

# CAPITAL CONSTRUCTION ASSISTANCE BOARD MINUTES OF THE JANUARY 25, 2012 MEETING

Meeting held at:  
**State Offices Building**  
**1560 Broadway, Suite 1175,**  
**Denver, CO 80203**

## I. Call to Order

- 1:03 p.m. Mary Wickersham called the meeting to order.

### Attendees

Mary Wickersham – CCAB Chair	Ted Hughes – Staff (CDE)
Norwood Robb – CCAB Vice-Chair	Kevin Huber – Staff (CDE)
Mike Maloney – CCAB Secretary	Dustin Guerin – Staff (CDE)
Pete Jefferson – CCAB	Kristin Lortie – Staff (CDE)
Tom Stone – CCAB	Cheryl Honigsberg – Staff (CDE)
Lyndon Burnett – CCAB	Jay Hoskinson – Staff (CDE)
Greg Randall – CCAB	Erica Weston – CCAB Legal Advisor
Dave Van Sant – CCAB	

### Excused

Adele Willson – CCAB

- Agenda reviewed
- CCAB Chair asked for a motion to approve the agenda;
  - So moved by Dave Van Sant;
  - Lyndon Burnett 2<sup>nd</sup> the motion;
  - No discussion
  - Motion to approve the agenda carried.
- CCAB Chair asked for a motion to approve the August, September and November meeting minutes;
  - So moved by Norwood Robb;
  - Dave Van Sant 2<sup>nd</sup> the motion;
  - No discussion;
  - Motion to approve the minutes carried.

## II. Board Report

- The CCAB Chair told the CCAB the legislative session started about two weeks ago and that there had already been discussion about the BEST Program. The CCAB Chair said the Joint Budget Committee (JBC) was looking at a bill that would cap the funding that is coming into the BEST Program through the State Land Boards. The CCAB Chair noted three other bills that could affect the BEST Program. A CCAB member told the CCAB about a Children's Land Alliance Supporting Schools (CLASS) meeting he attended where

one of the proposed bills were discussed. The CCAB member said that some people want to cap funding for the program, while others want to raise the cap for lease-purchase projects.

### III. Directors Report

- Ted Hughes spoke to the CCAB about the North Routt Community Charter School's (NRCCS) ribbon cutting. Ted Hughes talked about the project; noting that the project had been approved and withdrawn one time before being awarded FY2010-11 grant cycle. Ted Hughes told the CCAB he was going to be doing a presentation with Colleen Poole, NRCCS Director, at the League of Charter School's conference in February. The CCAB Chair told the CCAB NRCCS had to withdraw their grant because they could not provide their minimum match, but that they came back the next year, were awarded and could provide their match.
- Ted Hughes told the CCAB about the topping out celebration Crestone Charter School had. Ted Hughes told the CCAB about the project and noted the school put a tree on top of the school during the celebration.
- Ted Hughes told the CCAB the grant application has been open since December 2, 2011, and is set to close March 2, 2012. Ted Hughes told the CCAB there has been twenty-eight requests for a user name and passwords for the BEST grant application.

### IV. Action Item

- Authorize Eagle County Community Academy (ECCA) to incur expenses and enter into contracts on their Lease-Purchase Grant project. Ted Hughes told the CCAB the issue with ECCA and how right before financing closed, the school district said they may be closing some schools and that ECCA possibly could use one for their new school. Ted Hughes said he had toured the schools the district was going to close with staff member Cheryl Honigsberg. Ted Hughes told the CCAB Eagle County's school board met twice to discuss the situation and at their January 11, 2012, meeting they decided they were not going to close any schools. Ted Hughes said he recommends the CCAB let ECCA use their awarded BEST grant money to begin their project.

**Motion by:** Norwood Robb

I move that we provide written direction to Eagle County Charter Academy allowing them to incur costs and enter into contracts for their BEST Lease-Purchase Grant project, and that we direct the State Treasurer to do the same. Dave van Sant 2<sup>nd</sup> the motion.

**Discussion:** None

**Vote:** The CCAB voted, 8 votes, 0 votes no. Motion carried.

### V. Discussion Items

- Ted Hughes told the CCAB that Corridor Community Academy (CCA) had withdrawn their FY2011-12 BEST Cash grant because they were unable to obtain their matching funds. Ted Hughes told the CCAB the school was supposed to be on the November 2011 Bennett 29J ballot for a bond election or mill levy override, but the school district changed their minds and took CCA off of the ballot. Ted Hughes said the school plans to come back for a grant for the FY 2012-13 grant cycle.

