

In The Matter Of:
PUBLIC WORKS DIVISION BOARD MEETING
TELECONFERENCE MEETING

November 1, 2016

Capitol Reporters
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1
2 STATE OF NEVADA
3 PUBLIC WORKS DIVISION BOARD MEETING
4 TUESDAY, NOVEMBER 1, 2016
5 4:00 A.M.
6 TELECONFERENCE MEETING
7 ---oOo---

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9

10 THE BOARD: BRYCE CLUTTS, Chairman
11 SEAN STEWART, Vice Chairman
12 GUS NUNEZ, Administrator
13 CHRIS CHIMITS, Deputy Administrator
14 PATRICK CATES, Member, Director
15 ADAM HAND, Member
16 CLINT BENTLEY, Member
17 MASON GORDA, Member

18 FOR THE BOARD: SUSAN STEWART, ESQ.
19 Construction Law Counsel
20
21 JEFF MENICUCCI, ESQ.
22 Board Counsel
23
24 KATHI PASCIAK,
25 Program Officer I

REPORTED BY: CAPITOL REPORTERS
BY: Christy Joyce, CCR
Nevada CCR #625
123 West Nye Lane Carson City, Nevada 89706
(775)882-5322

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1 TUESDAY, NOVEMBER 1, 2016, 4:00 P.M.
2 ---oOo---
3 CHAIRMAN CLUTTS: This is the time and the place
4 of the State Public Works board meeting for November 1st,
5 2016, conference. Roll call.
6 MR. NUNEZ: For the record Gus Nunez. I'll start
7 with roll call. Bryce Clutts.
8 CHAIRMAN CLUTTS: Present.
9 MR. NUNEZ: Vice Chair Sean Stewart.
10 MEMBER STEWART: Present.
11 MR. NUNEZ: Member Mason Gorda.
12 MEMBER GORDA: Present.
13 MR. NUNEZ: Member Clint Bentley.
14 MEMBER BENTLEY: Present.
15 MR. NUNEZ: Member Tito Tiberti.
16 Member Adam Hand.
17 MEMBER HAND: Present.
18 MR. NUNEZ: Member Patrick Cates.
19 MEMBER CATES: Present.
20 MR. NUNEZ: Mr. Chairman, you have a quorum.
21 CHAIRMAN CLUTTS: Thank you, Mr. Nunez.
22 At this time we'll take any public comment. Is
23 there any comment from the public?
24 Okay. Hearing none, we'll move on to Item 3 for
25 possible action, discussion and possible action on draft

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1 correspondence to the governor proposing solutions to address
2 the state deferred maintenance. Mr. Nunez.
3 MR. NUNEZ: Thank you, Mr. Chairman. Again, for
4 the record, Gus Nunez. Mr. Chairman, attached to this agenda
5 item is the proposed draft of -- for your consideration of
6 the board's letter to the governor per your direction at the
7 last meeting.
8 Again, this is just a starting point for the
9 board to deliberate from and give us some input up to any
10 direction, any changes, approach to this letter. And we
11 always put something together for you guys to give you a
12 starting point for which to go from. And it's attached here
13 and you all have copies of it. So I wasn't planning on
14 reading it unless you want me to. But maybe we can just get
15 comments from the board.
16 MS. STEWART: This is Susan Stewart for the
17 record. I would just ask that before anyone speaks that they
18 identify themselves so the court reporter can accurately keep
19 track of our minutes. Thank you.
20 CHAIRMAN CLUTTS: Thank you, Ms. Stewart. Thank
21 you, Mr. Nunez. Are there any questions or comments from the
22 board? This is Chairman Clutts.
23 I have one. If we -- This is Bryce Clutts for
24 the record. Gus, if we look at the second paragraph, last
25 sentence, where it states, rather than kick the can down the

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1 road, the board offers the following proposed solutions.
2 Although we've used those words in the past, I'm just not
3 sure that we want to imply that that was their intent. So I
4 don't know how the governor may respond to that or react to
5 that. I don't want to imply that we believe he's kicking the
6 can down the road. Although the problem is growing and it
7 needs a solution. So I just offer that we may want to change
8 that or have some further discussion about it.
9 MR. NUNEZ: Mr. Chairman, Gus Nunez for the
10 record. We can use the word deferred, so it would read,
11 rather than deferred this matter, the board offers the
12 following proposed solutions, or something along those lines.
13 MR. CHIMITS: Chris Chimits for the record.
14 Would it be acceptable to say, rather than continuing to
15 defer the issue, the state offers the following proposed
16 solutions? Is that acceptable?
17 CHAIRMAN CLUTTS: Chairman Clutts for the record.
18 Yeah, I think so. I think it's important to stress the
19 seriousness of the issue. I don't want to back away from
20 that by any means. So I think we can stress rather than
21 defer this serious matter any further or something to that
22 effect so that he does understand that this is a serious
23 issue. I think we can still express that rather than
24 necessarily imply something else.
25 MS. STEWART: For the record this is Susan

