of assessed value and would cost the average homeowner with a \$100,000 assessed value home about \$6 per month. It is a fiscally responsible way to repair some of our schools that have unreliable air conditioning or electrical systems, or that need vital repairs such as new roofs, and it has been endorsed by the Las Vegas Chamber of Commerce, Henderson Chamber of Commerce and Latin Chamber of Commerce.

If you cannot participate in the walk on Saturday but would still like a yard sign, or if you would like to distribute door hangers to your neighborhood on a different day, please feel free to contact Community and Government Relations at 799-1080. All volunteers will receive a free Question 2 T-shirt. I am always available to answer any questions you have on this initiative.

I hope you will join me in supporting this initiative. All of our students and staff

deserve schools that have reliable electrical and AC systems, and we need relief in some of our most overcrowded areas.

Sincerely,
Carolyn Edwards
Trustee, District F

ENCLOSURE “2”

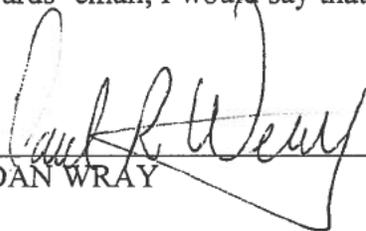
ENCLOSURE “2”

4. Employees and trustees are also allowed unofficial or personal use of the InterAct email system. "Incidental Personal Use of Technology Resources" under Section J of the Acceptable Use Policy. Section J states that:

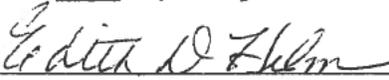
Technology resources may be used by District personnel for personal purposes provided that the use does not interfere with the Clark County School District's ability to carry out District business, does not interfere with the employee's duties, does not subject the Clark County School District to increased costs or risks, and does not violate the terms of the Acceptable Use Policy.

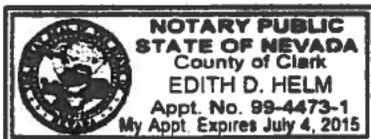
5. Due to the size and complexity of the email system, my Division has determined that policing minor, non-harmful personal use is not cost efficient or practical, given funding and manpower constraints and the fact that it creates little if any additional costs to the cost of doing business. Most incidental use is minor in nature in comparison to the huge volume of official email and as a consequence, requires no additional labor and no additional data storage of measurable amount. It incurs no extra cost or requires an additional expenditure above and beyond normal operating expenses.

6. As Trustee Edwards' use did not constitute extraordinary use, I consider the use to be in normal course of day-to-day business whether it was "official" or "personal incidental" use. If I had to quantify the cost to the District of Trustee Edwards' email, I would say that is was so negligible as to be incalculable.


DAN WRAY

Subscribed and Sworn to by Dan Wray before me this 5th day of April, 2013.


NOTARY PUBLIC



ENCLOSURE “3”

ENCLOSURE “3”

GP-17: COST OF GOVERNANCE

Adopted: 07/26/00

Revised: 05/24/01; 03/13/03; 11/13/03; 04/14/05; 05/22/08
11/17/09*Board of School Trustees***CLARK COUNTY SCHOOL DISTRICT**

The Board will invest in training and preparation to govern with excellence.

Accordingly:

1. Board skills, methods, and supports will be sufficient to assure governing with excellence.
 - A. Training and retraining will be used liberally to orient new members and may be offered to candidates, as well as to maintain and increase existing member skills and understanding.
 - B. Outside monitoring assistance will be arranged so that the Board can exercise confident control over organizational performance. This includes, but is not limited to, fiscal audits, surveys, or other practices by the Board.
 - C. Outreach mechanisms will be used as needed to ensure the Board's ability to listen to owners' viewpoints and values.
 - D. The cost of governance is not limited to leadership excellence. Good governing requires adequate resources to ensure the desired outcome of Board policies. Resources must be devoted to:
 1. Agenda production.
 2. Transcription and production of minutes.
 3. Response to constituent concerns.
 4. Board communications, both internal and external, but not limited to, Community Linkage, Educational Service Announcements (ESA), School Matters, and Web Casting.
 5. Staff training in governance, public engagement, and customer service issues.
2. Costs will be incurred prudently, though not at the expense of good governance as follows:
 - A. Sufficient resources will be budgeted within the general funds to conduct Board professional development and supplemented with grants and contributions.
 - B. Sufficient funding will be budgeted within the general funds to conduct audits and other third party monitoring or organizational performance.*

GP-17: COST OF GOVERNANCE
(continued)

Board of School Trustees

CLARK COUNTY SCHOOL DISTRICT

3. The Board will approve an annual plan derived from the perpetual calendar (see GP-3: Board Responsibilities, GP-4: Board Members' Principles of Operation – Conduct and Ethics) and will include a review of the budget to guarantee issues including an extensive policy review will be conducted every two years following the legislative session to ensure compliance with legislative changes.
4. The perpetual calendar will reflect the outline of governance activities. The annual calendar will determine specific information.

*The Board at its regular budget approval will determine the amount annually.

ENCLOSURE “4”

ENCLOSURE “4”

GP-4.2: BOARD MEMBERS' PRINCIPLES OF OPERATION

Adopted: 06/21/12

Board of School Trustees

CLARK COUNTY SCHOOL DISTRICT

The Board will follow principles that will enable it and its members to operate lawfully, strategically, respectfully, responsibly and in a businesslike manner, recognizing that authority rests only with the Board and not with its individual members.

1. The Board will govern lawfully on behalf of students with an emphasis on strategic leadership for the future of Clark County School District through:
 - A. Outward vision rather than an internal preoccupation.
 - B. Encouragement of diversity in viewpoints.
 - C. Strategic leadership more than administrative detail.
 - D. Clear distinction of Board and Superintendent roles.
 - E. Collective rather than individual decisions.
 - F. Forward thinking rather than past or present.
 - G. Governing proactively rather than reactively.
2. Board members should support the decisions of the Board but may continue to express individual opinions.
3. Board members shall recognize that authority rests only with the Board during official meetings and that the individual member has no legal status to bind the Board outside meetings as defined by the Open Meeting Law.
 - A. Except as otherwise provided by NRS, four members of the Board shall constitute a quorum.
 - B. No action of the Board shall be considered valid without the approval of a quorum of the Board.

GP-4.2: BOARD MEMBERS' PRINCIPLES OF OPERATION
(continued)

Board of School Trustees

CLARK COUNTY SCHOOL DISTRICT

- C. A quorum of members will only meet, deliberate, or vote regarding matters within the Board's jurisdiction in either an open meeting or a closed meeting in compliance with a specific statute.
 - D. Members' interaction with the public, press, or other entities must recognize Board decisions and the inability of any member to speak for the Board except to support Board decisions.
 - E. An agenda item which has previously been considered and decided by the Board within the past year may only be placed on the agenda for reconsideration by a Trustee who was on the prevailing side of the previous decision. The agenda item will be preceded by a specific agenda item to address whether the item should be reconsidered.
4. Board members shall respect relationships with other members of the Board by:
- A. Recognizing the integrity of predecessors and associates and the merit of their work.
 - B. Refusing to make statements or promises regarding voting on any matter that should properly come before the Board as a whole.
 - C. Respecting the right of others to their opinions and supporting the majority rule principle.
5. Board members shall respect the authority of the Superintendent of Schools and the staff by:
- A. Giving the Superintendent full administrative authority for properly discharging the professional duties of the position and by holding the Superintendent accountable for desired results.
 - B. Recognizing individual interactions with the Superintendent or with employees of the Superintendent lack authority except when explicitly authorized by the Board.

GP-4.2: BOARD MEMBERS' PRINCIPLES OF OPERATION
(continued)

Board of School Trustees

CLARK COUNTY SCHOOL DISTRICT

- C. Refraining from expressing individual judgments of performance of the Superintendent or employees of the Superintendent except for participation in Board deliberations about whether the Superintendent has achieved reasonable interpretation of Board policy.
 - D. Acting only upon the recommendations of the Superintendent in matters of employment or dismissal of District personnel.
 - E. Excluding the Superintendent at regular and special meetings of the Board only when the contract and salary of the Superintendent or his/her confidential employees are under consideration.
 - F. Referring all complaints to the Superintendent or his/her designee and discussing such complaints at a regular meeting only after failure of an administrative solution.
 - G. Providing an environment in which the Superintendent and staff may function effectively within the community and discharge their educational functions on a thoroughly professional basis.
 - H. Presenting any criticisms of any employee directly to the Superintendent or his/her designee.
6. Board members shall meet responsibilities to the community by:
- A. Attempting to appraise fairly both the present and future educational needs of the community.
 - B. Insisting that all District business transactions be conducted on an open, ethical, and above-board basis.
 - C. Vigorously seeking adequate financial support of the schools.
 - D. Effectively communicating Board and District actions to the community.

GP-4.2: BOARD MEMBERS' PRINCIPLES OF OPERATION

(continued)

Board of School Trustees

CLARK COUNTY SCHOOL DISTRICT

- E. Seeking to involve the community in the schools and the educational process.
- F. Seeking to improve education throughout the state of Nevada.
- 7. Board members shall strive to have meetings conducted in a professional manner with appropriate decorum through:
 - A. Well-attended meetings and well-prepared participants.
 - B. A well-planned agenda that is adjusted to focus on the Ends.
 - C. Keeping discussion centered on the agenda and staying focused on Board business.
 - D. Balanced participation with everyone participating and no one dominating.
 - E. Sharing viewpoints in a clear, concise manner.
 - F. Ensuring that the decision-making process is understood and implemented appropriately.
 - G. Accomplishing work in an atmosphere of trust and openness with respect and courtesy.
 - H. Making decisions only after all facts bearing on a question have been presented and discussed.
 - I. Taking action at the policy level rather than the operational level.
 - J. Clarifying Board priorities while discussing the range of potential outcomes, beneficiaries, and costs.
 - K. Monitoring policies to facilitate rigorous accountability and assurance of Superintendent performance.

GP-4.2: BOARD MEMBERS' PRINCIPLES OF OPERATION

(continued)

Board of School Trustees

CLARK COUNTY SCHOOL DISTRICT

- L. Supporting the Superintendent's reasonable interpretation of applicable Board policies or further clarifying Board intention by revising the policies.
 - M. Making decisions based on information garnered from District and community input.
8. The Board shall follow parliamentary procedures utilizing Roberts Rules of Order as a guide, recognizing the exceptions for small boards.¹ The following are recommended procedures:
- A. All main motions require a second.
 - B. Only one main motion can be active at a time.
 - C. The Board President presides over the meeting, introduces the item, recognizes speakers, repeats the motion before the vote, and summarizes the vote.
 - D. The Board President may vote on all motions and, with restraint, may make and second motions.

¹See addendum for Rules of Precedence.





**STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS**

In the Matter of the Requests for Opinion
Concerning the Conduct of **CAROLYN EDWARDS**,
Member, Clark County School District Board of
Trustees, District F, and **JOYCE HALDEMAN**,
Associate Superintendent for Community and
Government Relations, Clark County School District,
State of Nevada,

**Requests for Opinion Nos.: 13-24C
13-25C**

Subjects. /

EXECUTIVE DIRECTOR'S CONSOLIDATED REPORT AND RECOMMENDATION

The Executive Director bases the following report and recommendation on the Commission on Ethics' staff investigation and consideration of two Third-Party Requests for Opinion ("RFOs") filed regarding the conduct of **Carolyn Edwards**, an elected member of the Clark County School District Board of Trustees ("School Board") and of **Joyce Haldeman**, Clark County School District Associate Superintendent for Government Relations. In addition, this Report and Recommendation is based upon the Subjects' written responses. Those documents, their related exhibits and other relevant materials gathered in the course of the investigation, are attached as exhibits to this Report and Recommendation. The Executive Director provides her Report and Recommendation and its exhibits to the two-commissioner investigatory panel ("Panel"), pursuant to the requirements of NRS 281A.240.

Facts:

The main parties are Carolyn Edwards (p. 000010), the current President of the Clark County School Board, a public officer, and Joyce Haldeman (p. 000042), Associate Superintendent of Government Relations for the School District, a public employee.

In November 2012, Clark County voters addressed Question 2 - whether to permit the Clark County School District to levy an additional property tax rate of up to 21.2 cents (per \$100 of assessed valuation) to finance capital projects for schools, including constructing and equipping school improvements and replacements, and acquiring school sites (pp. 000076-000082). RFO 13-24C alleges Edwards directed a Clark County School District ("CCSD") employee to send an e-mail to the School District's master e-mail list asking for volunteers to distribute door hangers and yard signs and encourage registered voters to support Question 2 (pp. 000013 and 000027).

Edwards had been assigned a CCSD e-mail address in her capacity as a Trustee, and was provided access to a CCSD employee to assist in receiving and sending e-mails related to her position on the School Board.

