

Public School Capital Construction Assistance Board Meeting Agenda



COLORADO DEPARTMENT of EDUCATION

Vision

All students in Colorado will become educated and productive citizens capable of succeeding in a global society, in the workforce, and in life.

Goals

Every student, every step of the way



Date & Time:

**February 26, 2014
1:00 p.m.**

Location:

**201 E. Colfax, Room 101
Denver, CO 80203**

Capital Construction Assistance Board Members

Lyndon Burnett – Chair
John Conklin
Kathy Gebhardt

Pete Hall – Vice-Chair
Ken Haptonstall
Denise Pearson

Tim Reed
David Tadlock
Matt Throop

- I. Call to order
- II. Pledge of Allegiance
- III. Roll call
- IV. Approve agenda
- V. Approve previous minutes from January 22 & February 10, 2014 meetings
- VI. Board Report
- VII. Directors Report
 - a) BEST Project Updates;
 - b) Legislative Update;
- VIII. CCAB Training
 - a) State Ethics Commission: Review Amendment 41 – Standards of Conduct in Government;
- IX. Executive Session
 - a) The Public School Capital Construction Assistance Board may convene an executive session under section 24-6-402(3)(b)(I), C.R.S. to convene an executive session to interview candidates for the Director of Capital Construction Assistance position, upon those candidates' requests for executive session;
- X. Action Items
 - a) Recommendation to CDE Commissioner Robert Hammond regarding the appointment of the Division of Capital Construction's Director Position;
 - b) Proposal for Legislative Audit Committee: Proposed scope of work to update the statewide facility assessment;
 - c) Policy for retaining BEST Grant Application Evaluation Sheets;
- XI. Discussion Items
 - a) Review Division policy for capital renewal requirements for BEST new school, major renovation & addition projects;
 - b) Review CCAB Standard Operating Procedures which were adopted February 22, 2012;

Public School Capital Construction Assistance Board Meeting Agenda

XII. Future meetings

- March 26 –1:00 p.m. Location: 201 E. Colfax Avenue, Room 101, Denver, CO 80203
- April 23 –1:00 p.m. Location: 201 E. Colfax Avenue, Room 101, Denver, CO 80203
- May 20-22 – 8:30 a.m. – 5 p.m. Grant Selection Meetings – Adams 12 Conference Center 1500 E 128th Avenue, Thornton, CO 80241
- June 25 - 1:00 p.m. Location: 201 E. Colfax Avenue, Room 101, Denver, CO 80203

XIII. Public comment

XIV. Adjournment.

Public School Capital Construction Assistance Board Meeting Minutes



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Date & Time:
January 22, 2014
1:00 p.m.

Location:
201 E. Colfax, Room 101
Denver, CO 80203

Capital Construction Assistance Board Members:

Lyndon Burnett – Chair
John Conklin
Kathy Gebhardt

Pete Hall – Vice-Chair
Ken Haptonstall
Denise Pearson

Tim Reed
David Tadlock
Matt Throop

I. Call to order – 1:00 p.m.

II. Pledge of Allegiance

III. Roll Call

Attendees: Lyndon Burnett, John Conklin, David Tadlock, Pete Hall, Kathy Gebhardt, Matt Throop, Denise Pearson, Tim Reed **Excused:** Ken Haptonstall **BEST AG:** Erica Weston **CDE Staff Attendees:** Scott Newell, Kevin Huber, Leanne Emm, Dustin Guerin

IV. Approve agenda

- The CCAB Chair asked for a motion to approve the agenda;
 - So moved by Pete Hall;
 - Matt Throop 2nd the motion;
 - Motion to approve the agenda carried unanimously.

V. Approve previous minutes from December 12 & 16, 2013 meetings

- The CCAB Chair asked for a motion to approve the minutes from December 12 & 16, 2013 meetings;
 - So moved by Denise Pearson;
 - David Tadlock 2nd the motion;
 - Motion to approve the December 12 & 16, 2013 minutes carried unanimously.

VI. Board Report

- Lyndon Burnett updated the CCAB about recent meetings he had attended, his presentations for the State Land Board, and Joint Budget Committee.
- Matt Throop talked about the Colorado School Plant Managers Association (CSPMA) and how the CSPMA would like to support the BEST Program. Tim Reed told the CCAB about a presentation he and Division staff member Cheryl Honigsberg participated in at the past CSPMA meeting.

VII. Directors Report

- Scott Newell introduced Jennifer Mello, the legislative liaison for the Department of Education. Jennifer Mello discussed the current legislative session happenings with the CCAB and talked about the various bills that may impact the Division of Capital Construction and BEST Program.

- Scott Newell told the CCAB about an upcoming ribbon cutting at Ignacio School District for their BEST renovation & addition project. Scott Newell reviewed the BEST audit items and timeline with the board and gave a project update on current BEST projects.
- A CCAB member asked about the BEST director's position. Leanne Emm told the CCAB they would narrow the selection down to the top 2-3 candidates and the CCAB would have a chance to interview them at the February board meeting.