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1 Stewart. I think that I could come up with something that if
2 I understand correctly, Chairman, that kick the can down the
3 road is -- could be seen as negative connotation. And we can
4 certainly make sure that the seriousness of continuing to
5 defer the maintenance is, you know, it's a serious issue but
6 we can describe it in a perhaps less harsh term.
7 CHAIRMAN CLUTTS: Bryce Clutts again. Yes, I
8 would agree. I think -- He wants what's in the best interest
9 of the state. And I think we need to share with him that
10 this matter is only going to get worse, it's only going to
11 cost more money, and it's not going to be in the best
12 interest of the state. The future problems are imminent.
13 And get that point across so that if he doesn't know that
14 this letter will bring it to his attention.
15 MS. STEWART: Chairman, Chris Chimits offered the
16 following, which I think is good, in my opinion: Rather than
17 continue to defer this serious issue, comma, the board offers
18 the following proposed solutions.
19 CHAIRMAN CLUTTS: That works for me. And I don't
20 know if the board has any comments on that, but that
21 definitely works for me, since I think my name might be at
22 the bottom; correct?
23 MR. NUNEZ: Yes, that was the plan.
24 Mr. Chairman, Gus Nunez for the record.
25 CHAIRMAN CLUTTS: Thank you.

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1 MS. STEWART: This is Susan Stewart for the
2 record. I just had a question for the board members as far
3 as do you think that the issue as laid out in the draft
4 letter is clear so that, you know, we have a good chance of
5 the governor understanding what the problem is and what the
6 proposed solutions are?
7 MEMBER STEWART: Sean Stewart for the record. I
8 think so, Susan. I followed it quite clearly. So I thought
9 it was well done.
10 MEMBER HAND: This is Member Hand. I'll second
11 that. When I got to the letter, I read it, and I said they
12 did a great job of putting this together. And, again, I
13 think the message is very clear, Susan.
14 MS. STEWART: Thank you.
15 MEMBER CATES: This is Member Cates. I thought
16 the letter was very clear. I was going to suggest that maybe
17 for additional detail we attach the material that was
18 provided to the board on the 10th. I think there's an
19 additional level of information in that that I think would be
20 good backup to this.
21 CHAIRMAN CLUTTS: Bryce Clutts for the record. I
22 would agree with that. I think the more information with
23 respect to the cost, you did a lot of work in preparing that,
24 we might as well give it to him.
25 MR. NUNEZ: Mr. Chairman, Gus Nunez for the

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1 record. We could -- That was quite a bit of information. I
2 would recommend that maybe -- And it was done purposefully to
3 provide every bit of information that we had, whether it
4 was -- you felt it was I guess described the issue as too
5 old, but I think we went a little bit, in my opinion, we went
6 a little bit overboard. But I think going overboard it sort
7 of pointed out to the board the overall, I guess, concepts or
8 ideas in various -- with various strategies so that the board
9 could start getting -- becoming more aware of what sort of
10 concepts it starts making sense.
11 So we might want to perhaps that is that total
12 package of information maybe we could narrow it down a little
13 bit more to what would be more pertinent and would back up in
14 more and better -- better back up what we're saying here in
15 this letter rather than to the range and scope of information
16 that we provided to you at the last meeting.
17 MR. CHIMITS: Mr. Chairman, Chris Chimits for the
18 record. The -- The request, we have already prepared some
19 graphs that kind of quickly convey -- Basically it is the
20 third paragraph and the fourth paragraph, we've got graphs
21 that are already kind of prepared that we used to help write
22 this letter. And maybe instead of including information from
23 the 10-10 meeting, that we would send out those graphs as
24 attachments to the letter for you all to review. I think
25 that would be more succinct with this letter than all of it