RFO 13-25C alleges that Haldeman requested the CCSD Purchasing Division to use a School District vehicle and its employees to retrieve printed materials supporting Question 2 from R & R Partners Public Relations Firm, deliver a portion of the materials to a location on Sahara Ave. in Las Vegas, Nevada, unload and store remaining materials in a CCSD Warehouse on seven separate days between October 4 and October 18, 2012 (p. 000063) on behalf of a political action committee ("PAC") registered with the Nevada Secretary of State as the "School Improvement Committee" (p. 000108). The School Improvement Committee was formed to promote Question 2, and on October 30, 2012, CCSD billed the School Improvement Committee \$648.00 for the services invoiced as "Work done in connection with promotional materials for CCSD "Question 2" campaign." A copy of a check payable to Clark County School District dated October 31, 2012 in that amount was obtained as evidence (p. 000065), along with a copy of the PAC's contributions and expenses report filed with the Secretary of State on November 2, 2012, showing the expenditure as "other miscellaneous expenses" paid to CCSD from the PAC's checking account (p. 000118).

Allegations:

RFO 13-24C alleges, and uncontroverted evidence supports, that Edwards requested or caused a CCSD employee, during the time for which CCSD paid for the employee's services, to undertake an action supporting Question 2. The RFO alleges that, through that action, and regardless of the amount of time the employee spent, Edwards requested or caused a governmental entity to incur an expense or make an expenditure to support a ballot question in violation of NRS 281A.520(1)(a).

In addition, RFO 13-25C alleges that Haldeman violated NRS 281A.520(1)(a) by requesting or causing CCSD to incur an expense or make an expenditure, even if it was subsequently reimbursed, by asking CCSD's Purchasing Division to arrange for staff to handle and inventory the materials, drive CCSD vehicles to transport the materials, and utilize CCSD warehouse space to store the materials, all supporting Question 2.

Relevant Nevada Revised Statutes (NRS):

NRS 281A.520 Public officer or employee prohibited from requesting or otherwise causing governmental entity to incur expense or make expenditure to support or oppose ballot question or candidate in certain circumstances.

1. Except as otherwise provided in subsections 4 and 5, a public officer or employee shall not request or otherwise cause a governmental entity to incur an expense or make an expenditure to support or oppose:

- (a) A ballot question.
- (b) A candidate.

6. As used in this section:

- (a) "Governmental entity" means:
 - (1) The government of this State;
 - (2) An agency of the government of this State;

- (3) A political subdivision of this State; and
- (4) An agency of a political subdivision of this State.

NAC 281A.435 Basis for finding by panel; unanimous finding required for determination that no just and sufficient cause exists. (NRS 281A.290)

1. A finding by a panel as to whether **just and sufficient cause** exists for the Commission to render an opinion on an ethics RFO **must be based on credible evidence.**

2. A finding by a panel that no just and sufficient cause exists for the Commission to render an opinion on an ethics RFO must be unanimous.

3. As used in this section, **“credible evidence” means the minimal level of any reliable and competent form of proof** provided by witnesses, records, documents, exhibits, concrete objects, and other such similar means, **that supports a reasonable belief by a panel that the Commission should hear the matter and render an opinion.**

The term does not include a newspaper article or other media report if the article or report is offered by itself.

Analysis, Conclusion and Recommendation:

The relevant and material facts in this RFO are not in dispute, though the legal conclusions are controverted. Edwards does not dispute that she directed the CCSD assigned staff person to assist her in sending the email, or that the staff person did so on her behalf (p. 000021). Haldeman does not dispute that she asked the Purchasing Division to arrange for the materials to be handled, which caused CCSD personnel, vehicles and storage space to be used, or that she arranged for CCSD to bill the PAC for the related expenses and costs (p. 000058). The sole issue is whether these acts violated the Ethics in Government Law.

Ms. Haldeman's response includes her affidavit (and that of the CCSD's counsel) suggesting that, at some point after CCSD transported some of the materials, a legal opinion was rendered by the CCSD's counsel, that if the PAC reimbursed the costs incurred, the CCSD's involvement with the Question 2 materials would not violate NRS 281A.520(1)(a) (p. 000072). The Commission may rely on this information should it be required to consider the willfulness of any violation, but this alleged advice should have no bearing on the determination made by this panel.

As a result, I recommend the Panel find that sufficient credible evidence exists to support a reasonable belief that the full Commission should hear this matter to interpret the statute, apply it to the facts and evidence, and determine whether the conduct of these Subjects violated NRS 281A.520.

I respectfully provide my recommendation to this honorable panel.



Date: May 16, 2013

Caren Cafferata-Jenkins, Esq.
Executive Director

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Ballot Question Background

The process leading to Clark County Question 2

Capital improvements regularly go before the Clark County School District Board of Trustees for approval. In addition to ongoing projects, expenditures and updates to the previous program, discussions in public meetings take place to plan for future needs.

In 2008, the Board of Trustees held a public hearing to determine options to extend or replace the 10-year 1998 bond program. Economic conditions at the time led to the decision not to pursue a formal new plan, but instead to maximize the use of the remaining 1998 bond proceeds and to monitor the needs and economy for future planning. Since then, each time the possibility of a new plan was discussed during board meetings, it was delayed due to economic conditions.

In February 2012, the projected needs were reviewed, along with the fund balances and the economic forecasts. The Board of Trustees asked staff to develop options to address the growing number of schools' capital improvement needs.

In a public meeting on April 26, 2012, the Trustees considered two options for capital improvements: bond financing and a "pay-as-you-go" plan that would address needs only as funds become available over time. After lengthy discussion and continuing the meeting on May 2, the Board of Trustees selected the pay-as-you-go plan, which will serve as a "bridge" to meet the most critical needs until other long-term needs can be considered and will allow funds to go directly to school projects without the issuance and related debt of bonds.

The following chart provides many of the steps in leading to the ballot question:

Date	Event	Actions Needed
May 2	Reconvened Board Meeting	Decision to move forward with ballot question
Ongoing in May/June	Meet with Jurisdictions Clark County City of North Las Vegas City of Mesquite City of Las Vegas Las Vegas-Clark Co. Library District	CCSD notified affected entities City Councils/County Commissioners approved resolutions in accordance with NRS 350.0135
June 7	Debt Management Commission	Commission approved going to the voters
June 8	Special Board Meeting	Board approved election resolution
June 15	Registrar of Voters	Ballot language submitted
July 16	County Clerk	County Committees, For/Against Arguments
June - Nov	Community & School Engagement	Ongoing informational meetings with stake holders
November 6	Election Day	

Clark County School District Capital Improvement Plan 2012 –Question 2

The capital improvement plan (CIP) ballot initiative

- Question 2 on November 6, 2012, will ask voters to support a 21-cent increase (per \$100 of assessed valuation) to the property tax for 6 years. Funding would be limited to \$120 million each year toward the most critical CCSD capital improvements, including replacement of essential building equipment and systems, two replacement schools and two new schools.

Why the capital improvement plan is vital

- The plan provides much-needed relief for failing roofs, heating, air conditioning, plumbing, electrical and security systems at some of the older schools in the county.
- Without adequate funding for capital improvements, as aging systems fail at our schools, money for repairs would have to come from the general operating budget, which would require the Board of School Trustees to make some tough choices, such as cuts to existing programs, increased class sizes, a return to year-round calendars, reductions in bus service or even school closures.

What the plan would provide for the community

- **Equity for our schools**, so that students who attend some of the older schools have the same educational opportunities as those in the newer schools.
- **Critical renovations and repairs** to the schools to provide adequate power, plumbing, HVAC and alarms.
- **Support for technology**, a part of the core education standards in 45 states and essential in preparing students for a technology-driven workforce.
- **Learning environments** with direct impact on **academic achievement**. Major projects at more than 40 schools throughout the district will directly serve more than 43,000 students.
- **Improved energy and operational** efficiencies when the 30 to 50 year old systems are replaced.
- **A targeted solution for overcrowding**, with two schools in areas of the valley that continue to grow (five elementary schools currently teach more than 1,000 students on campuses intended for 750 children).
- **Local jobs**, putting people to work and putting money back into our community.

How the capital levy would work

- This is a “pay-as-you-go” approach, which means no debt and no long-term obligations. Funds will go directly to school projects, which would be prioritized and implemented as funds become available.
- For \$6.19 per month, the average homeowner with \$100,000 of assessed valuation would provide for vital, basic needs of reliable water, air conditioning and power for the learning environment.
- The funds cannot be used for teacher salaries or operating expenses. The levy would cease in six years; any extension or new plan would require future voter approval.

Why now

- The 1998 ten-year bond program, with good management, successfully provided for capital improvements for the past 14 years. However, the capacity for new bonds is not estimated until 2018.
- The Board of School Trustees decided not to pursue a new plan in 2008 due to economic conditions. The Board reviewed the situation regularly and selected the “pay-as-you-go” option.
- While years of record growth made providing seats a priority, the focus now shifts to repairs and other major needs. With economic recovery emerging, the lead time for a capital improvement plan is now, since funds would not begin supporting the projects until the fall of 2013.

The last time CCSD went before voters: the 1998 Bond Program

- The voter-approved 1998 bond generated \$4.9 billion for projects and provided 101 new schools, 19 replacement schools or initial phases, 2 transportation satellite facilities and renovations/upgrades at 229 schools. Oversight included the Board of School Trustees, Bond Oversight Committee and Clark County Regional Debt Management Commission, along with established regulations, policies and procedures.

For more information, contact Clark County School District, Community and Government Relations,
5100 West Sahara Avenue, Las Vegas, NV 89146 * (702) 799-1080 * Fax (702) 799-1082



NCOE 000034

CLARK COUNTY QUESTION NO. 2

Clark County School District Capital Projects Funding Question

Shall the Clark County School District be authorized to levy an additional property tax rate of up to 21.2 cents per \$100 assessed valuation for capital construction for schools for a period of up to 6 years, commencing on July 1, 2013? The cost for the owner of a new \$100,000 home is estimated to be \$74.20 per year. If this question is approved by the voters, any property tax levied as authorized by this question will be outside of the caps on a taxpayer's liability for property (ad valorem) taxes established by the legislature in the 2005 session.

Yes

No

EXPLANATION

A "YES" vote would permit the Clark County School District to levy a capital projects tax for up to six (6) years in an amount of up to 21.2 cents per \$100 of assessed valuation commencing July 1, 2013. The capital projects tax rate will be set in each year at a rate (not more than 21.2 cents per \$100 assessed valuation) that raises no more than \$120,000,000 for capital projects in any year. The proceeds of the capital projects tax will only be used for capital projects for schools, including but not limited to, constructing and equipping school improvements and replacements, and acquiring school sites.

A "NO" vote would prevent the District from levying this capital projects tax at this time and accomplishing the capital projects that would be financed with the capital projects tax.

ARGUMENT ADVOCATING PASSAGE

A "YES" vote for Question No. 2 will fund critical renovations and repairs at local schools, providing a healthy, safe learning environment for children. School facilities directly impact the learning process, and many Clark County schools are in dire need of improvements. Over 90% of the funding will be used for renovations at older schools, with the remainder used to alleviate severe overcrowding.

Older schools struggle with inadequate plumbing, heating, air conditioning, and electrical systems. Some require roof replacements. Others need new fire sprinklers and fire alarms. Classrooms need repairs to floors, walls, and ceilings. The Capital Projects Funding plan equalizes older and newer schools by funding these basic necessities.

The plan also equips classrooms with updated technology infrastructure. It is critical to prepare students for the high-tech world they will face upon entering the workforce, yet some older classrooms have only one or two electrical outlets and cannot accommodate computers or other electronic teaching tools. These updates support systems that optimize the teaching and learning process.

Lack of funding prevents these urgently-needed renovations and repairs. Unless funding is provided, monies would be taken from the classroom operating budget, resulting in cuts to existing programs, increased class sizes, or even closing schools.

The plan is a “pay-as-you-go”, fiscally responsible financing of crucial renovations and repairs. Prioritized projects will be undertaken only as funds become available over a period of up to six years. The funds will go directly to capital improvements without the issuance of bonds or debt. The funds cannot be used for operating expenses nor for teacher or administrator salaries.

New systems will provide greater efficiency than systems up to 50 years old, generating operational savings. The improvements will extend the life and increase the utilization of existing Clark County School District assets, thereby saving taxpayers money over time. The projects will also create much-needed jobs in Southern Nevada.

The cost to the average homeowner with a \$100,000 assessed valuation will be \$6.18 per month, about the same as one fast-food “combo” meal. The maximum funding that can be collected in any one year is \$120 million. The levy will remain in effect for no more than six years, and cannot be extended without voter approval.

Education plays a vital role in our community’s future. The Capital Projects Funding plan helps provide a healthy and safe environment for students to learn and succeed.

The above argument was submitted by the Ballot Question Committee as provided for in NRS 295.121

ARGUMENT OPPOSING PASSAGE

CCSD wants a 28% PROPERTY TAX INCREASE over what it gets for Maintenance & Operations. That is absurd!

That’s \$720 MILLION over the next 6 years and can cost the average new homeowner over \$880. When home values rise — taxes will rise.

When has a “temporary tax increase” ever gone away? We’ll probably see an extension in 2018. By then, new spending programs will be permanently in place, leaving voters no choice but to approve.

