

**Minutes of the School Facilities Commission  
Laramie County School District No. One  
Board Room  
Cheyenne, Wyoming**

**January 15, 2008**

Chairman Gilpatrick called the meeting to order at 10:00 a.m.

Present: Commissioner Algier, Commissioner Ferris, Commissioner Goodson, Commissioner Marsh, Commissioner McBride, Chairman Gilpatrick and Director Daraie.

**Approval of Meeting Agenda**

*Commissioner Marsh made a motion to approve the meeting agenda with the addition of an Executive Session to discuss personnel issues after Commissioner and Director Comments and change item A. - 2009-2010 Prioritized Project List Review to an information item. Commissioner McBride seconded the motion. Motion passed unanimously.*

**Approval of Previous Meeting Minutes**

*Commissioner Algier made a motion to approve the previous meeting minutes from the November 19, 2007 meeting as presented.*

Commissioner Marsh suggested the words “continued” be replaced with “contended” within the motion on page four and page five.

*Commissioner McBride seconded the motion. Motion passed unanimously.*

**Current Business**

**2009-2010 Prioritized Project List Review**

Director Daraie informed the Commission on the process used to develop the prioritized project list for the 2009-2010 budget. Director Daraie indicated the process was evolving and the project list was just one step in the overall process that would improve as time goes on.

Director Daraie indicated the project list would require changes as data changes and stated the tools being used were not perfect, but with the assistance from the Districts, steps have been taken to improve on the tools so reliable and valid data could be used when making decisions.

Director Daraie discussed the various steps used within the process and the various assessments used to develop the project list.

Director Daraie stated there was \$10 million budgeted for off-site infrastructure funds for the sole benefit of the schools, paying for our fair share, which was the legislative intent. Director Daraie stated he had confirmed this with Senator Phil Nicholas, the Governor and the Commission policy.

Director Daraie also addressed the need for the SFC and districts to utilize funds and/or grants from all available agencies for off-site development surrounding schools and encourage communication early in the process with cities and communities.

Director Daraie commented on the charge from the IBS session to collect data for an appropriate school footprint (construction guidelines) and the commitment made to the legislature to provide a boundary for all to utilize when designing schools. Director Daraie commented on the net-to-gross ratio and efficiency and how this will need to be addressed in the future.

Director Daraie informed the Commission of the process for requesting exceptions to the guidelines, which involved a public hearing before the Commission. Director Daraie commented on Wyoming's finite resources and how every dollar spent does affect other Districts and the need for Districts to provide compelling data for any exception requests.

Commissioner McBride stated there should be a direct link between capacity and the funding model.

Commissioner McBride suggested a senior member of School Facilities staff attend the SLIB board meetings and Business Ready Community meetings to stay informed of various community infrastructure needs.

Commissioner Marsh emphasized the point the Supreme Court opinion stated, that infrastructure needs should be a fair cost to the school district.

Mrs. Margie Simineo, Superintendent from Laramie County School District No. 2, expressed her appreciation to Director Daraie for his comments regarding the project list. Mrs. Simineo explained how her community viewed the SFC's misperception in regards to the Pine Bluffs school project and provided insight from the community's view of the process over the last several years.

Mr. Kirk Schmidt stated the project list was not a guarantee of anything and was not an entitlement, especially if the District was not ready to build. Mr. Schmidt questioned what process would be used if funding for a project on the list was re-allocated to another project. Mr. Schmidt stated this had happened to their District in the past and was unclear of the process being used.

Director Daraie stated a similar process was used, and in previous budgets funds were reallocated to address inflation costs. Director Daraie stated this would not happen going forward without communication with the District involved. Director Daraie stated the SFC has committed to the projects that are funded, although District priorities may change and a District may reassess their needs.

Director Daraie informed the Commission that the first layer of funds from the 2009-2010 budget will go towards projects underfunded from previous years; which is approximately \$50 million.