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1 for the purpose of the board understanding the situation.
2 CHAIRMAN CLUTTS: Bryce Clutts for the record.
3 Member Hand, is that sufficient for you?
4 MEMBER HAND: Sure.
5 MS. STEWART: For the record, this is Susan
6 Stewart. And what I would suggest is rather than having to
7 go back to the board for the board to review the graphs, the
8 board just give staff direction that the graphs attached to
9 the letter will further support the figures included in
10 paragraphs three and four.
11 MR. CHIMITS: Which we have prepared.
12 CHAIRMAN CLUTTS: Bryce Clutts for the record.
13 Before we move in to a motion to do that or something similar
14 to that, is there any other comments or questions from the
15 board regarding the letter?
16 MEMBER CATES: This is Member Cates. I have a
17 couple of comments. On the first paragraph, in the middle of
18 the paragraph, it says making both buildings inhabitable. I
19 believe the word you're looking for there is uninhabitable.
20 MS. STEWART: Thank you.
21 MEMBER CATES: And on the second paragraph I
22 guess I would echo a little bit of the concern that the
23 chairman would kick the can down the road comments. Although
24 what I viewed on were a couple of other sentences. The first
25 sentence saying the failure to adequately fund the deferred

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1 maintenance over the last several capital improvement plans.
2 MR. CHIMITS: Inability.
3 MEMBER CATES: I'm sorry.
4 MR. CHIMITS: Chris Chimits for the record.
5 Instead of failure, maybe we can use the word inability.
6 MEMBER CATES: I was going to say something
7 like -- What did I -- I jotted something down here. Let me
8 see. Inadequate funding for deferred maintenance over the
9 last several capital improvement projects, rather than
10 failure. I guess my concern there is -- Like the chairman
11 said, I mean, the governor wants to do the right thing by the
12 state and this problem didn't occur just during his
13 administration. And that sentence seems to point to just his
14 administration, whereas I think this has been a growing
15 problem over multiple administrations. So maybe a little bit
16 of wordsmithing there just to not make it so specific to the
17 last several capital improvements. Maybe historically
18 inadequately funding for deferred maintenance, something of
19 that nature.
20 I just want to be mindful on how this will be
21 received and that we're not perceived that we're singling out
22 this particular governor administration for these issues,
23 which I don't think is the intention of the board.
24 One other comment I had, this next sentence, this
25 backlog was created in part because projects are chosen based

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1 upon a targeted sum determined by available general fund
2 obligations or general obligation bonds instead of the
3 facility and infrastructure system needs. I don't know that
4 that's an entirely accurate statement because all of the
5 deferred maintenance is ranked based on the building
6 infrastructure and maintenance needs. The funding as we saw
7 on the 10th has been increasing over the last couple
8 bienniums. It's still inadequate. But I don't think it's an
9 either-or thing that we're just using a targeted sum and
10 instead of considering the infrastructure and system needs.
11 I kind of struggled with that sentence.
12 MR. NUNEZ: Patrick, this is Gus, for the record.
13 We did say the backlog was created in part. We didn't put it
14 all. Maybe that's not strong enough wording there. We did
15 say created in part because projects are chosen. Our thought
16 was that historically we pretty much accepted the fact that,
17 you know, the treasurer's office and others get together and
18 they say here's how much bonding capacity you have and then
19 that's been what we use the total amount of funding that's
20 going to be available for the CIP. And then, like was stated
21 here, that's not all of it has been used for deferred
22 maintenance because there's been pressure for you from your
23 perception to all the needs of the state. There's been a
24 competition there for those same dollars. So we want it to
25 reflect those but we did -- we didn't state in there -- we

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1 threw the word created in part because from time to time
2 we've had issues in the past with some general fund money
3 after it had been included in the CIP.
4 MR. CHIMITS: This is Chris Chimits for the
5 record. I think Patrick's issue comes down to the word
6 chosen. It appears that the backlog is created in part
7 because it is chosen. And what we could do is we could make
8 that sentence to say they're not because it's targeted,
9 because of the target. It's chosen out of the priority
10 system that's not broken. So what we'll do is we'll work on
11 that word chosen, Patrick, to indicate that their amount of
12 backlog is created by the limitations of the targeted, not
13 the chosen, not on the merits but chosen because of a
14 targeted sum. I think the problem is in the word chosen.
15 MEMBER CATES: Yeah. This is Member Cates. I
16 would agree with that. That sounds good.
17 MS. STEWART: The other thing -- This is Susan
18 Stewart -- that may, I think that would also help clarify, is
19 we have the word instead of facility infrastructure and
20 system need. And, as you mentioned, that's not entirely
21 correct. So what I might add is something along the lines
22 that says it's limited based upon a targeted sum in addition
23 to considering facility infrastructure system and needs. So
24 the two words that I'm thinking will be taken in to
25 consideration together. It's not necessarily one in lieu of

