

# CAPITAL CONSTRUCTION ASSISTANCE BOARD MINUTES OF THE SEPTEMBER 26, 2012 MEETING

Meeting held at:  
**State Offices Building**  
**201 E. Colfax Ave., Denver, CO 80203**  
**State Board Room, 101**

## I. Call to Order

- 1:03 p.m. Norwood Robb called the meeting to order.

## II. Roll Call

### ▪ 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	Cheryl Honigsberg – Staff (CDE)
Dave Van Sant – CCAB	Erica Weston– CCAB Legal Advisor
Tom Stone – CCAB	
John Conklin – CCAB	
Kathy Gebhardt – CCAB	

## III. Approve Agenda

- CCAB Vice-Chair asked for a motion to approve the agenda;
  - So moved by Tom Stone;
  - Pete Jefferson 2<sup>nd</sup> the motion;
  - No discussion;
  - Motion to approve the agenda carried unanimously.

## IV. Elect a New Board Chairperson and Vice-Chairperson

- Norwood Robb nominated CCAB member Dave Van Sant to be the new Board Chairperson. There were no other nominations from the floor. The motion was 2<sup>nd</sup>, roll was taken and the motion was carried unanimously.
- Dave Van Sant nominated CCAB member Lyndon Burnett to be the new Board Vice-Chairperson. There were no other nominations from the floor. The motion was 2<sup>nd</sup>, roll was taken and the motion was carried unanimously.

## V. Approve Minutes from June, July and August Meetings

- CCAB Chair asked for a motion to approve the minutes from the previous CCAB meetings as presented;
  - So moved by Norwood Robb;
  - Pete Jefferson 2<sup>nd</sup> the motion;
  - Discussion: The CCAB agreed that the June and July minutes accurately reflected the Board's opinion on the current Lobato trial;
  - Motion to approve the minutes carried unanimously.

**VI. Board Report**

- The CCAB discussed recent BEST ribbon cuttings and groundbreakings they had attended.

**VII. Directors Report**

- Ted Hughes gave the CCAB an update on the current status of the financing process for the FY2012-13 large project grants. Ted Hughes told the CCAB the process was a lot of work and that there are many issues to sort through. Ted Hughes told the CCAB that Ross Montessori was the only project not on track to complete the financing requirements.
- Ted Hughes reviewed the recent BEST ribbon cuttings and groundbreakings he had attended. Ted Hughes noted the Colorado Lottery put together a video on the BEST Program and used footage and interviews from the Crestone Charter School ribbon cutting.
- *Ted Hughes skipped the introduction of the new BEST Board members and the timed item because it was set to start at 1:30p.m.; the meeting was running ahead of schedule.*

**IX. Action Items**

- Review and approve returning unused matching funds to Swink School District 33 for their FY2009-10 BEST Lease-Purchase grant. Ted Hughes explained the project was complete and had a cost savings at the end that the CCAB had to approve to return back to the school district.

Norwood Robb made a motion to return Swink School District 33’s portion of their project cost savings from their BEST FY2009-10 Lease-Purchase grant, in the amount of \$3,514.36.

- Tom Stone 2<sup>nd</sup> the motion;
- No Discussion;
- Motion carried unanimously.

*CCAB Member Kathy Gebhardt entered the meeting at 1:25 p.m.*

**VII. Directors Report**

- Ted Hughes introduced new Board members John Conklin and Kathy Gebhardt. The new Board members introduced themselves and the rest of the CCAB introduced themselves to the new members.

**VIII. Timed Items**

- Rulemaking Hearing: public hearing regarding the BEST Construction Guidelines - 1 CCR 303-1. Ted Hughes told the CCAB there was a minor technicality in the previously adopted rules and that paragraph 5.1.24 did not meet the statutory requirement for incorporating the code by reference into the rules.

The CCAB Chair read the hearing script:

I call to order this hearing on proposed amendments to the Rules of the Public School Capital Construction Assistance Board.

This hearing was properly noticed as part of this public meeting and in accordance with Colorado Revised Statutes 24-4-103. Additionally, pursuant to C.R.S. 22-43.7-106 (2)(i)(II), the State Board was provided with a copy of the proposed amendments on or before the date of the notice of rulemaking.

The statutory basis for these amendments is found in C.R.S. 22-43.7-106(2)(i)(I) and C.R.S. 22-43.7-107(1)(a). The purpose of these amendments is to revise the permanent rules on the subject of the Public School Facility Construction Guidelines.

At this time the Board would like to provide an opportunity for any public comment on the proposed Rule amendments. The members of the Board may question any witness at the close of his or her comments.

Do any members of the public wish to offer any comments on the proposed rules? There were none.