Director Daraie indicated that if a project had begun the SFC was committed to finish it. However, if a project had not begun, and there were no funds available for whatever reason, the SFC was not providing a guarantee to do that project. He continued that at this point the SFC, District and all involved will have to work together to find a remedy.

Director Daraie stated the Commission was making a commitment to go forward with the project list to the extent that funds were available, and projects would not be taken off the list due to any new or revised reassessment efforts. The only exception would be due to human error and/or omissions within the data. He continued the process was better than it was two years ago and would be even better in the future.

Commissioner Marsh stated the Commission, Ken Daraie or a member of the staff would be willing to visit Districts and provide explanation to the communities regarding this process to ensure the process is transparent to all involved.

Director Daraie indicated that some projects were partially funded to manage the time line and deployment of dollars (cash flow). Director Daraie stated if a project was not able to begin until the latter part of the biennium, it would be prudent to make adjustments in funding and the legislature agreed with this.

***At 11:11 a.m., a 20-minute recess was taken. The regular meeting reconvened at 11:26 a.m.***

Commissioner Algier questioned if the educational suitability aspect in the process would impact the current project list. Director Daraie stated it would not affect the list for this budget session.

### **Campbell IV Supreme Court Opinion**

Ms. Amy Pauli provided a brief overview of the Supreme Court Opinion and how it related to the SFC. Ms. Pauli stated the system, as a whole, was constitutional and all the hard effort was successful.

Commissioner Goodson expressed his appreciation to Michael O'Donnell and his staff for their effort and requested Director Daraie to inform Mr. O'Donnell of the Commissioners appreciation.

### **Campbell 1 Request**

Director Daraie informed the Commission that Campbell County School District Number One has chosen to adjust the school design to fit within the guidelines which would make their previous request unnecessary.

***Commissioner Goodson made a motion to bring the agenda item previously tabled back to the floor. Commissioner Algier seconded the motion. Motion passed unanimously.***

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Director Daraie commented on the conversation surrounding this request, which was special education and special needs, and the Districts desire to concentrate these activities within one or two schools. There were questions and implications about this and very strict federal guidelines that needed to be discussed.

Director Daraie commented that the District could meet the need within the current guidelines and if there was additional need for square footage outside of our guidelines the District would fund it.

### **Policy Review – Use of Major Maintenance Funds**

Director Daraie commented on the need to clarify the use of major maintenance funds for new construction or features.

Director Daraie stated that Mr. Ken Burnett determines the appropriateness of the use of major maintenance funds and would like discussion surrounding any changes in the use be held in a public meeting and open to discussion.

Director Daraie informed the Commission the one area of concern is the use of major maintenance funds for new construction or new features and sited an example where a school converted a storage room into a technology equipment room and had to install new air conditioning for the equipment. Director Daraie stated by strict definition the air conditioning would not be paid for with major maintenance funds. However, when looking at restoring the room and/or school for the intended purpose, it would be appropriate to fund through major maintenance.

Commissioner McBride expressed his appreciation to the Districts for utilizing major maintenance funds to install security systems.

Director Daraie informed the Commission that the second item regarding major maintenance was the use of major maintenance funds for District personnel salaries. Director Daraie stated it was his understanding that the policy permitted the use of major maintenance funds for wages for District personnel when self performing work associated with facility plan projects was used in lieu of a contractor.

Director Daraie stated this should not be confused with major maintenance funds being used for a full time administrative position in a central office that oversee maintenance operations, which was requested and granted in the past.

Commissioner McBride commented on the funding model and how it provides for grounds keeper and maintenance staff salaries and the adequate funds within the model.

Director Daraie stated he did not believe full-time salaries should be paid out of major maintenance funds.

Mrs. Margie Simineo stated that her district has been paying a salary position from major maintenance funds for three years and she did receive approval via their facility plan from the Commission. Mrs. Simineo expressed her concern and stated her maintenance

positions are funded from within the model, but the District also has a full time position to oversee and manage all the projects which is funded from major maintenance.