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1 the other. Does that make sense?
2 MEMBER CATES: Yes. Member Cates. That sounds
3 perfect.
4 MS. STEWART: Okay.
5 CHAIRMAN CLUTTS: This is Bryce Clutts for the
6 record. Are there any other comments? If so, please state.
7 If not, is anybody willing to make a motion?
8 MR. MENICUCCI: Mr. Chair, Jeff Menicucci, Deputy
9 Attorney General. I'm not sure this is my function. But if
10 you look at the very next sentence, it seems to be either too
11 many or too few words in it. I would suggest deferred
12 maintenance compete against capital construction projects.
13 MS. STEWART: For the record, this is Susan
14 Stewart. Any and all proofreading comments are welcome.
15 Thank you, Mr. Menicucci.
16 MEMBER STEWART: Sean Stewart for the record.
17 With that, I would make a motion that we approve the letter
18 as written pending the few changes to be done by staff and
19 approved by you.
20 MEMBER CATES: I'll second. Member Cates.
21 CHAIRMAN CLUTTS: All those in favor.
22 (The vote was unanimously in favor of the motion)
23 CHAIRMAN CLUTTS: Are there any opposed? Okay.
24 Thank you.
25 Moving in to Agenda Item Number 5, public

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1 comment. Is there any public comment?
2 MR. NUNEZ: We need 4, Mr. Chairman.
3 CHAIRMAN CLUTTS: I'm sorry.
4 MR. NUNEZ: Item 4.
5 CHAIRMAN CLUTTS: Oh, I'm sorry. Thank you.
6 Agenda Item Number 4 for possible action, board comment and
7 discussion. Board comments on any agenda item. Are there
8 any items -- Are there any board comments on the agenda item?
9 I guess we've already addressed that. Are there any items to
10 be included in future agendas?
11 Hearing none, I would suggest that the items that
12 we discussed last meeting beyond this I think the
13 qualification process being one and there may have been one
14 or two others. I don't recall that those are added.
15 MS. STEWART: For the record, this is Susan
16 Stewart. I want to make sure that you reference those and
17 make sure they're noted for any future agendas.
18 CHAIRMAN CLUTTS: Thank you. Any action items
19 for State Public Works department management outside of the
20 one that we discussed today?
21 Hearing none, as far as the future meeting date,
22 I imagine staff will send that out and we will get together
23 on when a date works for a quorum.
24 MS. STEWART: Yes, Chairman. This is Susan
25 Stewart.

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1 CHAIRMAN CLUTTS: Thank you.
2 Moving on to Item Number 5, public comment. Is
3 there any public comment?
4 MR. NUNEZ: Mr. Chairman, for the record this is
5 Gus Nunez. I received an e-mail from the system office,
6 Nevada System of Higher Education. And I noticed that Heidi
7 was attending the meeting. And they were -- expressed a --
8 They had some questions regarding the footnote on the letter
9 that we prepared for you that the deferred maintenance does
10 not include NSHE facilities. And I guess on the public
11 comments I would ask that, you know, I don't know if the
12 office wanted to ask the board or request anything of the
13 board on the matter that we just heard. I'm just bringing it
14 up because I haven't heard anything from them so far.
15 CHAIRMAN CLUTTS: Thank you, Mr. Nunez. Bryce
16 Clutts for the record. Heidi, would you like to speak on
17 this at all.
18 MS. HARTS: For the record this is Heidi Harts
19 with the Nevada System of Higher Education. I believe that
20 Vic Redding, our vice chancellor of finance, e-mailed Gus to
21 confirm that the Nevada System of Higher Education was not
22 being included in any of the dollar amounts listed in this
23 letter. And, Gus, I believe you responded back to Vic
24 indicating that was indeed the situation.
25 MR. NUNEZ: That is correct. That under the time

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1 that we have, Heidi, I just -- the limitation on the time it
2 would have been quite difficult to -- for us to make a full
3 assessment and make recommendations for your deferred
4 maintenance fees. Just to dive in to that would take quite a
5 bit of an effort on our part to get together with you guys
6 and then develop recommendations based on where you're at
7 right now. That would be another sizeable effort. And we
8 just, at this point -- And the board wanted to be timely on
9 this letter to the governor. So that's why we made that
10 statement because we just don't at this point -- I wish we
11 had the time. It would be really -- To me it would be
12 extremely beneficial to be able to address the entire issue
13 of deferred maintenance for all of the state. But at this
14 point, bringing this to everyone's attention that yours, the
15 System's needs are not included in here at this point is the
16 best we could do.
17 CHAIRMAN CLUTTS: Okay. Thank you, Ms. Harts.
18 Thank you, Mr. Nunez.
19 At this time I will adjourn the meeting. Thank
20 you.
21 (The hearing was concluded at 4:29 p.m.)
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