VIII. Action Item

- a) Review and approve returning unused cash matching funds to Monte Vista School District C-8 for their FY2010-11 BEST Lease-Purchase grant.
The CCAB Chair asked for a motion to return unused cash matching funds to Monte Vista School District C-8 for their FY2010-11 BEST Lease-Purchase grant, in the amount of \$184,793.41.
- So moved by Matt Throop;
 - David Tadlock 2nd the motion;
 - Motion to return unused cash matching funds to Monte Vista School District C-8 for their FY2010-11 BEST Lease-Purchase grant approved unanimously.

IX. Discussion Items

- a) Parson's proposed scope of work to update the statewide facility assessment. Scott Newell reviewed the five methods for keeping the data current. The CCAB was interested in method #4: *Contractor team trains CDE staff to assess, update and consult with Districts on assessment data.*
- b) Review redlined draft BEST Rules 1 CCR 303-1 and rulemaking timeline. Erica Weston made suggestions to delete section 3.1.5 and to add more safeguards to section 3.1.4.1. The CCAB agreed. Scott Newell reviewed the rulemaking timeline with the board.
- c) Review CCAB's roles and responsibilities and develop a training timeline. Scott Newell reviewed the CCAB's roles and responsibilities. The CCAB discussed upcoming trainings they would like to conduct.
- d) Capital renewal for BEST new school / major renovation / addition projects. Scott Newell presented a spreadsheet to the board and suggested a policy be put in place to have grantees contribute an amount on a yearly per pupil basis. The CCAB agreed, but an amount was not determined.

X. Presentation

- a) Ron Echols and Mike Lee with Ft. Morgan School District RE-3 presented to the CCAB. The district told the CCAB about their back-up BEST project that was awarded the previous grant cycle, but not funded. Brett Johnson, the Deputy State Treasurer told the CCAB he would be introducing a bill that would allow for Ft. Morgan to be funded, which would require some financing, and cash from the BEST Assistance Fund.

XI. Adjournment

- The CCAB Chair asked for a motion to adjourn;
 - So moved by Kathy Gebhardt;
 - Pete Hall 2nd the motion;
 - Motion to adjourn carried unanimously;
 - Meeting adjourned 3:35 p.m.

Public School Capital Construction Assistance Board Meeting Minutes



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Every student, every step of the way



Date & Time:

**February 10, 2014
11:00 a.m.**

Location:

**1580 Logan Street, Suite 310
Denver, CO 80203**

Capital Construction Assistance Board Members:

Lyndon Burnett – Chair
John Conklin
Kathy Gebhardt

Pete Hall – Vice-Chair
Ken Haptonstall
Denise Pearson

Tim Reed
David Tadlock
Matt Throop

I. Call to order – 11:00 p.m.

II. Roll Call

Attendees: Lyndon Burnett, John Conklin, David Tadlock, Kathy Gebhardt, Ken Haptonstall, Matt Throop, Denise Pearson, Tim Reed **Excused:** Pete Hall **Attorney General's Office:** Michelle Merz-Hutchison, Bernie Butcher **CDE Staff Attendees:** Scott Newell, Leanne Emm, Dustin Guerin, Cheryl Honigsberg

III. Approve agenda

- The CCAB Chair asked for a motion to amend the agenda;
 - The CCAB Chair said there was a discussion item that needed to be added to discuss the Legislative Audit Committee Bill that pertains to the BEST Program;
 - So moved by Kathy Gebhardt;
 - Ken Haptonstall 2nd the motion;
 - Motion to approve the amendment to the agenda carried unanimously.
- The CCAB Chair asked for a motion to approve the amended agenda;
 - So moved by Matt Throop;
 - David Tadlock 2nd the motion;
 - Motion to approve the amended agenda carried unanimously.

IV. Discussion Items

- a) Discuss Senate Bill 14-112. Scott Newell reviewed and discussed the bill that the Joint Budget Committee (JBC) recently introduced. Scott Newell told the CCAB about his discussion with the JBC analyst and explained the details of the bill to the board.
 - Kathy Gebhardt made a motion to monitor the bill;
 - Tim Reed 2nd the motion;
 - Motion to monitor SB 14-112 approve unanimously.
- a) Discuss the Legislative Audit Committee (LAC) Bill. The CCAB discussed the details of the bill and the new factors that would affect the match percentage calculation.
 - Denise Pearson made a motion to support the bill;
 - Matt Throop 2nd the motion;
 - Motion to support the LAC bill approved unanimously.

V. Adjournment

- The CCAB Chair asked for a motion to adjourn;
 - So moved by Kathy Gebhardt;
 - David Tadlock 2nd the motion;
 - Motion to adjourn carried unanimously;
 - Meeting adjourned 11:45 a.m.

PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD AGENDA SHEET

MEETING DATE: February 26, 2014

SUBJECT: Proposal for Legislative Audit Committee: Proposed scope of work to update the statewide facility assessment

TYPE: Action Information

BACKGROUND (Include any statutory authority):

Recommendation 1 of the audit states; the Public School Capital Construction Assistance Board (Assistance Board) with the assistance of the Department of Education's Division of Public School Capital Construction Assistance (Department) should take steps to identify, in a prioritized manner, the critical public school capital construction needs in the state, taking into account all factors required by statute, and use the results as a primary basis for providing financial assistance to school districts in priority order to the extent possible.

Specifically the audit noted, working with Parsons to determine if adjustments can be made to the Priority Assessment data to prioritize capital construction needs and add health and safety data across the State in accordance with statutory requirements.

