

MINUTES
CLARK COUNTY SCHOOL DISTRICT
SPECIAL MEETING OF THE BOARD OF SCHOOL TRUSTEES
5100 W. SAHARA AVENUE, ROOM 466
2832 E. FLAMINGO ROAD, LAS VEGAS, NV 89121

Wednesday, November 12, 2008

1:03 p.m.

Roll Call:	<u>Members Present</u>	<u>Members Absent</u>
	Mary Beth Scow, President	Shirley Barber, Member
	Terri Janison, Vice President	Larry P. Mason, Member
	Carolyn Edwards, Clerk	
	Ruth Johnson, Member	
	Sheila R. Moulton, Member	

Dr. Walt Rulffes, Superintendent of Schools

Also present were: Bill Hoffman, General Counsel, Legal Department; Jeffrey Weiler, Chief Financial Officer, Finance and Operations Division; Elizabeth Carrero, Secretary to the Superintendent, Superintendent's Office; Cindy Krohn, Executive Assistant, Board Office; and Francesca Haak, Transcriber/Recording Secretary, Board Office.

ADOPT AGENDA

Adoption of the agenda, as submitted, as recommended.

Motion: Moulton Second: Edwards Vote: Unanimous

PUBLIC HEARINGS/RESPONSE TO PUBLIC COMMENT

None.

APPROVAL OF SETTLEMENT

Discussion and possible action on settlement of the matter of Richardson Construction, Inc., v. CCSD, in the total amount of \$950,000.00, inclusive of costs, interest and fees, and authority to make an Offer of Judgment in that amount, as recommended in Reference 3.01.

Trustee Edwards requested a closed session to hold attorney-client privileged discussions.

RECESS: 1:04 p.m.

RECONVENE: 1:25 p.m.

APPROVAL OF SETTLEMENT (continued)

Mrs. Johnson, noting appreciation of confidentiality, asked Mr. Hoffman how the extended timeline evolved in this case.

APPROVAL OF SETTLEMENT (continued)

Mr. Hoffman responded that construction actually started in the late 1990s; then the dispute came about; there was a trial in late 2002; the district appealed the results of a jury trial in 2002; the Nevada Supreme Court agreed and sent the case back for retrial; and the delay waiting to go to trial brings it to today, which multiplies potential interest if plaintiff were successful.

Mrs. Moulton asked Mr. Hoffman what the procedure would be after the vote today.

Mr. Hoffman responded that after the vote, CCSD's counsel would approach plaintiff's counsel again with the offer; if they accept the offer, documents would be prepared for settlement and signed, and the case would be resolved. If the offer were not accepted, there would be an Offer of Judgment filed for the same amount, and it would be scheduled to go to trial in December. The effect of the Offer of Judgment for \$950,000 would mean if plaintiff were not successful to that amount, then there would be penalties sanctioned in the form of attorneys' fees. He encouraged the Board not to discuss this case with the media until there is a signed document dismissing this case or after trial because the case is ongoing.

Mrs. Janison asked if there was a time limit for the plaintiff to respond whether they accept or deny the offer.

Mr. Hoffman responded there would be ten days for the plaintiff to respond.

Trustee Edwards questioned why this item was on an open meeting agenda.

Mr. Hoffman responded that the Board has reserved the authority to settle cases in excess of \$40,000, and all cases in excess of \$40,000 are to be presented to the Board in this fashion. He noted there have been extensive settlement discussions to mediate a resolution to settle the case.

Trustee Edwards questioned whether there was any place under the Nevada Revised Statutes (NRS) that would allow the Board to have this conversation and this vote privately.

Mr. Hoffman responded that the discussion on the merits of the case could be had privately, but unless the Board decided to give all authority for settlement to the Superintendent, the Board reserved that right. He noted that in the past it has always been discussed at this level.

Trustee Edwards requested further discussion to clarify her question.

Motion to accept.

Motion: Moulton Second: Johnson Vote: Unanimous

ADJOURN: 1:33 p.m.

Motion: Moulton Second: Edwards Vote: Unanimous