Chairman Gilpatrick commented on the long discussions in the past regarding the issue and understood it was only for District personnel self-performing the work.

Director Daraie informed the Commission that this was his interpretation, but was requesting direction going forward.

Commissioner Goodson agreed with Chairman Gilpatrick's comments.

### **Uinta 1 Request – Use of Major Maintenance**

Mr. Lance Johnson introduced Pat Rooney, Dan Selleroli and Dennis Wilson from Uinta County School District Number One. Mr. Johnson stated the District was requesting the approval of the Commission to reimburse wages for self performing work on a project.

Mr. Pat Rooney provided a description of the scope of work and how the District's personnel would be performing some of the work in lieu of a contractor and how this could save time and money.

Commissioner McBride stated he had a problem with the request as the District was paying their personnel through the funding model for work performed during normal business hours and then the SFC would also reimburse the same personnel for the same business hours. Commissioner McBride asked that the Commission look closer at the statute and address this issue.

Discussion was held on the bidding process and the statutes surrounding bidding a project due to the scope and value of the project and the fact that District personnel would be competing with local contractors.

*Commissioner Marsh made a motion to deny the request by Uinta County School District No. 1 to use major maintenance funds to cover expenditures for district personnel self-performing work on the Evanston High School data networking project. However, district personnel may bid the project and if they are successfully awarded the bid it would be contingent on personal taking leave without pay from current positions to perform the work which would include employee benefits within the bid. Commissioner Goodson seconded the request.*

*Commissioner Marsh asked that the wording "and be compliant with Wyoming Statues" be added to the end of the said motion.*

*Motion passed with Commissioner Ferris, Commissioner Goodson, Commissioner Marsh, Commissioner McBride and Chairman Gilpatrick voting in favor of the motion and Commissioner Algier voting against the motion.*

## **Commissioner Quarterly Report**

Ms. Nancy Thomson stated the staff intended to update the Commission on capital construction projects via the quarterly report.

### **Commission Meeting Schedule**

Conversation was held regarding the frequency of the Commission meetings and several Commissioners suggested holding meetings every other month, and if a need arises a conference call meeting would be scheduled.

*Commissioner Marsh made a motion to hold the Commission meetings on a bi-monthly basis and suggested the current scheduled dates be held in case a meeting is needed and the next meeting would be March 18, 2008. Commissioner McBride seconded the motion. Motion passed unanimously.*

Chairman Gilpatrick asked Director Daraie to advise the Commission if issues arise that may require a meeting before the next scheduled date.

### **Public Comments**

Kirk Schmidt questioned if mechanical space was included in the gross square foot number and counted as gross to net.

Discussion was held on how and if mechanical space should be counted in the gross footprint regardless of the location of the mechanical equipment.

Commissioner Marsh directed the staff to address this issue in a policy to avoid any additional miscommunication.

### **Commissioners Comments**

Commissioner McBride stated all are striving to make the process better and efficient use of space is critical.

Commissioner Marsh expressed his appreciation to Michael O'Donnell, Amy Pauli and the School Districts for their effort regarding the Supreme Court case. Commissioner Marsh stated we were blessed to be able to do what we can for children, but the drain on funds the case created was a sad thing.

Commissioner Algier expressed her appreciation to the Districts wanting to save funds and expressed her appreciation to the contractors in the state.

Director Daraie informed the Commission of the JAC meeting scheduled for Thursday at 8:00 a.m. Director Daraie stated support and presence from the Commission and Districts were welcome.

Director Daraie commented on the process, how it is still evolving and how it is not perfect, but with the help of all involved, it would improve. Director Daraie stated he

expected every district to have an appreciation for every other district within the state and for state funds.

*Commissioner Marsh made a motion to move into Executive Session at 1:38 p.m. Commissioner Algier seconded the motion. Motion passed unanimously.*

*The regular meeting adjourned at 2:55 p.m.*