BEST Board Response:

The Public School Capital Construction Assistance Board, with the assistance of the Department, will work with Parsons to identify potential updates and adjustments to the Priority Assessment data, including the addition of health and safety data that would allow the Assistance Board to develop a prioritized list of the critical public school capital construction needs statewide, based on statutory criteria. Depending upon the specific scope of work, Parsons has indicated the cost to make the recommended updates and adjustments to the Priority Assessment data could be significant. The Assistance Board will work with Parsons to determine the appropriate scope of work, develop and estimate costs, and work with the Department and the State Board of Education on a potential funding request.

Department Response:

The Department of Education, Division of Public School Capital Construction Assistance will provide assistance to the Public School Capital Construction Assistance Board in working with Parsons, including determining the estimated costs of updating the Priority Assessment database and developing funding requests as appropriate.

STAFF RECOMMENDATION

Review the four estimated cost options for implementing an in-house assessment program within the Division. Determine as a Board what the desired yearly refresh rate should be for the Statewide assessment. Based on the desired outcome the Division will provide the estimated costs to the Legislative Audit Committee with the intent of seeking an appropriation for funding.

STAFF RECOMMENDED MOTION (If this is an action item)

I move to have Division staff provide the Legislative Audit Committee with the proposed funding request to amend and update the statewide assessment for consideration of an appropriation from the Joint Budget Committee.

ATTACHMENTS:

In house Assessment Team

CDE Priority Assessment Update Tasks Summary

Cost for In-House Assessment Updates

\$100,000 to train by vendor (one time cost)

Option 1 to achieve a 53% a year refresh rate						
Tier 1	QTY	Scope	Facilities Affected	% of Buildings	Refresh rate	
\$ 80,000.00	1 FTE	Work with districts who have current assessment data	1000	29%	29%	
\$ 1,920,000.00	24 FTE	Work with districts who do not have assessment data	2431	71%	24%	
\$ 2,000,000.00	25 FTE		3431		53%	

Option 2 to achieve a 43% a year refresh rate						
Tier 1	QTY	Scope	Facilities Affected	% of Buildings	Refresh rate	
\$ 80,000.00	1 FTE	Work with districts who have current assessment data	1000	29%	29%	
\$ 1,120,000.00	14 FTE	Work with districts who do not have assessment data	2431	71%	14%	
\$ 1,200,000.00	15 FTE		3431		43%	

Option 3 to achive 38% a year refresh rate						
Tier 1	QTY	Scope	Facilities Affected	% of Buildings	Refresh rate	
\$ 80,000.00	1 FTE	Work with districts who have current assessment data	1000	29%	29%	
\$ 720,000.00	9 FTE	Work with districts who do not have assessment data	2431	71%	9%	
\$ 800,000.00	10 FTE		3431		38%	

Option 4 to achive 30% a year refresh rate on only districts with existing assessments						
Tier 1	QTY	Scope	Facilities Affected	% of Buildings	Refresh rate	
\$ 80,000.00	1 FTE	Work with districts who have current assessment data	1000	29%	29%	
\$ 80,000.00	1 FTE		1000		29%	

CDE Priority Assessment Update Tasks Summary

Priority Assessment Adjustment Recommendations (modifying current data)

Total Cost - \$2,700,000

Task 1.1: Workshop to Define terms and criteria to be used in the Priority Assessment; set goals and objectives for going forward.

Division and Capital Construction Assistance Board to go through all current assessment criteria questions and define each criteria question as: health/safety/security, overcrowding, technology.

Task 1.2: Reclass existing condition and suitability deficiencies and criteria to clarify health, safety and security issues.

Assessment contractor will reclass all current criteria questions in this category

Task 1.3: Reclass existing suitability deficiencies and criteria and add capacity and utilization deficiencies to clarify overcrowding (Capacity and Utilization) issues.

Assessment contractor will reclass all current criteria questions in this category

Task 1.4: Reclass existing condition and suitability deficiencies and criteria to clarify technology needs.

Assessment contractor will reclass all current criteria questions in this category

Task 1.5: Revise SchoolHouse software and database to include suitability and technology calculation, scoring and prioritization algorithms.

Assessment contractor will reclass all current criteria questions in this category

Priority Assessment Update Recommendations (methods for keeping data current)

For all methods the first steps will be to:

Simplify Assessment Criteria;

Set up District Self Assessment Update and Annual Reporting.

Method 4: Contractor team trains CDE staff to assess, update and consult with Districts on assessment data

Estimated training cost by contractor - \$100,000 (one time fee)

Estimated FTE cost per year - \$80,000 per FTE required

- **Option 1 to achieve a 53% yearly statewide refresh rate**
25 FTE at \$2,000,000 annually
- **Option 2 to achieve a 43% yearly statewide refresh rate**
15 FTE at \$1,200,000 annually
- **Option 3 to achieve a 38% yearly statewide refresh rate**
10 FTE at \$800,000 annually
- **Option 4 to achieve a 29% yearly statewide refresh rate (only updating existing district data)**
1 FTE at \$80,000 annually

PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD AGENDA SHEET

MEETING DATE: February 26, 2014

SUBJECT: Policy for retaining BEST Grant Application Evaluation Sheets

TYPE: Action Information

BACKGROUND (Include any statutory authority):

Recommendation 2(c) of the audit states:

The Public School Capital Construction Assistance Board (Assistance Board) should improve its grant decision making processes to ensure that the process is transparent and adheres to statutory direction by:

- c. Retaining documentation of all completed scoring documents for each grant application.*

BEST Board Response:

The Assistance Board will incorporate the use of a more comprehensive evaluation tool and will retain the documentation produced during the evaluation and prioritization process.

