

**Public School Capital Construction Assistance Board
Resolution No. 11-1**

WHEREAS, the State Register Act, §§ 24-80.1-101 to 108, C.R.S., contemplates a consultation process whereby state agencies involved with projects affecting properties determined by History Colorado to have historical significance or listed on the State Register of Historic Properties seek comments and advice from History Colorado regarding such projects; and

WHEREAS, through the Building Excellent Schools Today program, the Colorado Department of Education becomes involved with projects affecting properties determined by History Colorado to have historical significance or listed on the State Register of Historic Properties; and

WHEREAS, History Colorado and the Department of Education desired to stipulate to a specific consultation process to be implemented as to such projects; and

WHEREAS, History Colorado and the Department of Education entered into a memorandum of understanding setting forth such a consultation process.

NOW THEREFORE, be it resolved by the Board:

The Board hereby supports implementation of the consultation process established by the memorandum of understanding between History Colorado and the Department of Education.

Dated this 23 day of March, 2011

Public School Capital Construction Assistance Board

By: _____

Mary Wickerham, Chair

**MEMORANDUM OF UNDERSTANDING
BETWEEN
HISTORY COLORADO, THE COLORADO HISTORICAL SOCIETY
AND
COLORADO DEPARTMENT OF EDUCATION
REGARDING
BEST GRANT PROGRAM PROJECTS**

WHEREAS, the Building Excellent Schools Today [BEST] Act, CRS 22-43.7-101 to 116, creates a competitive grant program administered by the Colorado Department of Education [CDE] using income from state school trust lands for new public schools and renovations and controlled maintenance in existing schools in school districts without sufficient funds to pay for needed improvements; and

WHEREAS, the State Register Act [SRA], CRS 24-80.1-101 to 108, creates a consultation process whereby state agencies involved with projects affecting properties determined to have historical significance by History Colorado, the Colorado Historical Society [HC] or listed on the State Register of Historic Properties shall seek the comments and advice from HC for projects involving such properties; and

WHEREAS, HC and CDE (the parties) desire to enter into a contractual agreement setting forth a process for consultation pursuant to the SRA for the BEST grant program.

NOW THEREFORE, CDE and HC agree that consultation between them shall be implemented in accordance with the following stipulations.

STIPULATIONS

- I.** At CDE's first notice of a potential BEST applicant involving a property or properties 50 years old or older, CDE will:
 - A. Request a determination of historical significance from HC by notifying HC by email of the application. The request will include information about the location of the building, description of the building, photos, and any other information that CDE may request from the school district.
 - B. Provide to HC school/school district [district] contact information for the potential BEST grant applicant.

- II.** Following the process outlined in Stipulation I:
 - A. HC may contact the potential BEST applicant district in order to evaluate the potential for a property's continued use or reuse.
 - B. HC may inform the district and the BEST Division of CDE that it should consider a property's historical significance in developing its master plan.

- C. HC will provide its determination of historical significance within 30 days of receipt of the initial request.

- III. If a building is not identified as one that is listed on or nominated to be listed on the State Register of Historic Properties (State Register) consultation between the parties on a property will be concluded with the exception of the facilitation process set forth in Stipulation V of this Memorandum of Understanding.


- IV. If a building is identified as one that is listed on the State Register, the CDE shall submit to HC after completion of the master planning process or identification of the scope of work if there is no master planning process, a site plan or scope of work including a letter that includes:
 - A. The stated outcome of the master planning process;
 - B. Its opinion of the effect that the proposed plan would have on properties listed on the state register;
 - C. Commentary on the BEST Board's/CDE's independent position on the project; and
 - D. A request for a determination of effect from HC that HC shall provide within 30 days.

 - E. After HC provides a determination of effect to CDE with any comments and recommendations pursuant to CRS 24-80.1-104 (2) (a), CDE shall either implement in its grant decision HC's comments and recommendations or not implement them. If CDE's position is not to implement them, CDE and HC shall in good faith attempt to negotiate a solution. If a solution is not reached through negotiation, either party may exercise its right to request resolution from the Governor pursuant to CRS 24-80.1-104 (2) (c).

- V. For any property that HC concludes has historical significance that will be altered or demolished as a result of a BEST grant project in a manner that causes it to lose its historical significance as determined by HC, CDE will facilitate contact between HC and the applicable district to document the school for inclusion in the state library maintained and managed by HC.

- VI. Length of this Agreement
 - A. Either party must submit in writing its intention to terminate this Memorandum of Understanding.
 - B. Either party must give 30 days advance notice of such intent to terminate.

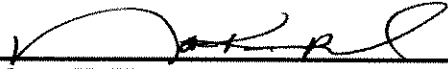
HISTORY COLORADO, COLORADO HISTORICAL SOCIETY



3/9/2011

Edward C. Nichols, President and State Historic Preservation Officer DATE

COLORADO DEPARTMENT OF EDUCATION



3-8-11

Robert K. Hammond, Commissioner

DATE