The \$720 million dollars is not limited to bricks and mortar buildings, but can also be spent by bureaucrats on other things.

Worst of all, CCSD is out of touch with the community: We are hurting! The last thing we need is a tax increase. This hurts the elderly, vulnerable homeowners, renters, and particularly harms small businesses that are already struggling.

We do not need new schools. Enrollment is projected to decrease. Year-round school scheduling will add 20% seating capacity in schools.

CCSD has already spent \$1.25 BILLION for “renovations to existing schools, including phased replacements, additions, modernizations, lifecycle replacements, and life and safety upgrades” in the last 14 years. How is it possible that 44 schools need more major repairs?

Every school on the proposed work list received renovations. Bonanza High has had \$28,836,355 in capital improvements since it opened in 1974.

Something is seriously wrong — we don’t believe CCSD knows how to design, build, or maintain schools properly.

The 2011-2012 capital projects budget was \$465 million, with another \$225 million for Operation and Maintenance of Plant. Why aren’t preventative maintenance and critical repairs being done with that money? We don’t need more taxes — CCSD needs better management. Tell them so by voting “NO”.

CCSD’s budget for the 2011-2012 school year was \$3.3 billion — that’s \$10,704 per student for just one year!

What are they doing with all that money? Voting “NO” on this new tax will force CCSD to spend your tax dollars more carefully.

Higher taxes hurt us as much as poor education does. Families are losing their homes. Unemployment is at record levels. Now is not the time for CCSD to tax residents of Clark County.

THE MASSIVE BUREAUCRACY RUNNING CCSD NEEDS TO LEARN HOW TO LIVE WITHIN ITS MEANS — just as we do — and enact efficient management with significant financial and educational reforms.

Vote “NO”.

The above argument was submitted by the Ballot Question Committee as provided for in NRS 295.121

REBUTTAL TO ARGUMENT OPPOSING PASSAGE

Because of the difficult economy, CCSD has painstakingly prioritized necessary capital projects, seeking this levy only for the most urgent needs at severely outdated schools.

The cost to the owner of a \$100,000 home will be \$74.20 per year for up to six years, totaling a maximum of \$445.20.

CCSD last sought taxpayer assistance in 1998, when voters approved a 10-year bond for new schools and capital improvements. In 2008 and again in 2010, the district deliberately did not pursue new funding because of economic conditions.

Funds from the 1998 program were so efficiently managed that CCSD was able to stretch them for four more years than originally anticipated. The 1998 program primarily funded new schools needed to keep up with unprecedented growth. Expenditures resulted in new, updated facilities in which our community can take great pride.

With 357 schools serving over 307,000 students, ongoing maintenance is an unavoidable, expensive reality. Enrollment remained stable during the downturn, thus daily wear and tear on school buildings and systems has not changed. In contrast, state funding has steadily dwindled, leaving CCSD with a skeletal budget, unable to fund vital needs at older campuses.

A “YES” vote helps our most outdated schools.

The above argument was submitted by the Ballot Question Committee as provided for in NRS 295.121

REBUTTAL TO ARGUMENT ADVOCATING PASSAGE

What has CCSD done with the billions it's had?

Since 1998, CCSD built 101 new and 19 replacement schools to seat a projected District enrollment of 374,636 students. Enrollment is 307,574 (estimated). We already paid for all the classrooms we need.

In August 2012, CCSD “found” \$44.6 MILLION... and immediately decided to spend \$6.6 MILLION to build a gym instead of fixing schools.

Did CCSD *really* need to spend \$14.5 million on its new plush headquarters instead of buying a more modest building to house its top executives?

What do taxpayers pay for such great management? THE TOP 5 CCSD BUREAUCRATS MAKE OVER \$1.16 MILLION COMBINED A YEAR IN SALARY AND BENEFITS.

Why should CCSD make significant reforms to fix the school system, when it's easier for them to ask for more money and change little?

Teachers work hard and get paid little. Bureaucrats just keep getting paid a lot.

CCSD's top money makers need to earn their money! Do whatever it takes to fix your problems, but stop begging for more money.

CCSD get your house in order:

Close bad schools. Go year-round to increase capacity. Manage the billions you have better.

Vote “NO.”

*The above argument was submitted by the Ballot Question
Committee as provided for in NRS 295.121*

FISCAL NOTE

Description of Anticipated Financial Effect: The District anticipates that the tax rate of 21.2 cents per \$100 of assessed valuation will provide revenue of approximately \$110,000,000 to \$120,000,000 per year during the six years it will be in effect for capital projects for schools. If the question is approved, the District will ensure the tax rate will not exceed \$120,000,000 in revenue for capital projects in any year. Should anticipated revenue exceed \$120,000,000, the tax rate will be lowered. At no time will the capital projects tax rate exceed 21.2 cents per \$100 assessed valuation. The additional cost to the owner of a new home with a taxable value of \$100,000 is estimated to be \$74.20 per year (about \$6.19 per month).

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OUR KIDS DESERVE BETTER

For an average of \$6 per month, you'll be helping:

- 6 schools in serious need of replacement air conditioning and heating units.
- 10 schools with outdated electrical systems.
- 18 schools urgently requiring major modernizations.
- 4 schools needing new gymnasiums.
- 2 new schools to be built due to overcrowding.
- 2 schools requiring complete replacement.

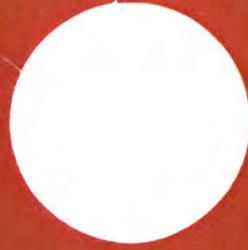
ON NOVEMBER 6, 2012

YES

ON QUESTION

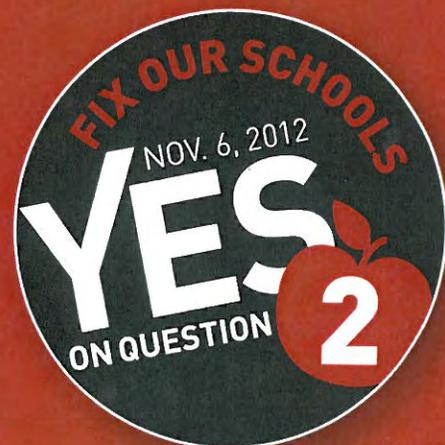


NCOE 000041



- One-third of our local schools are over 30 years old and in desperate need of major renovations.
- Updating classroom technology will help students compete in a 21st century economy and attract quality teachers.
- Students in older schools should have the same opportunities as students learning in newer facilities.
- All schools – not just new ones – should have science labs, gymnasiums and cafeterias.

VOTE **YES** ON QUESTION 2
AND HELP FIX OUR SCHOOLS



FIX OUR SCHOOLS VOTE YES ON QUESTION 2

Help Clark County schools



**Schools in Clark County are in desperate need of repair.
Our Kids Deserve Better.**



One-third of our local schools are over 30 years old and in desperate need of major renovations.

For an average of \$6 per month, your YES vote will help:

- 6 schools in serious need of new air conditioning and heating units.

NCOE 000043

- 10 schools with outdated electrical systems.
- 18 schools urgently requiring major modernizations.
- 4 schools needing new gymnasiums.
- 2 new schools to be built due to overcrowding.
- 2 schools requiring complete replacement.

Students in older schools should have the same opportunities as students learning in newer facilities. All schools – not just new ones – should have science labs, gymnasiums and cafeterias. Updating classroom technology and facilities will help students compete in a 21st century economy and attract quality teachers.

[Read a letter from the former first ladies of Nevada](#)

TAKE ACTION NOW

DONATE

Send checks or money orders to:

School Improvement Committee

431 Beardsley Circle

Henderson, NV 89052

(Tax ID#: 45-5074958)

REQUEST A YARD SIGN

Send an email to:

FixOurSchools2012@gmail.com

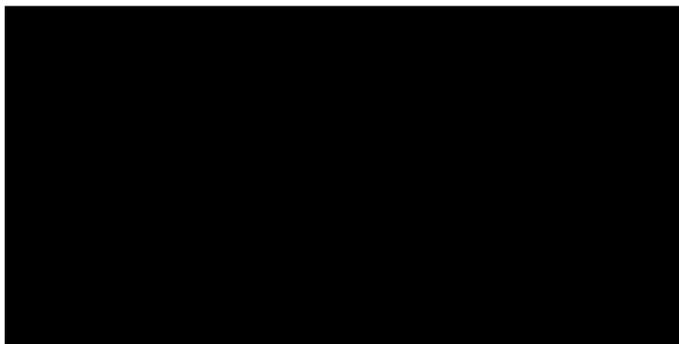
VOLUNTEER

Send an email to:

YesForSchools2012@gmail.com

Local Business Endorsements

- Las Vegas Chamber of Commerce
- Henderson Chamber of Commerce
- Latin Chamber of Commerce
- Associated General Contractors
- Nevada Parent Teacher Association



Responsible Spending

How the "Pay As You Go" system works

- Improvements are only made with funds already collected
- Being fiscally responsible allows us to complete more projects
- Not borrowing money means the District does not need to pay back any interest

Question 2 is a Capital Improvement Program that will generate an estimated \$669 million in total available funds to modernize dozens of older schools across the Clark County School District. The program will use a Pay-As-You-Go (PAYGO) spending structure. This method is not a bond program, and because there are no loans involved, tax dollars will not go toward interest. Instead, PAYGO allows for the maximum usage of funds on each project rather than paying off the debt incurred through a traditional bonding approach. Question 2 proposes a 21-cent (per \$100 of assessed valuation) increase on property tax for up to six years. Assessed valuation is 35 percent of the total property value. For example, a property with an assessed value of \$100,000 will pay an average of \$6.19 a month, just under \$75 a year. Program funds cannot be used for teacher or administrative staff salaries, or expenses other than those specified in the ballot question. PAYGO is limited to six years, and cannot be continued or renewed without future voter approval.



Schools in need

- B. & H. Greenspun MS
- B. Mahlon Brown MS
- Basic HS
- Bonanza HS
- Boulder City HS
- Chaparral HS
- E. W. Griffith ES
- Eldorado HS
- Ernest Becker, Sr. MS
- Frank Garside MS
- George Harris ES
- Helen Cannon MS
- Hyde Park MS
- Indian Springs M/HS
- J. D. Smith MS
- J. M. Ullom ES
- James Cashman MS
- K. O. Knudson MS
- Laughlin HS
- Laura Dearing ES
- Lewis Rowe ES
- Lincoln ES
- Lomie Heard ES
- LVAISPA
- Matt Kelly ES
- Mike O'Callaghan MS
- Moapa Valley HS
- Quannah McCall ES
- Red Rock ES
- Rex Bell ES
- Ruby Thomas ES
- Sandy Valley MS/HS
- Theron Swainston MS
- Thurman White MS
- Virgin Valley HS
- Walter Johnson MS
- Walter Long ES
- West Prep
- William Ferron ES
- William Orr MS

Even if you don't find your child's school on this list remember that everyone deserves the same chance to succeed.



Cabria Kirby of K.O. Knudson Middle School recording radio ad in support of Question

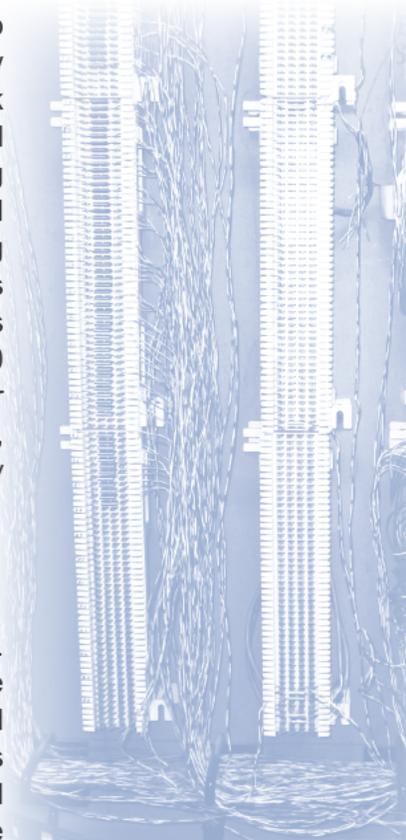
2.

Paid for by the School Improvement Committee; no CCSD funds were used.