- Ted Hughes presented the CCAB with two memos from CCAB members Adele Wilson and Pete Jefferson, notifying the CCAB in reference to the BEST Program Rules 1 CCR 303-3, Section 3.1.4. The board members letters stated they are in compliance with the BEST Rule 3.1.4, notifying the staff and CCAB that their firm was selected for an awarded BEST Project. The CCAB and CCAB Legal Advisor discussed the rule. Ted Hughes told the CCAB that CCAB members shall not present their position on the Board as an advantage for using their firm over other firms in a competition. The CCAB Chair said CCAB members need to be very careful to prevent a conflict of interest.
- The CCAB reviewed a draft copy of the Capital Construction Assistance Board standard operating procedures. The CCAB requested some minor changes in Article 3, section D regarding vacancy and Section G regarding officers. The CCAB also agreed to remove Article 5, section 3 (a) regarding review of resolutions. A CCAB member noted there was no secretary role. The CCAB member said he thought it was okay to eliminate the position since Division staff is currently handling the role.
- The CCAB discussed the date for the June grant selection meetings. A CCAB member preferred to do the meetings June 27-29. The CCAB agreed. The CCAB Chair told the CCAB that the processes for the June grant selection meetings need to be revisited at February or March meeting.
- Discussion pertaining to the Division of Fire Safety and what they are doing regarding The Neenan Company and all school construction projects. A CCAB member asked if CDE (including the CCAB) was responsible for taking any action like hiring consultants to do 3<sup>rd</sup> party inspections. Ted Hughes said CDE is not doing any contracting with consultants and contractors and that the Division provides technical assistance before the grant, during the grant and after the grant. The CCAB Chair talked about the Divisions responsibilities and that staff can only recommend a competitive selection process, but that the districts have local control. A CCAB member asked if the Division staff was part of the decision process when selecting consultants. Ted Hughes said no, that Division staff only helps facilitate the process and does not vote.

Ted Hughes talked about the Division of Fire Safety and listed their responsibilities regarding the issues surrounding The Neenan Company (TNC) built projects. Ted Hughes said the Division of Fire Safety will be doing a structural of all BEST TNC projects. Ted Hughes told the CCAB it is important for everyone to know that BEST is not responsible for structural design or plan review and that the Division of Fire Safety is responsible for approving plans. The CCAB Chair asked if the CCAB should request something in writing from the Division of Fire Safety that says they understand the process for the reviews. The CCAB discussed 3<sup>rd</sup> party reviews. A CCAB member said the 3<sup>rd</sup> party review is part of the construction process and that it is the same for private companies as well. A CCAB member said the firms and their employees conducting the reviews are licensed professionals, but that there are times when a second opinion is worth getting, but not always necessary.

*The CCAB Chair called for short break.*

- Update on status of The Neenan Company (TNC) 3<sup>rd</sup>-party structural reviews. Ted Hughes presented the CCAB with a notebook which contained information regarding all of TNC's BEST projects which included results of the 3<sup>rd</sup> party inspections, the seriousness of the issues and a schedule of when the issues would be resolved. Ted Hughes told the CCAB that TNC has taken it upon themselves to conduct 3<sup>rd</sup> party reviews and share the information with the CCAB. The CCAB Chair asked if the information is being shared with all of their clients. Ted Hughes said yes, that he met with TNC the day before and reviewed all information in detail. Ted Hughes said the information in the binder was sent to the school districts, Department of Local Affairs (DOLA) and Department of Fire Safety. Ted Hughes said all work is scheduled to be completed by August 2012, if not sooner. Ted Hughes told the CCAB the issues were ranked accordingly: Major: similar to the issue at Meeker Elementary School; Moderate: where a certain event would have to take place for part or all of the building to be evacuated; Minor: an issue that only impacts the building that would not need to be closed and last Moderate/Minor: falls in between Minor and Moderate that should be taken care of right away. Ted Hughes summarized each building's issues and when the issue would be fixed for the CCAB and the CCAB discussed.

Mike Daley, with The Neenan Company, introduced himself and his colleagues Joe Glaze, Bob Meserve and 3<sup>rd</sup> party structural reviewer Ben Cook to the CCAB. Mike Daley told the CCAB TNC is committed to making the situation right and that TNC stands behind their work. Mike Daley said TNC is taking responsibility for the issues at the schools and is taking the proper steps to make things right and taking the necessary actions to prevent this from happening again. Mike Daley told the CCAB TNC has begun implementing new processes for current and future projects and is reviewing licenses for in-house employees and architects. Mike Daley said TNC is operating with honesty and integrity throughout the review process.

Mike Daily went through their internal review process with the CCAB and explained how much detail goes into each review. The CCAB Chair asked if TNC is doing reviews on all of their projects in Colorado. Mike Daley told the CCAB not on all, but on the majority of them. The CCAB Chair asked on how many. Mike Daley said he did not have that information, and told the CCAB Chair that every project they have worked on in Colorado has been contacted and notified of the situation and that TNC is doing reviews from the projects who have requested a review. Mike Daley told the CCAB the BEST projects are their current focus and that they are working with the school districts' schedules to fix all issues. The CCAB and Mike Daley discussed the timeframe of completion. A CCAB member asked if the CCAB needed to take any action. The CCAB Chair said the CCAB has no authority over TNC. Ted Hughes said all the CCAB has done is requested information only. The CCAB thanked Mike Daily and his colleagues for their report and time. The CCAB Chair asked the CCAB if they had any questions, there were none. A CCAB member stated he thought it was good what TNC was doing to resolve the issues.

The CCAB Chair asked the Division staff to complete a thorough analysis of everything that has happened and identify issues so the CCAB can take action to resolve future issues; lessons learned.

## **VI. Future Meetings**

- A CCAB Member asked about changing the future meeting dates to Thursdays. The CCAB discussed and decided Wednesday meetings worked the best for their schedules.

**VII. Public Comment**

- The CCAB Chair asked if there was anyone else who had questions or would like to speak from the public, there were none.

**VIII. Adjournment**

- The CCAB Chair asked for a motion to adjourn:
  - So moved by Norwood Robb;
  - Mike Maloney 2<sup>nd</sup> the motion;
  - No discussion;
  - Motion carried;
  - Meeting Adjourned.