Division staff has developed a policy for retaining grant review scoring sheets.

STAFF RECOMMENDATION

Review the attached policy for retaining BEST Grant Application Evaluation Sheets.

STAFF RECOMMENDED MOTION (If this is an action item)

I move to approve the Policy for Retaining Grant Application Evaluation Sheets as presented.

ATTACHMENTS:

Policy for Retaining Grant Application Evaluation Sheets

Policy for Retaining Grant Application Evaluation Sheets

Background

Each Capital Construction Assistance Board member is required to complete a grant application evaluation sheet for each grant application submitted to the Board for funding consideration. The evaluation sheet scores the application and documents reasons why Board members decided to recommend or deny funding for any particular project.

Policy

At the conclusion of the Capital Construction Assistance Board grant recommendation meeting(s), Division staff will collect all evaluation sheets used by the Board and retain them at the Division office. Evaluation sheets will be scanned and stored electronically, by Board member, and filed in the Capital Construction Assistance Board meeting folder under the date(s) the meeting was conducted. Hard copies will be collated and filed in the Capital Construction Assistance Board filing cabinet.

PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD AGENDA SHEET

MEETING DATE: February 26, 2014

SUBJECT: Policy for capital renewal requirements for BEST new school, major renovation & addition projects

TYPE: Action Information X

BACKGROUND (Include any statutory authority):

Historically the way capital renewal has been identified by a grantee is to self-assess what they can reasonably afford to set aside as a reserve in any given year. This has led to inconsistency, questions, and requests to change their contribution amounts year over year.

Common issues noted by the Division:

- Grantees cannot afford to contribute what would be required for a true capital renewal reserve fund;
- Grantees state they cannot afford to contribute the amount they originally submitted with the application;
- The methodology used for identifying a dollar amount is arbitrary;
- There is a general lack of understanding on what Capital Renewal funds can be used for.

Currently, there is no formal policy in place to calculate an appropriate amount for capital renewal reserve or outline what funds can be used for.

BEST Capital Renewal statute - Pursuant to 22-43.7-109(4)(d)(I)CRS: *If the capital construction project involves the construction of a new public school facility or a major renovation of an existing public school facility, a demonstration of the ability and willingness of the applicant to maintain the project over time that includes, at a minimum, the establishment of a capital renewal budget and a commitment to make annual contributions to a capital renewal reserve within a school district's capital reserve fund or any functionally similar reserve fund separately maintained by an applicant that is not a school district.*

(II) As used in this paragraph (d), "capital renewal reserve" means moneys set aside by an applicant for the specific purpose of replacing major public school facility systems with projected life cycles such as roofs, interior finishes, electrical systems and heating, ventilating, and air conditioning systems.

The definition of Capital Renewal aligns with the common industry definition of Capital Renewal.

Maintenance – Maintenance is not the same as Capital Renewal. Maintenance is work necessary to realize the originally anticipated life of a fixed asset, including buildings, fixed equipment, and infrastructure, to minimize downtime, and maximize the facility investment. Examples are: custodial, replacement of HVAC filters, oiling motors, mowing grass, patching roofs, replacing light fixture ballasts, etc.

Maintenance is to maintain and repair facility systems and Capital Renewal is to replace facility systems at the end of their life-cycle.

STAFF RECOMMENDATION

Review and discuss the attached Capital Renewal Policy for BEST New School, Major Renovation & Addition Projects. Division staff has reviewed historical amounts submitted by grantees and has reached out to

stakeholders to arrive at the proposed policy. Division staff is recommending, at a minimum, each qualifying grantee must contribute \$100 per pupil annually to a capital renewal reserve fund. October 1 FTE pupil counts will be used from the facilities that were impacted by the BEST Grant to calculate the annual contribution required.

STAFF RECOMMENDED MOTION (If this is an action item)

N/A

ATTACHMENTS:

Capital Renewal Policy for BEST New School, Major Renovation & Addition Projects Policy

Capital Renewal for BEST New School, Major Renovation & Addition Projects

BEST Capital Renewal Statute

Pursuant to 22-43.7-109(4)(d)(I)CRS: *If the capital construction project involves the construction of a new public school facility or a major renovation of an existing public school facility, a demonstration of the ability and willingness of the applicant to maintain the project over time that includes, at a minimum, the establishment of a capital renewal budget and a commitment to make annual contributions to a capital renewal reserve within a school district's capital reserve fund or any functionally similar reserve fund separately maintained by an applicant that is not a school district.*

(II) As used in this paragraph (d), "capital renewal reserve" means moneys set aside by an applicant for the specific purpose of replacing major public school facility systems with projected life cycles such as roofs, interior finishes, electrical systems and heating, ventilating, and air conditioning systems.

