

School Facilities Commission

April 21, 2008



Casper, Wyoming

School Facilities Commission Meeting

*8:30 a.m. Monday, April 21, 2008
University of Wyoming - Outreach Building
Casper, Wyoming*

AGENDA

- | | |
|--|-------------|
| 1. Call to Order | Action |
| 2. Executive Session (8:30 – 10:00 am) | Action |
| 3. Approval of Meeting Agenda | Action |
| 4. Approval of Previous Meeting Minutes (TAB 1) | Action |
| 5. Current Business | |
| a. Adoption of SFC Rules – Emergency Basis – Donna Murray (TAB 2) | Action |
| b. Goshen 1 Request – Lingle-Fort Laramie School (TAB 3) | Information |
| c. Emergency Funds – Donna Murray (TAB 4) | Action |
| d. Guideline Review – Ken Daraie | Information |
| e. Maximus Update – Stan Hobbs | Information |
| f. Policy on Mechanical Space Relative to Guideline Square Footage (Final) – Nancy Thomson (TAB 5) | Action |
| g. Policy on FF&E (Final) – Nancy Thomson (TAB 6) | Action |
| h. Policy on Land Acquisition (Final) – Donna Murray (TAB 7) | Action |
| i. Policy on On-Site Infrastructure (1 st Reading) – Ken Daraie (TAB 8) | Information |
| j. Policy on Prioritized Project Budgets (1 st Reading) – Ken Daraie (TAB 9) | Information |
| 6. Commission Meeting Schedule | Information |
| 7. Public Comments | Information |
| 8. Commissioner & Director Comments | Information |
| 9. Adjournment | Action |

Tab 1

Previous Meeting Minutes

Draft copies of the previous meeting minutes will be posted on our web page on Friday and/or copies available at the meeting.

Tab 2

**ACTION SUMMARY SHEET
School Facilities Commission Meeting
April 21, 2008**

ITEM: Adoption of SFC Rules – Emergency Basis

BACKGROUND INFORMATION:

At the March 18, 2008 Commission Meeting, Donna Murray reported that the current SFC rules & regulations were outdated as SFC policies and procedures have evolved and changed significantly during that past year. Ms. Murray indicated the information was still valuable, but needed to be updated to conform to current practices and policies of the SFC. Ms. Murray spoke with the Secretary of State's office and was informed that the SFC could draft a complete set of new rules if the current rules would change significantly.

Adopting the rules on an emergency basis will enable the rules to become effective immediately. The emergency rules will be in effect for 120 days during which time the Commission will engage in the permanent rule-making process. The permanent rule-making process will involve a 45 day comment period in which the public may make comment on the rules.

SUGGESTED MOTION(S):

Approve:

I move the Commission approve adopting the rules on an emergency basis and the emergency rules will be in effect for 120 day during which time the Commission will engage in the permanent rule-making process.

Deny:

I move the Commission deny the request for adopting the rules on an emergency basis.

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 1 GENERAL PROVISIONS

Section 1. Authority.

This Chapter is promulgated pursuant to W.S. 21-15-114(a)(xv).

Section 2. Purpose of Rule.

This Chapter is generally intended to govern the operations of the Commission in discharge of its duties set forth in the Act.

Section 3. Definitions.

(a) "Project Manager" means the SFC employee assigned to assist a given District with planning effective and efficient facilities that maximize instructional opportunities for students while still allowing for reasonable building efficiencies.

Section 4. Chairman.

(a) The Chairman shall preside at all meetings of the Commission. The Chairman shall appoint all committees and perform such duties as the Commission may determine.

(b) In the absence of the Chairman at any meeting of the Commission, the Vice-Chairman shall serve as Acting Chairman of the meeting. If both the Chairman and Vice-Chairman are absent or otherwise unable to preside over the meeting, the Chairman's designee which shall be a member of the Commission, shall serve as Acting Chairman of the meeting.

Section 5. Secretary; Minutes; Books and Records.

(a) The Commission shall designate a Secretary from among its members or its employees. The Secretary for the Commission shall conduct and care for all the correspondence of the Commission and keep and maintain the minutes of all the meetings of the Commission and the books and records of the Commission. The Secretary shall provide notice of the time and place of all meetings of the Commission, including an agenda of items to be discussed, to each Commissioner.

(b) All orders and final decisions of the Commission, the minutes of all its sessions, meetings and proceedings, and the Commission's rules shall be kept by the Secretary for permanent public record and shall be open for public inspection. The Secretary may certify to the correctness of any copies of such documents.