Pay-As-You-Go Plan for Capital Improvement

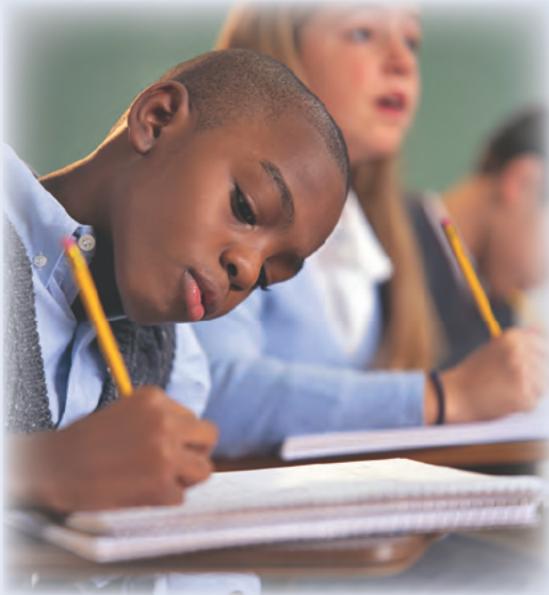
FIXING OUR SCHOOLS



On November 6, 2012, Clark County voters will be asked to approve a ballot question for a school improvement capital levy tied to property tax. Passage of the question will allow the Clark County School District (CCSD) to provide essential school renovations and repairs for aging building systems, including heating, ventilation, air conditioning (HVAC) systems; electrical systems; networking; and fire alarm and security systems at 40 or more existing schools. Approval also would provide funds to replace two of our oldest schools and build two new schools in overcrowded areas. These much-needed projects would be funded by a temporary increase on property tax (21¢ per \$100 assessed valuation) for up to six years, costing \$6.19 a month for the owner of a typical \$100,000 home. The plan provides a Pay-As-You-Go (PAYGO), fiscally responsible way to finance school construction projects, similar to how families save money to purchase large items and make home repairs.

A Pay-As-You-Go solution that incurs no debt

The 2012 CCSD Capital Improvement Plan (CIP) is not a bond program. Rather, the PAYGO approach relies on accumulating revenues as they become available and then paying for and completing projects based on prioritized needs. The PAYGO approach provides the distinct advantage of no tax dollars going toward interest since no loans are involved. No long-term debt would result, meaning the proposed temporary tax increase does not have to be extended at the end of the six-year program. If approved, the 2012 program is currently projected to yield \$669 million, with up to a maximum of \$720 million over the six-year term. Since all the money is spent on actual projects instead of paying interest, a PAYGO plan provides high value for taxpayers.



Ensuring equity in our schools

It is important for us to provide equitable learning environments between campuses so students who attend schools in older neighborhoods have the same educational opportunities as those who attend schools built from the building programs of the 1990's. Students assigned to schools with inadequate air conditioning systems or leaky roofs lose instructional time due to malfunctioning systems. Schools built before the computer era lack the basic infrastructure to allow the use of technology in the classroom. In 2014, students in grades three through eight will be required to take state assessments online, and schools will need the technological infrastructure to support this mandate. Additionally, today's job market requires employees who are up to speed on current technology. Many of the computers our students use today are already five years old. Without additional revenue sources, funding will not be available until at least 2018 for school revitalization needs. If we can't buy new computers for another six years, our students will be at a severe disadvantage when they enter the workforce after graduation.

A fiscally conservative plan

The PAYGO plan would be limited to six years, and it could not be continued or renewed without future voter approval. The Board of School Trustees implemented measures to limit the plan funding to no more than \$120 million per year for essential school projects. That means, even if local property values rise, the levy would not generate more than the plan cap. Funds would not come in all at once, but would be collected over the six-year span, beginning in the fall of 2013. As funds are generated, projects would be completed based on the greatest need. The funds cannot be used for teacher salaries nor for any other expenses than those specified in the ballot question.

A focus on older schools with the highest needs

The majority of the 2012 plan targets older schools to provide vital building systems and an equitable learning environment. This is a big difference compared to the 1998 building program when most funds went toward new schools.

CCSD has become "a tale of two cities." CCSD has 357 schools, 222 constructed since 1988, 120¹ from the 1998 bond program alone. The remaining 30% of CCSD schools are more than 30 years old; 28 of these are more than 50 years old. Most of these latter schools are not too old to support students, but they are at an age when their safe and effective learning environments are compromised by failing systems. Just like our homes, a quality environment must be maintained and equipment replaced when it fails. The high volume of students and staff coming through the doors every day requires attention to the resulting wear and tear on the schools.

The needs are crucial

Education reforms are under way to improve academic achievement. The District has a renewed focus on boosting academic rigor at all levels and providing individualized student services to increase the number of high school graduates. Studies² show classrooms and school facilities have a direct impact on learning, and providing the best learning environment possible will help our students achieve their full potential.

Without the PAYGO plan, money for repairing failed systems would have to come from the general operating budget. This would require the Board of School Trustees to make more tough choices, such as cuts to existing programs, increases in class sizes, reductions in bus service, a return to year-round calendars, or even school closures.

1. Includes replacement schools and initial phases

2. <http://www2.ed.gov/offices/OESE/archives/inits/construction/impact2.html>

Targeted solution for overcrowding

The current school year welcomed more than 311,300 students, the highest student population ever at the District and more than 3,000 students over last year's enrollment. Growth in some neighborhoods over the past few years has resulted in overcrowded schools. Five elementary schools currently serve more than 1,000 students on campuses designed for 725 children. Short-term measures, such as additional portable classrooms, restrooms and lunchrooms, additional staff and increased bus service, accommodate the more than 33 percent increase in students, but those efforts also come at a cost to the District's general fund. The PAYGO plan would address overcrowding where needed most with the construction of two new schools.

Short-term rather than long-term needs

Question 2 seeks authorization for funding for immediate and critical short-term needs. On an ongoing basis, CCSD conducts thorough evaluations on the condition of its buildings. These assessments consider the age and condition of the schools' essential infrastructure – the air conditioning, heating, plumbing, electrical, roofs, and other systems or equipment – as well as the current condition of the school, and whether educational improvements, such as technology, are needed to maintain the appropriate educational environment for our students. The assessments give each school a score called a Facility Condition Index (FCI), a national benchmark to compare estimated costs of repairs and renovations to the replacement value.

The Facility Condition Index forms the basis for long-term planning and determining the most critical needs. Based on the most recent FCI study, CCSD would need a total of \$5.3 billion over the next ten years to ensure all 357 schools are properly maintained so they are safe and ready for students to learn. While a future bond program likely will be needed to address the scope of these needs, financial projections indicate there will be no capacity for issuing bonds until 2018 (visit <http://www.ccsd.net/resources/facilities/pdf/cip-and-fci-overview.pdf> for more information). Any plan the Board of School Trustees pursues in the future must go before voters for approval. **Whether or not a new plan is brought forth in the future, the proposed PAYGO plan authorized by Question 2 will end in 2018;** this ballot question is asking for a short-term revenue stream to address the most pressing building needs over the next six years.



2012 Pay-As-You-Go Plan for School Capital Improvements

Frequently Asked Questions

Q: Why is the Pay-As-You-Go (PAYGO) plan for capital improvements needed?

A: Passage of Question 2 would provide funding for the most critical of repairs and systems at a number of schools. School facilities have a direct impact on the teaching and learning process, and the projects will provide much-needed relief for failing roofs, plumbing, heating, air conditioning, electrical systems and security. Unless additional funding is provided, when repairs are needed, monies would be taken from the classroom operating budget, which could result in cuts to existing programs, increased class sizes or even school closings.

Q: What will the PAYGO plan provide for the community?

A: Improvements to the learning environment would provide the basic needs of **reliable water, air conditioning, and power**. When 30- to 50 year-old systems are replaced, the new systems will **increase efficiencies, saving energy and operation costs**.

The projects support **improved technology** in the classroom. Today's students will enter a high-tech workforce. Jobs from automotive to medicine rely on computers, yet some older classrooms have only one electrical outlet and cannot support computers or other electronic teaching tools.

Overcrowding will be addressed. The intense population growth that more than doubled the number of students in the past 20 years has slowed down, and now the focus shifts to essential repairs and equity in our schools. However, certain areas are growing, and this program will address overcrowding with the construction of two new schools where needed most.

When a major business considers moving to Clark County, the quality of education is often a factor. Safe and functioning schools play a vital role in building a **strong community**, helping to stimulate **economic development** and attracting **new jobs** as companies seek an educated workforce.

In addition to **benefiting** our students, the plan will result in **local jobs**, putting people to work and putting money back into our community.

Q: How does the PAYGO plan work?

A: This pay-as-you-go approach provides for projects as funds are collected, for up to six years. Funds go directly and solely to school improvements, without the issuance of bonds or incurring debt. These funds cannot be used to pay for teacher salaries or operating expenses.

The PAYGO plan focuses on just the most critical school needs within the county's 357 schools that serve more than 311,000 students and cover more than 33 million square feet. While the average home may have one or two air conditioning units, CCSD has more than 6,000 heating, venting and air conditioning units; 25 HVAC systems are in dire need and are included in the plan.

Q: How much will the PAYGO capital improvement plan cost?

A: The 21-cent increase in property tax would cost the average homeowner with total taxable home valuation of \$100,000 approximately \$6.19 per month. That means, for the cost of about one fast-food 'combo' meal a month or two specialty coffees, property owners can make a difference for our children.

Q: Why is CCSD coming to voters now?

A: Funding is necessary for these critical needs. The 1998 ten-year bond program, with good management, successfully provided for capital improvements for the past 14 years. However, the capacity for new bonds is not estimated until 2018. In light of the economic downturn, the school board did not pursue a new program in 2008. With economic recovery emerging, the time for a capital improvement program is now, since PAYGO funds will not begin supporting school improvements until the fall of 2013.

Q: Will my taxes decrease if I vote no?

A: No. The current debt obligation from the 1998 program will begin to expire in 2018. At that time, the tax rate would begin to decline.



Proposed School Project List

Capital Improvement 2012

Successful, reliable capital programs

CCSD last went before voters in 1998, when the electorate approved a \$3.5 billion construction program. With careful management and a good economy, the 10-year program generated \$4.9 billion over a 14-year period. The District far exceeded the promises made to voters, keeping up with the population explosion at the time by building 32 more schools or phases than originally planned and completing renovation projects at 229 schools.

1998 Program	Schools Promised	Schools Delivered
Elementary Schools	50	61
Middle Schools	22	22
High Schools	16	16
Special Schools	0	2
Replacements and Phased Replacements	0	19*
Total	88	120

*15 completed, with initial phases at Boulder City HS, SECTA, and Mabel Hoggard and Twin Lakes ES.

CCSD's building programs have earned a national reputation as a model of success. Other school districts and organizations turn to the CCSD program for insights on successfully managing a high volume of projects. In addition to a number of architectural and energy-efficiency design awards, CCSD earned the Cashman Good Government Award from the Nevada Taxpayers Association for saving \$10 million in 2008 for a strong energy conservation program. Through prudent management of renewable energy rebates, the District installed more than 1.4 megawatts of solar photovoltaic power that generated savings of more than \$300,000 per year. In 2010 Maintenance Magazine honored the District with the Achievement Award for Financial Management, recognizing a streamlined maintenance department for continuous improvement and cost-saving measures worth more than \$15 million since 2005.

CCSD takes the fiscal stewardship of taxpayer dollars seriously and has a proven track record of successful, fiscally responsible capital improvement programs.

Yr Built	School	Capital Project
1971	Basic HS	Major Modernization (Multiple building systems)
1993	Becker, Ernest, Sr. MS	Replace HVAC System
1974	Bonanza HS	Major Modernization (Multiple building systems)
1948/2005	Boulder City HS	Complete the Phased Replacement
1982	Brown, B. Mahlon MS	Electrical System Upgrade
1976	Cannon, Helen MS	Electrical System Upgrade
1965	Cashman, James MS	Electrical System Upgrade
1971	Chaparral HS	Major Modernization (Multiple building systems)
1963	Dearing, Laura ES	Electrical System Upgrade
1972	Eldorado HS	Major Modernization (Multiple building systems)
1970	Ferron, William ES	Electrical System Upgrade
1962	Garside, Frank MS	Major Modernization (Multiple building systems)
1991	Greenspun, B. & H. MS	Replace HVAC System
1962	Griffith, E.W. ES	Major Modernization (Multiple building systems)
1973	Harris, George ES	Electrical System Upgrade
1951	Heard, Lomie ES	Major Modernization (Multiple building systems)
1957	Hyde Park MS	Major Modernization (Multiple building systems)
1952	Indian Springs HS	New Gymnasium
1952	Indian Springs M/HS	Major Modernization (Multiple building systems)
1991	Johnson, Walter MS	Replace HVAC System
1960	Kelly, Matt ES	Major Modernization (Multiple building systems)
1961	Knudson, K.O. MS	Major Modernization (Multiple building systems)
1991	Laughlin HS	Major Modernization (Multiple building systems)
1991	Laughlin HS	New Gymnasium
1977	Long, Walter ES	Electrical System Upgrade
1930	LVAISPA	Major Modernization (Multiple building systems)
1961	McCall, Quannah ES	Major Modernization (Multiple building systems)
1993	Moapa Valley HS	Major Modernization (Multiple building systems)
1991	O'Callaghan, Mike MS	Replace HVAC System
1965	Orr, William MS	Electrical System Upgrade
1955	Red Rock ES	Electrical System Upgrade
1964	Rowe, Lewis ES	Major Modernization (Multiple building systems)
1982/2007	Sandy Valley MS/HS	Permanent Classrooms
1982/2007	Sandy Valley MS/HS	Gymnasium to Replace Tent Structure
1952	Smith, J.D. MS	Electrical System Upgrade
1992	Swainston, Theron MS	Replace HVAC System
1963	Thomas, Ruby ES	Major Modernization (Multiple building systems)
1962	Ullom, J.M. ES	Major Modernization (Multiple building systems)
1991	Virgin Valley HS	New Gymnasium
1997	West Prep	Complete West Prep Conversion
1992	White, Thurman MS	Replace HVAC System
1963	Bell, Rex ES	Replacement School
1955	Lincoln ES	Replacement School
	New School 1	New Seats Required for Overcrowding (determined when funds are available)
	New School 2	New Seats Required for Overcrowding (determined when funds are available)
	Various	Technology 2013 - 2017 (% of total needs)
	Various	Major Equipment Replacement 2013-2017 (% of total needs)

This list is based on current facility conditions. The decision to renovate a facility is based upon an analysis of the facility's physical condition. The physical condition is defined by a specific moment in time, by observing the state of individual component systems. Thus, the priority of work is always subject to change based upon the status of a facility's systems.