Determining the Annual Contribution

At a minimum, each qualifying grantee must contribute \$100.00 per pupil for purposes creating their annual capital renewal reserve fund. October 1 FTE pupil counts, from the facilities that were impacted by the BEST Grant, will be used to calculate the annual contribution required. The budgeted amount shall be transferred into the grantees capital renewal fund by the end of each fiscal year. Grantees may contribute more if they so choose.

Allowable Uses

In general, capitalized fixed assets are qualifying capital renewal expenditures. Within a public school facility system these items typically include roofs, interior finishes, electrical systems, fire alarms, heating, ventilating, and air conditioning systems.

Non Allowable Uses

Routine maintenance and operations (O&M). O&M is work necessary to realize the originally anticipated life of a fixed asset, including buildings, fixed equipment, and infrastructure, to minimize downtime, and maximize the facility investment. Examples are: custodial, replacement of HVAC filters, oiling motors, mowing grass, patching roofs, replacing light fixture ballasts, etc.

New capital improvements to the facility are not allowed under the definition of capital renewal.

When in doubt remember maintenance is to maintain and repair facility systems and capital renewal is to replace facility systems at the end of their life-cycle.

Waiver from Yearly Contribution

If an applicant determines it cannot make the minimum calculated contribution to their capital renewal fund they may request a waiver from the Division. The waiver shall include:

- A narrative describing why the cost of complying with the minimum calculated contribution amount would significantly limit educational opportunities within your school district, charter school or BOCES.
- The proposed capital renewal dollar figure the grantee wishes to contribute for the following fiscal year.
- A narrative describing how they arrived at their amended capital renewal contribution amount.

Waivers must be renewed annually.

PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD AGENDA SHEET

MEETING DATE: February 26, 2014

SUBJECT: Review CCAB Standard Operating Procedures which were adopted February 22, 2012

TYPE: Action Information X

BACKGROUND (Include any statutory authority):

As part of the CCAB's ongoing training, the CCAB has requested to review their standard operating procedures.

STAFF RECOMMENDATION

Review the CCAB Standard Operating Procedures and discuss any proposed changes.

STAFF RECOMMENDED MOTION (If this is an action item)

N/A

ATTACHMENTS:

CCAB SOP

PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD STANDARD OPERATING PROCEDURES

The following procedures shall govern and control the actions of the Public School Capital Construction Assistance Board and its sub-committees.

Article I. Name.

We shall be called the: Public School Capital Construction Assistance Board (CCAB or BEST Board).

Article II. Purposes.

- A. **Function.** The function of the BEST Board is to protect the health and safety of students, teachers, and other persons using public school facilities and maximize student achievement by ensuring that the condition and capacity of public school facilities are sufficient to provide a safe and un-crowded environment that is conducive to student's learning. In performing its function, the BEST Board shall ensure the most equitable, efficient, and effective use of State revenues dedicated to provide financial assistance for capital construction projects pursuant to the provisions of § 22-43.7-101 C.R.S by assessing public school capital construction needs throughout the State and providing expert recommendations based on objective criteria to the State Board regarding the appropriate prioritization and allocation of such financial assistance.
- B. **Mission.** The mission of the BEST Board is to protect the health and safety of students, teachers and other persons using public school facilities and maximize student achievement by ensuring that the condition and capacity of public school facilities are sufficient to provide a safe and un-crowded environment that is conducive to student's learning.
- C. **Vision.** By accomplishing this mission, all students in the State of Colorado will attend school in facilities that provide a safe and healthy environment conducive to student's learning.
- D. **Powers and Duties.** The BEST Board has the following powers and duties:
1. To establish public school facility construction guidelines as specified in § 22-43.7-107 C.R.S.
 2. To conduct or contract for a financial assistance priority assessment of public school buildings and facilities in this state based on the criteria set forth in § 22-43.7-107(2) C.R.S.
 3. To review financial assistance applications and prepare and submit to the State Board a prioritized list of projects to receive financial assistance and the amount and type of financial assistance that should be provided for each project.
 4. To establish guidelines for the Division of Public School Capital Construction Assistance (Division) to follow when assisting potential applicants in identifying critical capital construction needs and preparing financial assistance applications pursuant to § 22-43.7-105(2)(d) C.R.S.
 5. With the support of the Division, assist applicants that cannot feasibly maintain their own construction management staff in implementing the projects for which financial assistance is provided.

6. With the support of the Division, to assist applicants in implementing energy efficient public school facility design and construction practices.
7. To instruct the State Treasurer to enter into lease-purchase agreements on behalf of the State.
8. To enter into sublease-purchase agreements on behalf of the State to sublease public school facilities financed by the lease-purchase agreements to applicants.
9. To promulgate rules in accordance with Article 4 of Title 24, C.R.S.

Article III. Composition of the BEST Board.