Section 6. Meetings; Attendance by Telecommunication; Quorum.

(a) The Commission shall meet at least quarterly and at other times as deemed necessary to transact its business.

(b) Meetings of the Commission are open to the public, except for those meetings or portions of a meeting that may be conducted in executive session pursuant to W.S. 16-4-105.

(c) Commissioners may attend meetings using telephonic or other means of telecommunication, provided that such means permit the user to hear all discussion at the meeting and permits all persons attending the meeting in person to hear the user of such means.

(d) Meetings and hearings shall be separate functions.

(e) A majority of all Commissioners duly appointed and serving constitutes a quorum. A majority vote of the members of the Commission present at a meeting shall be required for approval of any actions of the Commission.

Section 7. Order of Business; Agendas.

(a) An agenda shall be prepared by the Director and approved by the Chairman. The agenda shall set forth all matters to come before the Commission at the meeting and indicate for each matter whether it requires action to be taken by the Commission at the meeting. Before each meeting of the Commission, the Secretary shall circulate to all Commissioners the agenda so prepared by the Director and approved by the Chairman. A public comment period may be included in the agenda at the discretion of the Chairman.

(b) Persons desiring to have a matter brought before the Commission shall make such request through their assigned Project Manager or the Director who will work with the persons making the request to determine how and when it is appropriate that the matter be presented to the Commission.

(c) Except as provided otherwise in the Rules, any matter of procedure or conduct not specifically provided for by state law or by rules and regulations of the Commission shall be governed by Robert's Rules of Order Revised, Latest Edition.

Section 8. Recusal.

(a) A Commissioner shall recuse himself from all proceedings relating to a matter if he has a personal or private interest in the matter. The Commissioner shall recuse himself by serving a written or verbal notice of recusal upon the Chairman, who shall notify all other Commissioners and any parties involved in the matter. On and after the date of recusal, the recused Commissioner shall not participate in any deliberations, decisions or other actions of the Commission relating to the matter.

(b) A recused Commissioner may attend hearings and other proceedings related to a recused matter as a member of the public. The Commissioner may also attend any Commission meeting at which topics relating to the matter arise and participate in the deliberations, decisions and other actions of the Commission relating to topics unrelated to the matter.

Section 9. Public Records Practices.

(a) All requests for public records from the Commission shall be in writing and processed according to this Section. For purposes of the Wyoming Public Records Act, the Director is the custodian of all public records of the Commission.

(b) The Director shall initially determine whether the requested public records are in the possession of the Commission:

(i) If the Commission does not possess the public record, the request shall be returned to the applicant with notation of this fact and designation of the official custodian, if known.

(ii) If the Commission possesses the public record, the Director shall determine whether the requested record is protected from disclosure by W.S. 16-4-202 and 16-4-203 or other applicable law. If the Director determines the records are not subject to disclosure, the request shall be denied and returned to the applicant with a notation of the basis upon which the record is deemed not subject to public inspection.

(c) Public records for which the Commission is custodian shall be available for public inspection between 8 a.m. and 5 p.m. each business day. Original or official copies of records shall not be removed from the Commission office area and the review thereof may be reasonably restricted to protect the records or prevent unnecessary interference with the regular discharge of the Commission's duties.

(d) For all public records for which the Commission is custodian, paper copies and printouts of electronically-stored public records may be provided upon approved request and payment of the actual cost of reproduction, plus a fee for the services rendered by Commission staff in supervising, making, or printing out such copies at a customary and normal rate which shall be determined by the Commission. In lieu of paper copies and paper printouts, the Commission staff may provide some or all of the copies in electronic form at its election.

Section 10. Signing of Contracts.

Contracts, agreements, memorandums of understandings and other documents of the Commission may be signed by the Chairman, or by a designee of the chair. The Director shall sign only those contracts, agreements, memorandums of understandings or other documents of the Commission for which the Commission has delegated its authority to the Director. The Director may further designate a member of the staff to sign on his or her behalf.

Section 11. Adoption of Commission Policy.

The Commission may, from time to time, adopt policies consistent with W.S. 21-15-105 et seq. Such policies shall be binding upon the Commission and the districts until modified or repealed and may include the Facility Design Guidelines pursuant to Chapter 4 of these Rules and Regulations.

Policies adopted by the Commission shall be posted on the Commission website and shall, at least annually, be preserved in a Policy Manual maintained at the business office of the SFC.