Since there no public comments on the proposed Rule amendments, I open the floor to Board discussion. Do any members wish to raise a matter for discussion?

The CCAB discussed the material being referenced in the rules.

The Board has provided notice and opportunity to all interested parties to bring their concerns before the Board. The Board has considered all concerns raised. Being satisfied that:

- The proposed Rule amendments are consistent with the noticed subject matter,
- That there is a demonstrated need for the Rule amendments,
- That statutory authority for the Rule amendments exists,
- That the Rule amendments are clearly and simply stated and do not conflict with law or duplicate or overlap other rules.

I therefore declare this Rules hearing at a close.

On the basis of all of the foregoing, I would ask for a motion to adopt the proposed Rule amendments.

- So moved by Tom Stone;
- Pete Jefferson 2<sup>nd</sup> the motion;
- No discussion;
- Motion carried unanimously.

The proposed amendments to the Rules of the Public School Capital Construction Assistance Board are hereby adopted.

The Director is instructed to submit the amended Rules to the Attorney General for an opinion and is likewise delegated all necessary authority to take the required steps to complete the filing of the Rules so that they may become effective at the earliest date possible.

## **IX. Action Items**

- Consider request to reduce Platte Valley School District RE-3 BEST FY2012-13 grant match. Ted Hughes told the CCAB that the county assessor had inaccurately calculated the assessed value for the district. Ted Hughes told the CCAB Platte Valley is asking for a waiver of the additional funds to bring the tax impact in line with what the district is telling its community, based on what the assessor's corrected value should have been. Sharon Green, the superintendent of Platte Valley RE-3 read a story about their project and told the CCAB she was there asking for a waiver because the assessor was wrong, not because the amount changed. The CCAB Chair pointed out that the district was not at fault and that he does not have a problem with the request. Norwood Robb made a motion that \$850,318 of Platte Valley Re-3's match be waived for their BEST grant for a HS Renovation and ES addition. Their match would become \$4,869,512.
  - Kathy Gebhardt 2<sup>nd</sup> the motion;
  - No discussion;
  - Motion carried unanimously.

**X. Discussion Items**

- Presentation from Linda Waterhouse & Ben Wilking, Board members with Colorado QBS, on the principles of Qualifications Based Selection (QBS). Ted Hughes told the CCAB about QBS and how he and Division staff encourages all grantees to use QBS. Linda Waterhouse presented a PowerPoint presentation to the CCAB. The CCAB discussed areas highlighted in the presentation and the CCAB Chair noted issues with using QBS and local control rights within the school districts.

*The CCAB Chair called for a short recess at 2:12p.m. Meeting called back to order at 2:27 p.m.*

- Discuss the Board retreat; location, date, time & agenda. Ted told the CCAB the details about the retreat and noted that Randy Black with the Colorado Association of School Boards would be facilitating the meeting.
- Discussion pertaining to BEST Rules. Review revisions made to 1 CCR 303-3 BEST Rules as a result of SB 12-121. Ted Hughes noted this was the opening discussion. Ted Hughes told the CCAB the reasons for the need for the rule change and explained how SB 12-121 affected charter schools and the BEST Program.
- Discussion whether to keep the fourth Wednesday of every month for future meetings. The CCAB Chair noted there were three new Board members and asked if the current monthly meeting date and time still worked with everyone's schedule. All members said the fourth Wednesday, from 1-3:30 p.m. worked well for them.

**XI. Future Meetings**

- Ted Hughes told the CCAB about the business items to be discussed at the November meetings. Ted Hughes also noted that Dave Van Sant had formally been reappointed for another 2-year term on the CCAB.

**XII. Public Comment**

- The CCAB Chair asked if there was anyone who had questions or would like to speak from the public.
- Jeanette Kelly, a citizen of Lakewood, CO, expressed her concerns regarding the land acquisition for the Rocky Mountain Deaf School's BEST project.
- Heather Winger, a concerned citizen of Lakewood, CO, expressed her concerns regarding the land acquisition for the Rocky Mountain Deaf School's BEST project.
- David Miller, a citizen of Lakewood, CO, expressed her concerns regarding the land acquisition for the Rocky Mountain Deaf School's BEST project.
- The CCAB Chair told the citizens how the CCAB functions and expressed that he felt a lot of their facts were incorrect and there were many misconceptions with the Lakewood citizen's statements. Another CCAB member stated he felt like the citizens should have an issue with Jefferson County since they are the ones handling the zoning issue.

**XIII. Adjournment**

- The CCAB Chair asked for a motion to adjourn:
  - So moved by Norwood Robb;
  - Kathy Gebhardt 2<sup>nd</sup> the motion;
  - No discussion;
  - Motion carried;
  - Meeting Adjourned – 2:57 p.m.