- A. **Composition.** As specified in § 22-43.7-106, Colorado Revised Statutes (C.R.S.), The BEST Board shall consist of nine appointed members, none of whom shall hold any state elective office. Five voting members of the BEST Board shall constitute a quorum.
- B. **Term.** BEST Board members shall serve for terms of two years and may serve up to three consecutive terms; except that the initial terms of one of the members appointed by the State Board, one of the members appointed by the Governor, and the members appointed by the President of the Senate and the minority leaders of The House of Representatives and the Senate shall be one year.
- C. **Requirements.**
 1. The State Board shall appoint three members from different areas of the State and from urban, suburban, and rural school districts. The members appointed by the State Board shall all have demonstrated experience regarding public school facility issues and shall include:
 - a. One member who is a school district board member at the time of appointment.
 - b. One member who is a public school superintendent or administrator at the time of appointment or has recent experience as a public school superintendent or administrator.
 - c. One member who is a school facilities planner or manager at the time of appointment or has recent experience as a school facilities planner or manager.
 2. The Governor shall appoint three members. The members appointed by the Governor shall include:
 - a. One member who is an architect whose professional practice includes the design and rehabilitation of public school facilities at the time of appointment or who has recent experience rehabilitating existing public school facilities and designing new public school facilities.
 - b. One member who is an engineer whose professional practice at the time of appointment includes public school facilities engineering or who has recent experience in public school facilities engineering.

- c. One member who is a construction manager who at the time of appointment manages public school facilities construction projects or who has recent experience managing such projects.
- 3. The General Assembly shall appoint three members, one of whom shall be appointed by the Speaker of the House of Representatives, one of whom shall be appointed by the President of the Senate, and one of whom shall be appointed jointly by the Minority leaders of the House of Representatives and the Senate. The members appointed by the General Assembly shall include:
 - a. One member who is a school facilities planner or manager at the time of appointment or has recent experience as a school facilities planner or manager.
 - b. One member who has expertise in technology, including but not limited to technology for individual student learning and classroom instruction.
 - c. One member who has public school finance expertise and knowledge regarding public school trust lands.
- D. **Vacancy.** A vacancy that may occur by reason of death, resignation, or removal by the appointing authority, shall be filled as provided in § 22-43.7-106(1)(b) C.R.S. Any vacancy occurring on the BEST Board shall be filled by the appropriate appointing authority. Any member selected to fill a vacancy shall serve out the remainder of the vacating BEST Board member's term and is subject to being reappointed by the appropriate appointing authority and is subject to the qualifications set forth above in Article III.C.3.
- E. **Term Limitation.** BEST Board members are subject to term limitation, under § 22-43.7-106(1)(b) C.R.S.
- F. **Removal.** BEST Board members may be removed from office at any time by the appointing authority for any cause that renders the member incapable of discharging or unfit to discharge the member's duties: § 22-43.7-106,(1)(b) C.R.S.
- G. **Officers.**
 - 1. **Elected Officers.** The BEST Board shall elect from its own membership a chairperson and a vice chairperson who shall hold office for their elected terms and until their successors are elected, or they vacate the Board pursuant to Article III.D.
 - 2. **Election of Officers.**
 - a. **Date.** The election of officers shall occur in even number years in September. The immediate past chairperson, or in the absence of the immediate past chairperson, the immediate past vice chairperson, shall serve as chairperson until a new chairperson is elected. In the absence of both the immediate past chairperson and vice chairperson, the BEST Board shall elect from its members a chairperson pro tem in accordance with these procedures to conduct the meeting until a new chairperson is elected.
 - b. **Nominations.** Nominations shall be made from the floor. Each nomination shall require a second. A nominee must be present or have given written consent to his/her candidacy. No member may make more

than one nomination, nor second more than one nomination for each office unless the chairperson reopens the nomination process. No member may both nominate and second any individual candidate.

- c. Election Procedure. Elections shall be by ballot, except in the case of a single nominee for an office, when election may be oral.
 1. Balloting for each office shall immediately follow the nominations from the floor for that office. Each member may vote for no more than one nominee on each ballot. A majority vote shall elect.
 2. If there is not a majority vote and a chairperson is not elected after five ballots, the immediate past chairperson will serve until a new chairperson can be duly elected. If the chairperson is not available, the immediate past vice chairperson will serve as chairperson, and if both the immediate past chairperson and vice chairperson are not available, the BEST Board shall elect from its members a chairperson pro tem. The same procedure shall be followed for the election of the vice chairperson.
 - d. Assumption of Duties. Officers shall assume their duties immediately upon election.
3. Reelection. Officers may be reelected as often as they are selected by their peers and in accordance with Article III.G.2.
 4. Vacancies.
 - a. Chairperson. A vacancy in the office of chairperson shall be filled immediately by the vice chairperson. An election to select a new vice chairperson shall be held at the next regular meeting.
 - b. Vice Chairperson. A vacancy in the office of vice chairperson shall be filled by election at the next regular meeting.
 - c. If the vacancy in the office of chairperson or vice chairperson simultaneously creates a vacancy on the BEST Board, the BEST Board vacancy shall be filled prior to selecting a new chairperson or vice chairperson.
 5. Duties of Officers.
 - a. Chairperson. The chairperson is the presiding officer of the BEST Board. The presiding officer shall perform the following duties:
 - 1) Call the meeting to order.
 - 2) Announce the sequence of the agenda, including omissions and additions to the printed agenda.
 - 3) Recognize BEST Board members, staff, and visitors who are entitled to the floor.
 - 4) Protect the body from obvious frivolous or dilatory dialogue and debate in order to maintain decorum within the meeting.
 - 5) Expedite business.
 - 6) Respond to inquiries of members relating to parliamentary procedure, factual information or business of the body.