ELECTION 2012 • CLARK COUNTY, NEVADA

QUESTION No. 2

Pay-As-You-Go Plan for Capital Improvement

FIXING OUR SCHOOLS

REMEMBER TO VOTE
Tuesday, November 6

Deadline for voter registration is
Tuesday, October 16

For more information, visit www.ccsd.net/Q2

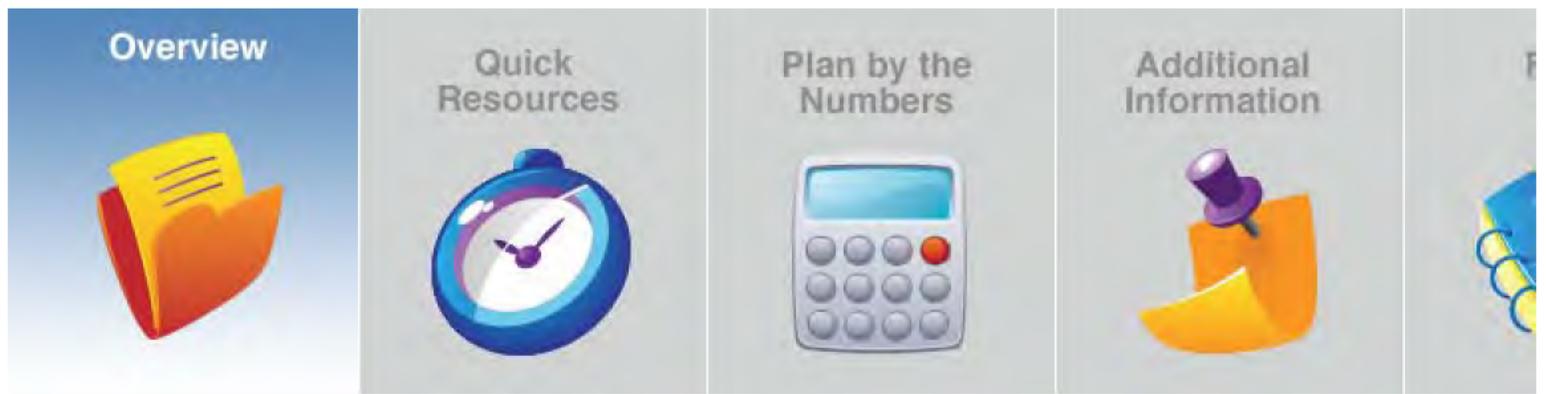


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CCSD
CLARK COUNTY
SCHOOL DISTRICT

NCOE 000052



CAPITAL IMPROVEMENT PLAN

2012 "PAY-AS-YOU-GO" CAPITAL IMPROVEMENT PLAN

The "Pay-As-You-Go" Plan (PAYGO) would provide essential school renovations and repairs for failing systems, including HVAC, electrical systems, networking and other major needs at 42 existing schools, replace two schools and build two schools for areas experiencing overcrowding. The projects would be funded by a 21¢ increase on property tax for up to six years, costing \$6.19 a month for the average homeowner with assessed valuation of \$100,000. The plan provides a Pay-As-You-Go (PAYGO), fiscally-responsible way to finance construction projects, similar to how families save up to purchase items and make home repairs.

Education reforms are under way to improve academic achievement. The classrooms and school facilities have a direct impact on providing the best learning environment possible will help our students to achieve their full potential. In addition to benefitting our students, the basic needs of reliable water, air conditioning and power, the plan would result in local jobs, increased operational and energy efficiency as 30- to 50-year-old building systems are replaced and improved technology to meet national core standards and prepare student technology-driven workforce and.

If the ballot question is not supported by the voters, as systems fail at our schools, money for repairs would have to come from the operating budget, which would require the Clark County School District Board of Trustees to make some tough choices, such as cutting programs, increasing class sizes, school closures, year round calendars, reductions in bus service and even school closures.

News Releases and Media Highlights

News Releases

- [Capital Improvement Plan News Release - May 2, 2012](#)
- [Capital Improvement Plan News Release - June 7, 2012](#)
- [Capital Improvement Plan News Release - June 8, 2012](#)

I-Team: Older Las Vegas Schools in Need of Repairs

[I-Team: Older Las Vegas Schools in Need of Repairs](#)

[School Repair Project](#)



CLARK COUNTY SCHOOL DISTRICT NEWS RELEASE

Contact Cynthia Sell, (702) 799-5304

May 2, 2012

CCSD Board of Trustees requests question on November ballot for a capital improvement program

LAS VEGAS – At a special meeting on Tuesday, May 2, 2012, the Clark County School District (CCSD) Board of Trustees requested that staff take steps to place a question before voters in November for a capital improvement program to renovate older schools.

The proposal being sought will be for a six-year program, projected to raise \$669 million for school rehabs/modernization, HVAC, electrical, technology and other equipment needs and will serve as a “bridge” until other long-term needs can be addressed. The funding would come from a \$.212 (twenty-one point two cents) increase in property tax per \$100 of valuation that would provide for school needs on a “pay-as-you-go-basis” as funds become available over time, if no further declines occur in local assessed property values.

The meeting discussion also covered identified needs at the schools and another capital improvement option with the same \$.212 increase for two years to cover only the projected gap in funds from the decline in property values.

The board action comes at a time when the district is experiencing the end to school improvement funds provided by the 1998 bond program. The district postponed a ballot initiative in 2008, during the worst part of the economic downturn. The Trustees clarified that the proposal being sought is not a bond campaign and does not address a previous estimate for long-term school improvements, technology and capital equipment needs.

The decision to pursue a capital improvement program follows a presentation and discussion on April 26 on survey findings from a community-based committee indicating support for a capital improvement program. The School Improvement Committee was formed by Sandy Miller, Bonnie Bryan, Dema Guinn and Dawn Gibbons.

“We greatly appreciate our four former first ladies coming forward and forming the political action committee,” said Board President Linda E. Young. “Without this type of support from the community, the district would have a difficult time helping the public under the dire circumstances in our schools.”

#

Contact Cynthia Sell, (702) 799-5304

June 7, 2012

**Clark County Regional Debt Management Commission approves CCSD
request to seek capital improvement program on November ballot
*Board of School Trustees meets Friday to determine next step***

LAS VEGAS –The Clark County Regional Debt Management Commission voted to allow Clark County School District (CCSD) to move forward with a request to go before voters in the general election for a capital improvement program (CIP) to renovate older schools.

The Debt Management Commission reviews the indebtedness of all entities managed under the commission. Prior to its June monthly meeting, CCSD had submitted the CIP item to the county and to the required municipalities within Clark County.

The CCSD Board of Trustees will meet Friday, June 8, for discussion and possible action on the 2012 election resolution. If adopted, the capital projects tax question will be placed on the ballot for November 6.

The list of schools targeted for the CIP, should it be approved, may be viewed at ccsd.net/resources/facilities/pdf/proposed-capital-improvement-plan-2012.pdf. If any new or replacement schools become feasible in the CIP, regulations and conditions at that time will determine the locations. Such decisions also utilize the public meeting process.

#

Contact Cynthia Sell, (702) 799-5304

June 8, 2012

CCSD Board of Trustees approves resolution for a capital improvement program request on the November ballot

LAS VEGAS – At a special meeting on Friday, June 8, 2012, the Clark County School District (CCSD) Board of Trustees approved a resolution for a question to go before voters in the general election on November 6 for a capital improvement program (CIP) primarily to renovate older schools.

The proposal being sought will be for a program of up to six years, projected to raise \$669 million for school rehab/modernization, HVAC, electrical, technology and other equipment needs. The funding would come from a \$.212 (twenty-one point two cents) increase in property tax per \$100 of assessed valuation that would provide for school needs on a “pay-as-you-go-basis” as funds become available over time, if no further declines occur in local assessed property values. The proposed CIP would take effect July 1, 2013, and CCSD would begin to see revenues from the program in October 2013.

The trustees selected the “pay-as-you go” option, which will allow all the funds to go directly to school needs without the issuance of bonds or related debt. The board action comes at a time when school improvement funds are ending from the 1998 bond program, which provided 101 new schools, 19 replacement schools and more than \$1.6 billion worth of school improvements.

A School Improvement Committee, formed by Sandy Miller, Bonnie Bryan, Dema Guinn and Dawn Gibbons, will lead the efforts to support the capital improvement program.

The list of schools targeted for the CIP, should it be approved, may be viewed at <http://ccsd.net/resources/facilities/pdf/proposed-capital-improvement-plan-2012.pdf>. If any new or replacement schools become feasible in the CIP, regulations and conditions at that time will determine the locations.

#

NEVADA SECRETARY OF STATE

ROSS MILLER

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Committees for Political Action (PAC) Advocating Passage or Defeat of a Ballot Question (formerly "BAGS")

Search By:

Committee: City: State: [help](#)

COMMITTEE	ADDRESS	STATE	CITY	ZIP	PHONE	REGISTRATION (PDF)
School Improvement Committee	c/o PBTK, 6100 Elton Ave, Suite #1000	NV	Las Vegas	89107	(702) 384-1120	CLICK HERE

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SIC



ROSS MILLER
Secretary of State
Elections Division
101 North Carson Street, Suite 3
Carson City, Nevada 89701-4768
Phone: (775) 684-5705
Fax: (775) 684-8718
Website: www.nvsos.gov

Office of the
Secretary of State

Ross Miller
Elections Division

State of Nevada
Committee for Political Action
(PAC)
Registration Form
Page 1

JStokes
04/10/2012

#2220

ABOVE SPACE IS FOR OFFICE USE ONLY

- New Registration
- PAC (Advocating Passage or Defeat of a Ballot Question)
- Annual (Due on or before January 15th of each year; NRS 294A.230(3)(b))
- Amended Registration: check all that apply
 - Change Officers
 - Change Registered Agent
 - Change Address
 - Change Name
 - Other: _____

Name of Committee: School Improvement Committee Telephone: _____

Mailing Address: c/o PBTk, 6100 Elton Avenue, Suite 1000 Las Vegas NV 89107
 Street Name, Number City State Zip Code

PURPOSE: Briefly state the purpose for which the PAC was organized.
To advocate for the passage of a ballot question in support of capital projects for public schools.

REGISTERED AGENT: pursuant to NRS 294A.240, each PAC must appoint and keep in the State a registered agent, as provided in NRS 14.020, who must be a natural person who resides in the State of Nevada.

Name of Registered Agent: Scott Taylor Telephone: 702-384-1120

Mailing Address: 6100 Elton Avenue, Suite 1000 Las Vegas NV 89107
 Street Name, Number City State Zip Code

REGISTERED AGENT ACCEPTANCE: I hereby accept appointment as Registered Agent for the above-named Committee for Political Action.

Signature of Registered Agent

Date: 4/10/2012



ROSS MILLER
Secretary of State
Elections Division
101 North Carson Street, Suite 3
Carson City, Nevada 89701-4768
Phone: (775) 684-5705
Fax: (775) 684-5718
Website: www.nvsos.gov

State of Nevada
Committee for Political Action
(PAC)
Registration Form
Page 2

OFFICERS: List the name, title, address and telephone number of each officer (attach additional pages if necessary).

Officer Name and Title: _____ Telephone: _____

Sandy Miller, Chair

Mailing Address:

c/o PBTK, 6100 Elton Avenue, Suite 1000
Street Name, Number

Las Vegas
City

NV 89107
State Zip Code

Officer Name and Title: _____

Bonnie Bryan, Member

Mailing Address:

c/o PBTK, 6100 Elton Avenue, Suite 1000
Street Name, Number

Las Vegas
City

NV 89017
State Zip Code

Officer Name and Title: _____

Dema Guinn, Member

Mailing Address:

c/o PBTK, 6100 Elton Avenue, Suite 1000
Street Name, Number

Las Vegas
City

NV 89107
State Zip Code

Officer Name and Title: _____

Dawn Gibbons, Member

Mailing Address:

c/o PBTK, 6100 Elton Avenue, Suite 1000
Street Name, Number

Las Vegas
City

NV 89107
State Zip Code

AFFILIATIONS: If the PAC is affiliated with any other organizations, list the name, address and telephone number of each organization (please attach additional pages if necessary).

