

# CAPITAL CONSTRUCTION ASSISTANCE BOARD

## MINUTES OF THE AUGUST 14, 2012 MEETING

### Meeting held at:

Colorado Association of School Boards (CASB)  
1200 Grant Street, Denver, CO 80203  
Longs Peak Board Room

### I. Call to Order

- 1:30 p.m. Norwood Robb called the meeting to order.

#### Attendees

Norwood Robb – CCAB Vice-Chair	Ted Hughes – Staff (CDE)
Pete Hall – CCAB	Kevin Huber – Staff (CDE)
Lyndon Burnett – CCAB	Dustin Guerin – Staff (CDE)
Greg Randall – CCAB	Scott Newell – Staff (CDE)
Pete Jefferson – CCAB	Kristin Lortie – Staff (CDE)
Dave Van Sant – CCAB	Cheryl Honigsberg – Staff (CDE)
Erica Weston – CCAB Legal Advisor	Wendi Chapin – Staff (CDE)
	Leanne Emm – Staff (CDE)

#### Excused

Tom Stone – CCAB

- Agenda reviewed
- CCAB Vice-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 unanimously.
- The CCAB Vice-Chair asked Dave Van Sant to facilitate the meeting.

### II. Action Items

- Review and reconsideration of Aspen Community Charter School's (ACCS) BEST FY2012-13 grant project waiver request denial. CCAB member Lyndon Burnett told the CCAB about the August 8, 2012 State Board meeting he attended and spoke about his decision he made for ACCS's waiver denial. The CCAB member explained that he felt the new legislation had been put in place for a reason and that the new law was applicable. The CCAB member stated that by denying the waiver that it would make more money available down the line for other projects. The CCAB member said that the State Board asked that the CCAB reconsider the waiver request because of the tie vote made for ACCS's waiver request.

Another CCAB member spoke about his opinion of the State Board meeting and his thoughts on the situation. The CCAB member stated he voted for the waiver and noted that he does not usually vote for waiver requests. The CCAB member talked about the State

Board's options in the situation and gave his interpretation of the statute. The CCAB member noted how the CCAB started developing the new match percent over a year ago and how it came into law 2 weeks before the meeting began; mentioning that some matches went up and some went down. The CCAB member said that the CCAB had the book for a month before the meeting started and reviewed all projects before the selection meeting. The CCAB member told the CCAB that he trusts the CCAB's decision to deny the waiver and understands that this will affect other students down the road. The CCAB member stated that he feels that the BEST program has and will continue to do good for Colorado's students.

The CCAB member told the CCAB that while he was listening to the August 8, State Board meeting that he heard an unethical request from the State Board, when the State Board asked Ted Hughes to get the right 4 people together to change the vote. The CCAB member said he thinks the CCAB acts ethically in their decision making and does not bring politics into any of their decisions. The CCAB member said that this is precedents setting and feels like the CCAB is being strong-armed into changing a decision. The CCAB member said a lot of time goes into the grant selection process and that all factors are looked at, including ability to pay matches. The CCAB member talked about the vote for the waiver, how the CCAB followed Robert's Rules of Orders and how he feels the State Board should support the CCAB's decision.

The CCAB facilitator thanked the CCAB member for his insight on the situation. Another CCAB member stated he felt there was a little political pressure and was torn on the situation. Another CCAB member agreed with what the previous member said and noted he had good reasons for his decision and feels that it is wrong for the CCAB to change their vote. A CCAB member asked if this situation has ever happened before; the CCAB facilitator said no. The CCAB facilitator said he concurs with everything that has been said and feels that politics has been brought into the situation. The CCAB member told the CCAB why he voted yes on the waiver, stating he felt the charter school's had too little notice for the match changes.

A CCAB member stated he was upset that politics were coming into play now. The CCAB member said that this was a one-time situation and noted that the legislation came into effect two weeks before the meetings. The CCAB member stated his reasons on why he voted for the waiver and how he felt the school got put in a bind at the last minute. Another CCAB member agreed with the statement and said he had read through all of the documents that were presented to the August 8 State Board regarding ACCS. The CCAB member stated that he thought time was against ACCS and that ACCS did the right thing in offering their full match before the percentage was increased. The CCAB member noted that he does not feel it is a good idea to get in a political battle with the State Board.

The CCAB discussed how the CCAB is not a political board and discussed options for reaching out to the State Board to help the State Board understand the BEST program and the processes used to determine how grants are reviewed and selected.

Leanne Emm with CDE addressed the CCAB on behalf of CDE Commissioner Robert Hammond. Leanne told the CCAB that the State Board understood that the denial of the waiver would give more money to other projects down the line. Leann noted that the legislation passed after the grant application was submitted and that ACCS's match went

up. Leanne noted that ACCS then had to submit a waiver, which is outside the normal process and that this entire situation was an extraordinary circumstance that was not fair. Leanne mentioned that it was bad timing and encouraged the CCAB to try and work out the waiver request. Leanne told the CCAB that this is a one-time & unique situation and that a change in decision would not be precedent setting. Leanne told the CCAB that she is not sure what would happen if the waiver was sent back as denied. Leanne told the CCAB that ACCS was providing a cash match and that since they did not have to go for a bond election for their match, that the project would more than likely move forward.

The CCAB facilitator thanked Leanne for her information.

Norwood Robb made a motion to reconsider the approval of Aspen Community Charter School's waiver request for their FY2012-13 BEST grant application;

- Dave Van Sant 2<sup>nd</sup> the motion;
- Discussion: Greg Randall told the CCAB that if the decision is changed that he supports the Board's decision and that he would be changing his vote.
- Vote: Greg Randall – No, Lyndon Burnett – Yes, Pete Hall – Yes, Pete Jefferson – No, Norwood Robb – Yes, Dave Van Sant – Yes.
- The motion carried 4 votes yes, 2 votes no.

Ted Hughes said the waiver request had been approved and that Aspen Community Charter School's required match will be reduced.

### **III. Future Meetings**

- Ted Hughes told the CCAB that there would be a meeting on September 26, and that there were many business items that needed to be discussed.

### **IV. Public Comment**

- The CCAB Vice-Chair asked if there was anyone who had questions or would like to speak from the public.
- Skye Skinner with Aspen Community Charter School thanked the CCAB and acknowledged that she knows the CCAB has to make difficult decisions. Skye told the CCAB she did not mean or want to create a political confrontation, but that she needed to stand up for her school.

### **V. Adjournment**

- There was no formal motion made, the CCAB Vice-Chair called the meeting to an end at 2:15 p.m.