- 7) Decide all questions of order subject to appeal consistent with Robert Rules of Order.
 - 8) Authenticate by his or her signature, when necessary, all acts, orders, and proceedings of the BEST Board.
 - 9) Serve as official spokesperson for the BEST Board.
 - 10) Support and provide opportunities for the BEST Board's growth and professional development.
 - 11) Declare meeting adjourned.
 - 12) Perform other duties as assigned by the BEST Board.
- b. Vice Chairperson. The vice chairperson shall perform the following duties:
 - 1) Act as presiding officer in the absence of the chairperson.
 - 2) Perform duties as designated by law, by the chairperson, or by the Division.
 - c. Chairperson Pro Tem. In the absence of the chairperson and vice chairperson, the Director of the Division shall call the meeting to order, and the BEST Board shall immediately elect one of its members a chairperson pro tem to preside for that session. This temporary chairperson's office is terminated by the entrance of the chairperson or vice chairperson, or by adjournment.

H. BEST Board Members

- 1. Duties of Individual BEST Board Members.
 - a. Attend meetings of the BEST Board, enter into discussion, and vote on items coming before the BEST Board for decision.
 - b. Recognize that he or she, as an individual BEST Board member, has no authority to bind, to speak or to act for the BEST Board, except as authorized by the BEST Board. No individual BEST Board members shall speak or make public comments on behalf of the BEST Board unless specifically authorized to do so by a majority of the voting members of the BEST Board. However, this shall not prevent BEST Board members from making statements or observations in their individual capacities as BEST Board members so long as they clearly indicate that they are not speaking for the BEST Board.
 - c. Keep fellow BEST Board members, and the Division of Capital Construction Assistance, apprised of issues before going public with them. Advise, as appropriate, the Director of Capital Construction Assistance of any contact with a representative of the media.

I. Sub-Committees. BEST Board Appointments of BEST Board Member representatives to serve on Sub-Committees or speak at public events.

- 1. All appointments to serve on any sub-committee or speak at a public event will be made with the advice and consent of the BEST Board. The appointments shall be for terms of not more than two years, with provision for reappointment.
- 2. Every sub-committee or appointee to speak at public events will either act as or designate a BEST Board member liaison to report back to the BEST Board.

Article IV. Meetings.**A. Regular Meetings.**

1. Time, Date. The BEST Board shall maintain a one month advance meeting schedule.
2. Call. A schedule of regular meetings shall be approved by the BEST Board and published.
3. Notice. Full and timely public notice shall be provided for each meeting. At a minimum, the notice must be posted no less than 24 hours prior to the meeting, under § 24-6-402(2)(c) C.R.S.
4. Agenda.
 - a. The Chairperson and Director shall be responsible for maintaining oversight over the proposed agenda.
 - b. The proposed agenda and related materials will be prepared under the supervision of the Director.
 - c. A standard agenda format shall be followed for all regular meetings.
 - d. BEST Board members may submit items for inclusion on the agenda up until 48 hours prior to a regular meeting.
 - e. In emergencies with less than 48 hours lead time, it is the BEST Board member's responsibility to notify the Director of the issue.
 - f. The agenda will be provided to all BEST Board members prior to the regular meeting date.
 - g. The agenda shall be subject to revision by the BEST Board at the meeting and becomes official upon approval at the beginning of each meeting.
 - h. Every regular meeting should provide time for citizens to address the BEST Board and the timeframe should be made public through public notice.
5. Conduct of Meeting.
 - a. Agenda. The BEST Board shall strive to complete all items listed on a meeting agenda by being concise in nature, while giving careful consideration to each item and avoiding dilatory dialogue and debate.
 - b. BEST Board Members' Reports. Time allotted to this activity shall be adequate for all members to report within the agenda's format.
 - c. Division Directors Report. Time allotted to this activity shall be adequate for the Division Director to report within the agenda's format.
 - d. Voting. All formal actions shall be accomplished by a motion, a second, and voting, which shall be taken by Yeas and Nays. If the vote is not unanimous the names of the BEST Board members shall be called

alphabetically and each member present shall vote "yes" or "no" upon each question. There shall be no voting by secret ballot, except in the election of the BEST Board's own officers. All motions shall be declared lost unless approved by a majority vote of the BEST Board members present.

6. Open Meetings Law.

- a. All meetings of two or more members of the BEST Board at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times, except for executive session (See Article V-D of these procedures), in compliance with provisions of Article 6 (Colorado Sunshine Law), Part 4 (Open Meetings Law), 24-6-401 and 402, C.R.S. See Appendix C.

7. Record of Meeting.

- a. The official record of each BEST Board meeting is a written document, available for review by the public through the Division.
- b. All official BEST Board records are prepared, archived, and disseminated under the supervision of the Director.

B. Special Meetings.

1. A special meeting may be called by the Chairperson or the Director or by a majority of its members. Special meetings may also be called by the vice chairperson in the absence of the chairperson, or by three or more BEST Board members submitting a written request to the Director for such a meeting. Notice shall be given all BEST Board members within a reasonable length of time.
2. In the case of an emergency grant, a special meeting may be called in order to comply with 22-43.7-109(8)(a) C.R.S.

C. Electronic Meetings. BEST Board members may attend BEST Board meetings by telephone with prior notification given to the Director if they attend the relevant portion of the meeting in its entirety providing a full explanation of the matter on which they are voting.