Name of Organization: _____ Telephone: _____

Mailing Address:

Street Name, Number

City

State Zip Code

Name of Organization: _____

Telephone: _____

Mailing Address:

Street Name, Number

City

State Zip Code

Name of Organization: _____

Telephone: _____

Mailing Address:

Street Name, Number

City

State Zip Code

SUBMITTED BY:

X

Sandy Miller

Date: 4/10/12

Telephone: 458-2558

Signature of Representative or Group



NEVADA SECRETARY OF STATE

ROSS MILLER

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School Improvement Committee

Group Type PAC (Advocating passage or defeat of a ballot question)
Contact Name Scott Taylor
Address c/o PBTK, 6100 Elton Ave, Suite #1000 Las Vegas, NV 89107
Phone 702-384-1120
Email
Website
Registration [View Registration Form](#) (PDF)
Status Active

Filed Reports for School Improvement Committee

Report Name	Year <input type="checkbox"/>	Report Link
CE Report 5	2012	CE Report 5.htm
CE Report 4	2012	CE Report 4.htm
CE Report 3	2012	CE Report 3.htm
CE Report 2 (Amended)	2012	CE Report 2.htm
CE Report 1	2012	CE Report 1.htm

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NCOE 000061

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CONTRIBUTIONS AND EXPENSES REPORT

State of Nevada

School Improvement Committee

Name Office (if applicable) District (if applicable)
c/o PBTK, 6100 Elton Ave, Suite #1000, Las Vegas, NV, 89107 **7023841120**
 Mailing Address Telephone No.

E-Mail Address

Select Appropriate Box(es) AMENDED PAC (Advocating Passage or Defeat of a Question on the Ballot)

- Annual Filing - Due January 15, 2012**
Period: Jan 01, 2011 - Dec 31, 2011
- [Report #1 - Due May 22, 2012](#)
Period: Jan 01, 2012 - May 18, 2012
- [Report #2 - Due June 08, 2012](#)
Period: May 19, 2012 - Jun 07, 2012
- [Report #3 - Due October 16, 2012](#)
Period: Jun 08, 2012 - Oct 12, 2012
- [Report #4 - Due November 02, 2012](#)
Period: Oct 13, 2012 - Nov 01, 2012
- [Report #5 - Due January 15, 2013*](#)
Period: Nov 02, 2012 - Dec 31, 2012
- Annual Filing - Due January 15, 2013**
Period: Jan 01, 2012 - Dec 31, 2012

FILED
 Nov 2 2012
ROSS MILLER
SECRETARY OF STATE
 FOR OFFICE USE ONLY

* Report #5 suffices for the 2013 Annual Filing only if Report #'s 1, 2, 3, and 4 are previously filed

CONTRIBUTIONS SUMMARY

	This Period	Cumulative From Beginning of Report Period #1 through End of This Reporting Period
1. Total Monetary Contributions in Excess of \$1,000 (See page 1 of instruction sheet)	\$ 45,000.00	\$ 149,700.00
2. Total Monetary Contributions in the Form of Loans Guaranteed by a 3rd party in Excess of \$1,000 (See page 1 of instruction sheet)	\$ 0.00	\$ 0.00
3. Total Monetary Contributions in the Form of Loans that were Forgiven in Excess of \$1,000 (See page 2 of instruction sheet)	\$ 0.00	\$ 0.00
4. Total Value of In Kind Contributions in Excess of \$1,000 (See page 2 of instruction sheet)	\$ 33,875.00	\$ 33,875.00
5. Total Amount of All Contributions (Add Lines 1 through 4) (See page 2 of instruction sheet)	\$ 78,875.00	\$ 183,575.00

EXPENSES SUMMARY

6. Total Monetary Expenses Paid in Excess of \$1,000 (See page 2 of instruction sheet)	\$ 97,337.11	\$ 130,937.11
7. Total Value of In Kind Expenses in Excess of \$1,000 (See page 2 of instruction sheet)	\$ 0.00	\$ 0.00
8. Total Amount of All Expenses (Add Lines 6 and 7) (See page 2 of instruction sheet)	\$ 97,337.11	\$ 130,937.11

AFFIRMATION

MUST SELECT AT LEAST ONE:

- I Declare Under Penalty of Perjury That the Foregoing is True and Correct.
- I Declare Under an Oath to God that the Forgoing is True and Correct*

* A declaration under an oath to God is subject to the same penalties as declaration under penalty of perjury

Robert S. McCord
 Signature

11/02/2012
 Date

NCOE 000062

**MONETARY
CONTRIBUTIONS**

Report Period # 4

School Improvement Committee

Name

Office (if applicable)

District (if applicable)

Monetary Contributions

<u>NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE CONTRIBUTION</u>	<u>DATE OF CONTRIBUTION</u> 	<u>AMOUNT OF CONTRIBUTION</u>	<u>CHECK HERE IF LOAN</u>	<u>NAME AND ADDRESS OF 3RD PARTY IF LOAN GUARANTEED BY 3RD PARTY</u>	<u>NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORGAVE THE LOAN, IF DIFFERENT THAN CONTRIBUTOR</u>
<u>Ameresco, Inc.</u> 111 Speen Street, Suite 410 FRAMINGHAM, MA 01701	10/16/2012	\$15,000.00			
<u>The Capitol Company LTD</u> 3900 Paradise Road, Suite 208 LAS VEGAS, NV 89169	10/16/2012	\$1,000.00			
<u>Frias Management</u> 5010 S. Valley View Blvd Las Vegas, NV 89118	10/22/2012	\$5,000.00			
<u>MGM Resorts International</u> P.O. box 77123 Las Vegas, NV 89177	10/24/2012	\$20,000.00			
<u>Las Vegas Chamber of Commerce BIZPAC</u> 6671 Las Vegas Blvd., South LAS VEGAS, NV 89119	10/29/2012	\$5,000.00			

IN KIND CONTRIBUTIONS

Report Period # 4

School Improvement Committee

Name

Office (if applicable)

District (if applicable)

In Kind Contributions

<u>NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO MADE IN KIND CONTRIBUTION</u>	<u>DATE OF IN KIND CONTRIBUTION</u> 	<u>DESCRIPTION OF IN KIND CONTRIBUTION</u>	<u>VALUE OR COST OF IN KIND CONTRIBUTION</u>	<u>CHECK HERE IF LOAN</u>	<u>NAME AND ADDRESS OF 3RD PARTY IF LOAN GUARANTEED BY 3RD PARTY</u>	<u>NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO FORGAVE THE LOAN, IF DIFFERENT THAN CONTRIBUTOR</u>
<u>Sherpa Pictures</u> 900 S. Pavilion Center Drive LAS VEGAS, NV 89144	10/19/2012	Editing, digitizing, graphics, equipment use, production, studio time, voice over.	\$5,443.75			
<u>R&R Partners Foundation</u> 900 S Pavillion Center Dr Ste 100	11/01/2012	191.45 donated hour valued at \$23,931.25 including brainstorming,	\$23,931.25			

NCOE 000063

Las Vegas, NV 89144		design, copywriting, and consulting			
Partnership Initiatives Account 4601 W. Bonanza Road LAS VEGAS, NV 89107	11/01/2012	Refreshments for volunteers	\$134.49		
Outdoor Solutions 7935 W. Sahara Avenue Suite 201 LAS VEGAS, NV 89117	11/01/2012	Electronic Billboards	\$4,500.00		

EXPENSE CATEGORIESReport Period **# 4****School Improvement Committee**

Name

Office (if applicable)

District (if applicable)

Expense Categories (NRS 294A.365)

CATEGORIES	CODE
Office expenses	A
Expenses related to volunteers	B
Expenses related to travel	C
Expenses related to advertising	D
Expenses related to paid staff	E
Expenses related to consultants	F
Expenses related to polling	G
Expenses related to special events	H
Expenses related to legal defense fund	I

NCOE 000064

Goods and services provided in kind for which money would otherwise have been paid	J
Contributions made to: (i) another candidate; (ii) a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225; (iii) a PAC that is registered or required to be registered pursuant to NRS 294A.230; or (iv) a Recall Committee that is registered or required to be registered pursuant to NRS 294A.250	K
Other miscellaneous expenses	L

NRS 294A.362 requires "In Kind" contributions and expenses to be reported separately.

MONETARY EXPENSES

 Report Period **# 4**
School Improvement Committee

Name

Office (if applicable)

District (if applicable)

Monetary Expenses

<u>NAME AND ADDRESS OF PERSON, GROUP OR ORGANIZATION WHO RECEIVED THE PAYMENT FOR THE EXPENSE</u>	<u>CATEGORY (NRS 294A.365)</u>	<u>DATE OF EXPENSE</u> 	<u>AMOUNT OF EXPENSE</u>
R&R Partners 900 S Pavillion Center Dr 100 Las Vegas, NV 89144	D	10/24/2012	\$55,241.50
Clark County School District 5100 W. Sahara Avenue LAS VEGAS, NV 89146	L	10/30/2012	\$648.00
R&R Partners 900 S Pavilion Center Dr. Suite 100 Las Vegas, NV 89144	D	10/31/2012	\$42,095.61

NCOE 000065

Parents,

As a CCSD Trustee, I am able to advocate on behalf of important issues affecting our students. I feel very strongly on an issue I am writing to you about today.

As you know, there is an important initiative on the November ballot that would raise funds to improve some of our oldest schools. Question 2 also would replace two schools that are more than 50 years old and build two new schools in some of our highest growth areas.

This Saturday, volunteers around Clark County will gather to distribute door hangers and yard signs to registered voters encouraging them to support Question 2. If you or anyone you know would like to participate, please call Community and Government Relations at 799-1080 or go to <http://www.ccsd.net/district/capital-improvementt-palan/volunteer.php>.

I hope you will take the time to learn more about Question 2 at www.ccsd.net/Q2. Question 2 would add a temporary 21-cent property tax increase per \$100 of assessed value and would cost the average homeowner with a \$100,000 assessed value home about \$6 per month. It is a fiscally responsible way to repair some of our schools that have unreliable air conditioning or electrical systems, or that need vital repairs such as new roofs, and it has been endorsed by the Las Vegas Chamber of Commerce, Henderson Chamber of Commerce and Latin Chamber of Commerce.

If you cannot participate in the walk on Saturday but would still like a yard sign, or if you would like to distribute door hangers to your neighborhood on a different day, please feel free to contact Community and Government Relations at 799-1080. All volunteers will receive a free Question 2 T-shirt. I am always available to answer any questions you have on this initiative.

I hope you will join me in supporting this initiative. All of our students and staff deserve schools that have reliable electrical and AC systems, and we need relief in some of our most overcrowded areas.

Sincerely,

Trustee, District D



Statewide Issues

STATE QUESTION NO. 1

(1059 OUT OF 0 PRECINCTS REPORTING)

SHALL THE NEVADA CONSTITUTION BE AMENDED TO EXPRESSLY PROVIDE THAT THE LEGISLATURE MAY, ON EXTRAORDINARY OCCASIONS, CONVENE A SPECIAL LEGISLATIVE SESSION UPON A PETITION SIGNED BY TWO THIRDS OF THE LEGISLATORS OF EACH HOUSE; TO LIMIT THE SUBJECT MATTER OF BILLS PASSED AT A SPECIAL SESSION; TO LIMIT THE DURATION OF A SPECIAL SESSION TO 20 CONSECUTIVE CALENDAR DAYS EXCEPT FOR PROCEEDINGS INVOLVING IMPEACHMENT, REMOVAL OR EXPULSION FROM OFFICE; AND TO REQUIRE THE LEGISLATURE TO ADJOURN ALL SESSIONS ON THEIR FINAL DAY NOT LATER THAN MIDNIGHT BASED ON THE ACTUAL TIME ON THE CLOCK?

	% OF VOTE	TOTAL VOTES
Yes	56.42%	363,678
No	43.58%	280,908

Clark Issues

CLARK COUNTY QUESTION NO. 2

(1059 OUT OF 0 PRECINCTS REPORTING)

SHALL THE CLARK COUNTY SCHOOL DISTRICT BE AUTHORIZED TO LEVY AN ADDITIONAL PROPERTY TAX RATE OF UP TO 21.2 CENTS PER \$100 ASSESSED VALUATION FOR CAPITAL CONSTRUCTION FOR SCHOOLS FOR A PERIOD OF UP TO 6 YEARS, COMMENCING ON JULY 1, 2013? THE COST FOR THE OWNER OF A NEW \$100,000 HOME IS ESTIMATED TO BE \$74.20 PER YEAR. IF THIS QUESTION IS APPROVED BY THE VOTERS, ANY PROPERTY TAX LEVIED AS AUTHORIZED BY THIS QUESTION WILL BE OUTSIDE OF THE CAPS ON A TAXPAYERS LIABILITY FOR PROPERTY (AD VALOREM) TAXES ESTABLISHED BY THE LEGISLATURE IN THE 2005 SESSION.