D. Executive Sessions.

1. The BEST Board may convene an executive session at any regular or special meeting with a two-thirds affirmative vote of the entire membership for:
 - a. Conferences with its attorney to receive legal advice or discuss pending or imminent court action.
 - b. Matters required to be kept confidential by federal law or rules or by state statutes.
 - c. Upon request, specific personnel matters as provided in § 24-6-402(3)(b), C.R.S.
 - d. Purchase of property.

- e. Specialized details of security arrangements.
 - f. Determining positions in matters that may be subject to negotiations with employees or employee organizations, to develop strategy for and receive reports on progress of such negotiations, and instructing negotiators.
 - g. Other matters specified in § 24-6-402, C.R.S.
2. No formal action may be taken, nor may any proposed policy, position, resolution, or rule be adopted, by the BEST Board in executive session, per § 24-6-402, C.R.S.
 3. The Chairperson shall declare the executive session adjourned at its conclusion.
 4. The announcement of executive session must include the specific citation permitting the executive session and the identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.
 5. Recording an executive session. The executive session must be recorded. The record of the executive session must be retained for at least 90 days after the session.
- E. **Proxies.** There shall be no provision for proxy voting on any matter to come before the BEST Board, nor any provision for absentee voting.
 - F. **Quorum.** A quorum shall consist of five BEST Board members. A quorum shall be required for all official actions of the BEST Board.
 - G. **Censure.** The BEST Board will entertain resolutions to censure its members who behave in an egregious manner with willful disregard of the BEST Board's operating procedures and legally promulgated rules.

Article V. Policies and Procedures.

- A. **Definition.** Policies and procedures of the BEST Board shall be those philosophies or parameters within which decisions are considered.
- B. **Governance.** The BEST Board Standard Operating Procedures establish the procedural operations for the BEST Board's self-governance.
- C. **Rule-Making**
 1. **Definition.** A rule implements, interprets, or declares law or policy, or sets forth its procedure or practice requirements.
 2. **Authority.** The BEST Board is empowered to promulgate rules under § 22-43.7-106, C.R.S., in accordance with Title 24, Article 4 of the Colorado Revised Statutes.
 3. **Rule-Making Procedures** are specified in Title 24, Article 4 of the Colorado Revised Statutes.

- a. Staff Involvement in Drafting and Recommending Rules to the BEST Board. The BEST Board shall direct the Chairperson to the extent requested by the BEST Board, staff may participate in drafting and recommending rules under the supervision and direction of the Director.
- b. Rule-Making Hearings. The BEST Board shall conduct all hearings in compliance with § 24-4-103, C.R.S.
- c. Adoption of Permanent Rules. In accordance with Colorado statute, the BEST Board shall hold a formal, public hearing at least one meeting prior to its consideration for adoption of any new rules or amendments to existing rules; however, upon unanimous consent of the BEST Board, rules may be adopted immediately following a public hearing.
- e. Adherence. The BEST Board will adhere to all rules set forth in 1 CCR 303-3, including its conflict of interest rules as set forth in 1 CCR 303-3 (3).

D. Enactment, Amendment or Repeal.

1. Vote. Amendments, additions, and/or deletions to these procedures shall be made as needed by the BEST Board. Changes shall take place over the course of two regular BEST Board meetings -- the first meeting for consideration, and the next month for action -- and shall require a majority vote of the BEST Board.
2. Regular Review. There shall be a review of these procedures in even-numbered years. In addition, BEST Board rules shall be amended whenever necessary to reflect BEST Board decisions or changes made in law.

E. Resolutions.

1. Definition. Resolutions are current policy statements adopted by the BEST Board that are nonbinding on the Colorado public schools. They express a preference, point of view, or BEST Board position on an issue concerning Colorado public education.
2. Procedure for creating a resolution.
 - a. A BEST Board member introduces the concept or proposed resolution to fellow BEST Board members at a meeting. If the resolution does not initially obtain informal majority support at the meeting where introduced, the resolution is not placed on the following regular BEST Board meeting agenda for a vote. If there is majority support at the meeting, the resolution is placed on the following meeting agenda.
 - b. Passage of a resolution by the BEST Board requires a supermajority. [A Supermajority Vote requires more than a simple majority for passage (e.g. a 2/3 or 3/5 vote, so 7 out of 9)].
3. Review of Resolutions.
 - a. The BEST Board may choose to review any resolution(s) for repeal or amendment at any regular BEST Board meeting.

- b. Passage of an amendment by the BEST Board requires a supermajority. [A Supermajority Vote requires more than a simple majority for passage (e.g. a 2/3 or 3/5 vote, so 7 out of 9)].
 - 1) The repeal of an amendment can be accomplished by a vote of the BEST Board at a regular meeting.
 - 2) Amendment of a resolution requires its appearance first as an information item, then as an action item on the following regular BEST Board meeting agenda.

F. Miscellaneous Additional Self-governing Policy Statements

- 1. Definition. Miscellaneous self-governing policy statements include additional agreements that the BEST Board has made about the ways it will conduct its business that do not fit under other sections of these procedures.
- 2. The BEST Board's Communication Policy with the Director of the Division and CDE Staff.
 - a. BEST Board members will not issue directives to CDE staff about work to be done, but will go through the Director for requests of staff time.