	% OF VOTE	TOTAL VOTES
Yes	34.41%	226,786
No	65.59%	432,286

HENDERSON LIBRARIES QUESTION NO.1

(155 OUT OF 0 PRECINCTS REPORTING)

SHALL THE BOARD OF TRUSTEES OF THE HENDERSON DISTRICT PUBLIC LIBRARIES BE AUTHORIZED TO LEVY AN ADDITIONAL PROPERTY TAX RATE FOR LIBRARY PURPOSES, INCLUDING, WITHOUT LIMITATION, OPERATING AND MAINTAINING LIBRARY FACILITIES (EXCLUDING EMPLOYEE SALARIES AND BENEFITS), AND ACQUIRING, CONSTRUCTING, EQUIPPING AND IMPROVING LIBRARY FACILITIES, AND THE REPAYMENT OF DEBT ISSUED THEREFOR, OF UP TO 2 CENTS PER \$100 ASSESSED VALUATION FOR A PERIOD OF UP TO 30 YEARS COMMENCING JULY 1, 2013? THE COST FOR THE OWNER OF A NEW \$100,000 HOME IS ESTIMATED TO BE \$7 PER YEAR. IF THIS QUESTION IS APPROVED BY THE VOTERS, ANY PROPERTY TAX LEVIED UNDER THIS QUESTION WILL BE OUTSIDE OF THE CAPS ON A TAXPAYER'S LIABILITY FOR PROPERTY TAXES ESTABLISHED BY THE LEGISLATURE IN THE 2005 SESSION.

	% OF VOTE	TOTAL VOTES
Yes	45.08%	53,007
No	54.92%	64,566



2012 ELECTION RESOLUTION

In November 1998, the voters of Clark County approved funding for a ten-year capital improvement program that enabled the Clark County School District to build new schools, renovate existing schools, acquire land for future school sites, and provide new student transportation support facilities. The 1998 Capital Improvement Program is now nearing completion.

In November 2012, the voters of Clark County will be asked to approve a capital improvement program of up to six years, so that the Clark County School District will be able to continue to construct new schools; remodel and improve existing schools, as well as purchase new equipment to provide equity at existing schools; and construct full replacements and phased replacements of schools.

The District intends to submit a proposal for voter approval to levy a special elective tax in the amount of 21.2 cents per \$100.00 assessed valuation ("the special elective tax") for the purpose of financing capital projects. A "yes" vote on the November 2012 ballot question will increase the existing property tax rate by up to 21.2 cents. The special elective tax would allow the Clark County School District to fund school construction needs on a pay-as-you-go basis beginning fiscal year 2014. The special elective tax, as proposed, is intended to raise no more than \$110,000,000.00 - \$120,000,000.00 per year. The District will set the rate of the special elective tax in each year at a rate (not more than 21.2 cents per \$100.00 assessed valuation) that is not anticipated by the Board of School Trustees to raise more than \$120,000,000 in that year based on the then applicable assessed valuation of property in the District to which that rate will be applied.

It is necessary for the Board to adopt the 2012 Election Resolution in order to ask the voters of Clark County to approve this plan in November 2012.

Discussion and possible action on adoption of the 2012 Election Resolution, placing a capital projects tax question on the ballot at the general election to be held on Tuesday, November 6, 2012; prescribing the Notice of Election and other details in connection with the election; ratifying action previously taken relating thereto; and providing the effective date, is recommended.

Jeff Weiler
June 8, 2012

RESOLUTION

A RESOLUTION DESIGNATED AS THE “2012 ELECTION RESOLUTION”; PLACING A CAPITAL PROJECTS TAX QUESTION ON THE BALLOT AT THE GENERAL ELECTION HELD ON TUESDAY, NOVEMBER 6, 2012; PRESCRIBING THE NOTICE OF ELECTION AND OTHER DETAILS IN CONNECTION WITH THE ELECTION; RATIFYING ACTION PREVIOUSLY TAKEN RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Clark County School District (the “District”), in Clark County (the “County”), State of Nevada (the “State”), was duly organized and is operating as a county school district under Nevada Revised Statutes (“NRS”) Chapter 386 and the general laws of the State; and

WHEREAS, the Board of Trustees of the District (the “Board”) has determined that it is necessary and advisable that the District levy an ad valorem property tax for capital projects pursuant to NRS 387.3285 (the “Project Act”), for up to six years commencing July 1, 2013, at a rate of not to exceed 21.2 cents per \$100.00 of assessed valuation, to be deposited into the capital projects fund (the “Capital Projects Tax”); and

WHEREAS, in the judgment of the Board, it is necessary and advisable that a question to levy the Capital Projects Tax be submitted to the registered voters of the District at the general election in the District on Tuesday, November 6, 2012, in the form provided in Section 9 hereof (the “Proposal” or the “Question”); and

WHEREAS, the District determined that there are “affected governmental entities” (“Affected Entities”) as defined in Subsection 9 of NRS 350.0135 and has provided written notification to each Affected Entity of the District's Proposal, the estimated amount the proposal would increase property taxes and the potential effect of the increase on each Affected Entity; and

WHEREAS, the resolutions considered by each Affected Entity with respect to the Proposal have been filed with the Debt Management Commission of Clark County (the “DMC”); and

1.

WHEREAS, pursuant to NRS 350.0135, the District provided to the DMC notification in writing of each objection to the District's Proposal by an Affected Entity and each such Affected Entity's reasons for objecting; and

WHEREAS, certain such affected entities approved the Proposal based on acceptance by the District of certain provisions; and

WHEREAS, the DMC of the County approved the District's Proposal and the increase in property taxes resulting from the Proposal, pursuant to NRS 350.011 through 350.0165, subject to the Board affirming in the resolution calling for an election on the Proposal or otherwise that (i) the 21.2 cent Special Elective Tax in the Proposal is intended to raise \$110,000,000 to \$120,000,000 per year and (ii) if the Proposal is approved by the voters, the District will set the rate of the Special Elective Tax in each year at a rate (not more than 21.2 cents per \$100 assessed valuation) that is not anticipated by the Board to raise more than \$120,000,000 in that year based on the then applicable assessed valuation of property in the District to which that rate will be applied.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CLARK COUNTY SCHOOL DISTRICT, CLARK COUNTY, IN THE STATE OF NEVADA:

Section 1. This resolution shall be known and may be cited as the "2012 Election Resolution."

Section 2. The Board hereby finds and declares the necessity of levying the Capital Projects Tax.

Section 3. The Board hereby affirms that (i) the 21.2 cent Special Elective Tax in the Proposal is intended to raise \$110,000,000 to \$120,000,000 per year and (ii) if the Proposal is approved by the voters, the District will set the rate of the Special Elective Tax in each year at a rate (not more than 21.2 cents per \$100 assessed valuation) that is not anticipated by the Board to raise more than \$120,000,000 in that year based on the then applicable assessed valuation of property in the District to which that rate will be applied.

Section 4. The Question shall be submitted to the registered voters of the District at the general election on Tuesday, November 6, 2012 (the "Election"). The Election

shall be conducted in accordance with and in the manner provided by Chapter 293 of the NRS, and all laws amendatory thereof (the “General Election Act”).

Section 5. Every citizen of the United States, 18 years of age or over, who has continuously resided in this State and in the District 30 days next preceding the date of Election, shall be entitled to vote at the Election if such person has complied with the registration laws of the State.

Section 6. Absent voting shall be permitted in the manner provided by NRS 293.310 through 293.340, as amended, and laws thereunto enabling.

Section 7. On or before Friday, June 15, 2012, the Superintendent or his designee shall provide to the Registrar of Voters of the County of Clark (the “Registrar”) a copy of the Question and the anticipated financial effect, pursuant to NRS 293.481(1)(a), as amended, by providing the Registrar a copy of the Sample Ballot information in Section 10 hereof.

Section 8. Voter registration for the Election shall be conducted in accordance with the General Election Act. Any qualified elector whose name does not appear on the official registry list of qualified electors for the precinct in which he or she resides in the District, as shown by the records of the registry agent, may apply to the Registrar or a Field Registrar, or otherwise in the manner provided by law, up to and including the last day for registration of voters, as provided in NRS. Registration offices shall be open as provided by law. The Registrar is hereby directed to give notice of the close of registration by publishing in a newspaper having general circulation in the District a notice indicating the day that registration will close as provided in NRS 293.560. Such notice shall be published once in each calendar week for four successive calendar weeks next preceding the close of registration, and shall contain the information required by NRS 293.560.

Section 9. An electronic voting system or mechanical voting system, including, without limitation, mechanical vote recording device, and to the extent necessary or desirable, paper ballots or mail ballots shall be used at the election for voting, for registering, and for counting votes cast, including, without limitation, those cast on the Question, as provided in the General Election Act and in all laws thereunto enabling. There shall be provided an electronic voting system or mechanical voting system or paper ballots, a ballot box or mechanical recording device, and other election material at each polling place. There shall be inserted in each of the

ballot page assemblies used in conjunction with the electronic voting system or mechanical voting system at the Election the submission clause in substantially the following form with such changes as are not inconsistent herewith and are deemed necessary or desirable, by the Superintendent or Chief Financial Officer of the District:

4.

443045.1 001289.055

**CLARK COUNTY SCHOOL DISTRICT CAPITAL
PROJECTS FUNDING QUESTION:**

Shall Clark County School District be authorized to levy an additional property tax rate of up to 21.2 cents per \$100 assessed valuation for capital construction for schools for a period of up to 6 years, commencing on July 1, 2013? The cost for the owner of a new \$100,000 home is estimated to be \$74.20 per year. If this question is approved by the voters, any property tax levied as authorized by this question will be outside of the caps on a taxpayer's liability for property (ad valorem) taxes established by the legislature in the 2005 session.

YES /___/

NO /___/

EXPLANATION

A "yes" vote would permit Clark County School District to levy a capital projects tax for up to six (6) years in an amount of not to exceed 21.2 cents per \$100 of assessed valuation commencing July 1, 2013. The proceeds of the capital projects tax are to be used only for capital projects for schools, including but not limited to, acquiring sites for schools and acquiring, constructing and equipping school improvements and replacements.

A "no" vote would prevent the District from levying this capital projects tax at this time and accomplishing the capital projects that would be financed with the capital projects tax.

Argument For the Capital Projects Tax: [To be provided by the committee advocating approval of the Question.]

Argument Against the Capital Projects Tax: [To be provided by the committee opposing approval of the Question.]

Rebuttal to the Argument Against the Capital Projects Tax Question: [To be provided by the committee advocating approval of the Question.]

Rebuttal to the Argument For the Capital Projects Tax Question: [To be provided by the committee opposing approval of the Question.]

Description of Anticipated Financial Effect: The District anticipates that the tax rate of 21.2 cents per \$100 of assessed valuation will provide revenue of approximately \$110,000,000 to \$120,000,000 per year during the six years it will be in effect for capital projects for schools. If the question is approved, the District will set the capital projects tax rate for any year at a rate (no more than 21.2 cents per \$100 assessed valuation) that is not anticipated to raise more than \$120,000,000 in that year. The cost to the owner of a new home with a taxable value of \$100,000 is estimated to be \$74.20 per year (about \$6.20 per month).

Section 10. A sample ballot shall be mailed to each registered voter in the District as provided by the Election Act and shall include, without limitation, the registered voter's precinct number and polling place and the following information in substantially the following form, with such changes as are not inconsistent herewith or are deemed necessary or desirable by the Chief Financial Officer or the Superintendent of the District:

7.

**CLARK COUNTY SCHOOL DISTRICT CAPITAL
PROJECTS FUNDING QUESTION:**

Shall Clark County School District be authorized to levy an additional property tax rate of up to 21.2 cents per \$100 assessed valuation for capital construction for schools for a period of up to 6 years, commencing on July 1, 2013? The cost for the owner of a new \$100,000 home is estimated to be \$74.20 per year. If this question is approved by the voters, any property tax levied as authorized by this question will be outside of the caps on a taxpayer's liability for property (ad valorem) taxes established by the legislature in the 2005 session.

YES /___/

NO /___/

EXPLANATION

A "yes" vote would permit Clark County School District to levy a capital projects tax for up to six (6) years in an amount of not to exceed 21.2 cents per \$100 of assessed valuation commencing July 1, 2013. The proceeds of the capital projects tax are to be used only for capital projects for schools, including but not limited to, acquiring sites for schools and acquiring, constructing and equipping school improvements and replacements.

A "no" vote would prevent the District from levying this capital projects tax at this time and accomplishing the capital projects that would be financed with the capital projects tax.

Argument For the Capital Projects Tax: [To be provided by the committee advocating approval of the Question.]

Argument Against the Capital Projects Tax: [To be provided by the committee opposing approval of the Question.]

Rebuttal to the Argument Against the Capital Projects Tax Question: [To be provided by the committee advocating approval of the Question.]

Rebuttal to the Argument For the Capital Projects Tax Question: [To be provided by the committee opposing approval of the Question.]

Description of Anticipated Financial Effect: The District anticipates that the tax rate of 21.2 cents per \$100 of assessed valuation will provide revenue of approximately \$110,000,000 to \$120,000,000 per year during the six years it will be in effect for capital projects for schools. If the question is approved, the District will set the capital projects tax rate for any year at a rate (no more than 21.2 cents per \$100 assessed valuation) that is not anticipated to raise more than \$120,000,000 in that year. The cost to the owner of a new home with a taxable value of \$100,000 is estimated to be \$74.20 per year (about \$6.20 per month).

Section 11. If it is impractical to supply the polling place with ballot cards and ballot page assemblies, there shall be supplied as many such ballot cards and ballot page assemblies as it is practical to procure. The paper ballots to be used at the Election in those election precincts, if any, not using ballot cards and ballot page assemblies, if any, shall be in part in substantially the following form:

10.

443045.1 001289.055

(Form of Paper Ballot)

OFFICIAL BALLOT

CLARK COUNTY SCHOOL DISTRICT, NEVADA,
CAPITAL PROJECTS TAX ELECTION
TUESDAY, NOVEMBER 6, 2012

* * * * *

CLARK COUNTY SCHOOL DISTRICT CAPITAL
PROJECTS FUNDING QUESTION:

(Insert in each paper ballot the submission clause set forth
in Section 9 hereof)

:	YES	:	:
:	_____	:	_____
:	NO	:	:
:	_____	:	_____

The voter will prepare his or her ballot indicating his or her approval or disapproval of the foregoing proposal as the voter may desire by marking a cross (X) in the square after the group or groups of words which expresses his or her choice thereon.

(End of Form of Paper Ballot)

Section 12. Nothing in this Resolution prevents the inclusion in the ballots of provisions for the expression by the registered voters of the District of their choice for any question or proposals other than the Question submitted at the Election.

Section 13. Notwithstanding the foregoing sections, the Registrar may conduct the Election through the use of mail ballots as authorized by the General Election Act and all laws supplemental thereto. Should the Registrar use mail ballots in conducting the Election, the ballots and sample ballots shall contain information in substantially the forms set out in Sections 9, 10, and 11 hereof, appropriately modified to reflect the use of mail ballots.

Section 14. The polls shall be opened at the hour of 7:00 a.m. on the day of the Election and shall remain open until and be closed at 7:00 p.m. of the same day, as provided in NRS 293.273 and all laws supplemental thereto. Should the Registrar conduct the Election through the use of early voting and mail ballots, the polls shall be open as provided in the General Election Act for the conduct of early voting and mail ballot elections.

Section 15. Except as specifically provided in this resolution, the Election shall be held and conducted in accordance with the General Election Act and with all laws supplemental thereto.

Section 16. Immediately after the closing of the polls, the election officers shall proceed to canvass the votes cast on the Question, and certify the results so disclosed to the Board and the Board of County Commissioners of Clark County.

Section 17. Within six (6) working days of the Election, the Board shall meet at its usual meeting place and publicly canvass the returns. Pursuant to NRS 293.387, the Board of County Commissioners of Clark County will also canvass the returns within six (6) working days of the Election.

Section 18. If a majority of the votes cast is in favor of the Question, the Question shall have been carried, and the Board may cause an entry of that fact to be made upon its minutes and may levy the Capital Projects Tax. If the majority of the votes is against the Question, the Question shall have failed.

Section 19. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board and by the officers of the District relating to the Election, the Question and the Capital Projects Tax is ratified, approved and confirmed.

Section 20. The officers of the District are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 21. All orders, bylaws and resolutions, or parts thereof, in conflict with this resolution, are hereby repealed. This repealer shall not be construed to revive any bylaw, order or resolution, or part thereof, heretofore repealed.

Section 22. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 23. This resolution shall be in effect from and after its adoption.

PASSED AND ADOPTED this June 8, 2012.

(SEAL)

Attest:

President
Board of Trustees
Clark County School District

Clerk
Board of Trustees
Clark County School District

STATE OF NEVADA)
)
COUNTY OF CLARK) ss.
)
CLARK COUNTY)
SCHOOL DISTRICT)

I am the Clerk of Clark County School District, Nevada (the "District") and do hereby certify:

1. The foregoing pages are true, perfect and a complete copy of a resolution of the Board of Trustees (the "Board"), adopted at a lawful meeting of the Board held on June 8, 2012, as recorded in the official record book of the proceedings of the District kept in my office.

2. Said proceedings were duly had and taken as therein shown and the persons therein named were present at said meeting and voted on the resolution as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

3. All members of the Board were duly notified of said meeting.

4. Pursuant to and in full compliance with NRS 241.020, written notice of the meeting was given at least three (3) working days before the meeting, including in the notice the time, place, location and agenda of the meeting:

- (a) By delivering a copy of the notice to each member of the Board,
- (b) By posting a copy of the notice at the principal office of the Board, or if there is no principal office, at the building in which the meeting is to be held, the District's website and at least three (3) other separate, prominent places within the jurisdiction of the Board, to wit:

14.

- (i) Clark County School District
Administrative Center
5100 W. Sahara Avenue
Las Vegas, Nevada
- (ii) Clark County School District
Greer Education Center
2832 E. Flamingo Road
Las Vegas, Nevada
- (iii) West Charleston Library
6301 West Charleston
Las Vegas, Nevada
- (iv) Green Valley Library
2797 North Green Valley Parkway
Henderson, Nevada
- (v) North Las Vegas Library
2300 Civic Center North
Las Vegas, Nevada
- (vi) West Las Vegas Library
951 West Lake Mead Drive
Las Vegas, Nevada
- (vii) Whitney Library
5175 E. Tropicana
Las Vegas, Nevada

and

(c) By giving a copy of the notice to each person, if any, who has requested notice of the meetings of the Board in accordance with the provisions of Chapter 241 of NRS.

A copy of such notice as posted and mailed is attached hereto as Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of
the District this June 8, 2012.

(SEAL)

Clerk

16.

443045.1 001289.055

EXHIBIT A

(Attach Copy of Notice of Meeting)

17.

443045.1 001289.055

MINUTES
CLARK COUNTY SCHOOL DISTRICT
SPECIAL MEETING OF THE BOARD OF SCHOOL TRUSTEES
EDWARD A. GREER EDUCATION CENTER, BOARD ROOM
2832 E. FLAMINGO ROAD, LAS VEGAS, NV 89121

Friday, June 8, 2012

8:00 a.m.

Roll Call: Members Present
Dr. Linda E. Young, President
Deanna L. Wright, Vice President
John Cole, Clerk
Lorraine Alderman, Member
Erin E. Cranor, Member
Carolyn Edwards, Member
Chris Garvey, Member

Dwight D. Jones, Superintendent of Schools

Also present were: Mary Ann Peterson, Board Counsel, District Attorney's Office; Carlos McDade, General Counsel, Office of the General Counsel; John Swenside, CCSD Bond Counsel, State of Nevada; Pedro Martinez, Deputy Superintendent, Instruction Unit; Jeffrey Weiler, Chief Financial Officer, Operations Support Unit; Joyce Haldeman, Associate Superintendent, Community and Government Relations; Cindy Krohn, Executive Assistant to the Board, Board Office; Elizabeth Carrero, Executive Assistant to the Superintendent, Office of the Superintendent; Lisa Chrapcynski, Administrative Secretary II, Board Office; and Pat Zamora, Public Finance, Nevada State Bank.

TELECONFERENCE CALL CONNECTED

Teleconference call with Trustee Edwards was connected at 8:00 a.m.

FLAG SALUTE

Trustee Cole led the Pledge of Allegiance.

ADOPT AGENDA

Adopt agenda.

Motion: Garvey Second: Alderman Vote: Unanimous

Trustee Wright was not present for the vote.

ADOPT 2012 ELECTION RESOLUTION

Adoption of the 2012 Election Resolution, placing a capital projects tax question on the ballot at the general election to be held on Tuesday, November 6, 2012; prescribing the Notice of Election and other details in connection with the election; ratifying action previously taken relating thereto; and providing the effective date, as recommended in Reference 2.01.

ADOPT 2012 ELECTION RESOLUTION (continued)

Trustee Young announced that at yesterday's Debt Management Commission (DMC) meeting, the commissioners voted to allow CCSD to move forward with the request to allow the District to propose a bridge capital program to be presented to voters for the November 6, 2012, general election.

Mr. Martinez stated that he believed the District is proposing the best option for gaining capital funding through this resolution. He asked that Mr. Weiler and Mrs. Haldeman speak to the Resolution and what it would mean for CCSD and the community.

Mr. Weiler explained the statutory requirements that staff had to meet in order to bring this forward and what took place up to this point.

BOARD MEMBER ARRIVES

Trustee Wright arrived at the Board meeting at 8:08 a.m.

ADOPT 2012 ELECTION RESOLUTION (continued)

Trustee Young acknowledge everyone who was instrumental in bringing this resolution forward for their work and leadership.

Trustee Cole questioned the omission of any language in the material provided that spoke to capping the tax at \$120 million.

Mr. Weiler guided Trustee Cole to page 3 of 18, Section 3 of the 2012 Election Resolution.

Trustee Cole stated that he did not feel that the language in Section 3 stated strongly enough that there would be a cap of \$120 million.

Mr. Swenside explained that the language here is language that was in the resolution adopted by the DMC and is the condition placed on the District by the DMC.

Trustee Cole suggested the language, "...may not exceed \$120 million in any given fiscal year, and if it does, the rate will be lowered to appropriately conclude at \$120 million."

Mr. Swenside said there is sample language that will be placed on the ballot titled "Description of Anticipated Financial Effect" shown on page 7 of 18. He said that if the Board wanted to strengthen this language, Mr. Weiler is authorized to make minor changes to the language after the Board has adopted the resolution and before it goes to the Registrar of Voters.

Trustee Cole referred to the sentence on page 7 of 18 and suggested inserting the word "total" before "cost." He questioned the amount given on page 7 of \$74.20 after hearing Mr. Weiler refer to an amount of \$76.54 earlier, and he asked Mr. Weiler to clarify.

ADOPT 2012 ELECTION RESOLUTION (continued)

Mr. Weiler explained that \$76.54 would be the new total tax rate.

Trustee Cole asked if that should not be the amount listed then instead of \$74.20.

Mr. Zamora explained how the amount was calculated.

Mr. Weiler further clarified that this is additional cost, not total cost.

Trustee Cole said that should be clarified in this language.

Mr. Weiler agreed to insert "additional" before "cost" in the last sentence on page 7 of 18.

Trustee Alderman recommended revising the language on page 6 of 18, the second sentence under "EXPLANATION" because as it is currently written, it appears that the priority of this program is to purchase more land.

Trustee Edwards referred to page 13 of 18, Section 17, and asked if the Board should schedule a special meeting for this, and she asked what canvassing the returns would involve.

Mr. Swenside said the Board would need to schedule a meeting for within six working days of the election. He explained that canvassing the returns would involve the Board receiving the report from the Registrar of Voters of the results of the Election and then adopting a resolution that officially declares those results.

Trustee Cole recommended simplifying the language for purposes of clarification for the voters.

Mr. Swenside suggested changing the language to, "...will not raise more than \$120 million" from "...is not anticipated to raise more than \$120 million." He suggested perhaps Mrs. Haldeman could work on that language.

Trustee Edwards said caution should be taken in revising the language to ensure that it is clear that the language is specific to this program and does not imply that the District will not raise more than \$120 million total across all programs.

Public Hearing

Victor Joecks asked if the District or the Board would be able to do a rollover, and if so, would they be able to do a rollover on the combined rate. He said charter schools do not get capital funding, and homeowners cannot levy a tax to pay for their home repairs. He said the average age of schools in Clark County is 22 years old, and he encouraged the District to work within its means in terms of operating expenses, instead of asking for more money. He said that this tax increase is likely not temporary, and he said the voters should be aware of that.

ADOPT 2012 ELECTION RESOLUTION (continued)

Motion to adopt the 2012 Election Resolution with the language modifications as indicated by Board members.

Motion: Wright Second: Garvey

Trustee Alderman suggested that the Board designate a representative to review the final language.

Trustee Young recommended that she and Trustee Alderman review the language.

Motion on Trustee Wright's motion was unanimous.

AGENDA PLANNING: ITEMS FOR FUTURE AGENDAS

Trustee Young requested an agenda item to discuss filling the vacancy for District E on the June 21, 2012, Board meeting agenda.

Trustee Cranor noted that she would be absent from the June 21, 2012, meeting.

DISCUSSION AND REQUEST FOR SPECIAL MEETINGS

Trustee Young stated that the Board may need to schedule a special meeting for the third or fourth week in July in preparation for interviews for the vacancy. She asked the Trustees to review their calendars and give their available dates to Mrs. Krohn.

Trustee Garvey suggested scheduling a special meeting in November following the election.

Trustee Cranor asked if the Trustees should be considering a morning or an evening meeting for Board interviews.

Board members agreed that a morning meeting would be best.

PUBLIC COMMENT PERIOD

The Board members expressed appreciation for Trustee Cole's work on the Board.

ADJOURN: 9:10 a.m.

Motion: Wright Second: Cole Vote: Unanimous

Meeting minutes transcribed by Stephanie Gatlin.