Section 12. Computation of Time.

In computing any time period prescribed by the Rules and Regulations of the School Facilities Commission, the day of the act or event from which the time period begins to run shall not be included. The last day of the period so computed shall be included. Saturdays, Sundays and legal holidays are not included.

Section 13. Rules of Construction.

(a) Unless the content clearly indicates otherwise, this chapter applies to all chapters.

(b) To aid readability, words expressed using one gender includes the other gender.

(c) Unless the context clearly indicates otherwise, these rules and regulations shall be construed by the following:

(i) Words and phrases shall be taken in their ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law or in the applicable industry shall be understood according to their technical import.

(ii) Reference to the Wyoming Statutes or the abbreviation Wyo. Stat. or W.S. means the Wyoming Statutes as published from time to time and, pending reduction to published form and subject to applicable effective dates, all supplements, additions and other modifications enacted by the Legislature of the State of Wyoming. Reference to a named act or rule shall be treated correspondingly.

(d) Reference to a particular section without indication of the chapter in which it is found refers to the applicable section in the same chapter as the reference is found.

(e) Reference to a particular chapter without indication of the body of regulations in which it is found refers to the applicable chapter in these rules and regulations.

(f) Use of the term includes or including means that the list of items is not

exhaustive but instead is illustrative.

(g) Reference to any particular rule (whether of practice, procedure or otherwise), section, code or act (whether statutory, regulatory or otherwise) means such rule, section, code or act as the same may be amended, re-codified, re-located or otherwise modified from time to time.

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 2 RULES OF PRACTICE AND PROCEDURE FOR CONTESTED CASE PROCEEDINGS

Section 1. Authority.

This Chapter is promulgated by the Wyoming School Facilities Commission under the authority of W.S. 16-3-102(a)(i), and W.S. 21-15-114(a)(xv).

Section 2. Purpose of Rules.

This Chapter is intended to provide a uniform and understandable process for contested case proceedings held before or on the behalf of the Wyoming School Facilities Commission.

Section 3. Application of Rules.

This Chapter shall apply to contested case proceedings authorized by Wyoming Statute and brought before the Wyoming School Facilities Commission by a properly aggrieved party.

Section 4. Definitions.

For purposes of contested cases brought before the Wyoming School Facilities Commission under these rules, the following definitions shall apply:

(a) “Aggrieved party” means a school district whose legal rights, duties or privileges have been harmed by an act of the Wyoming School Facilities Commission and which is entitled to a contested case proceeding as provided by law.

(b) “Contested Case” means a proceeding before the Wyoming School Facilities Commission in which the legal rights, duties or privileges of a party are required by law to be determined by an opportunity for a hearing, in accordance with the Wyoming Administrative Procedures Act.

(c) “SFC” means the Wyoming School Facilities Commission.

(d) “Notice” means the document served upon all parties by the Wyoming School Facilities Commission or its designee, stating the time, place and other pertinent material for the contested case proceeding as required by W.S. 16-3-107(a) and (b).

(e) “Petition” means the formal written document filed with the Wyoming School Facilities Commission which initiates the contested case proceeding.

(f) “Petitioner” means an aggrieved party, entitled by law to a contested case hearing and requesting such a hearing in accordance with these Rules and Regulations.

(g) “Presiding Officer” means the Chair of the Wyoming School Facilities Commission or a person designated pursuant to W.S. 16-3-112(a) and the provisions contained in this Chapter.

(h) “Wyoming Administrative Procedures Act” means W.S. 16-3-101 through 16-3-115.

Section 5. Service and Timing of Petition.

(a) A properly aggrieved party may file a petition with the SFC requesting a contested case proceeding. The petition shall be in accordance with the provisions contained in this Chapter.

(b) The petition shall be served on the SFC and other necessary parties. Service shall be made to the Wyoming School Facilities Commission, 1920 Thomas Avenue, Suite 200, Cheyenne, Wyoming 82002. Service can be made in person, by mail or received by facsimile, 307-777-8674, during regular business hours. Any facsimile received after regular business hours will be treated as received during the regular business hours of the next working day.

(c) The petition shall be filed with the SFC within forty-five (45) days of the date of the final administrative decision at issue or of the date of mailing of the final administrative decision as evidenced by a postmark, whichever is later. The SFC may grant an exception in circumstances where good cause is shown.

(d) In accordance with W.S. 21-15-116(f), districts may request informal review before the Commission before pursuing a contested case review. The time period for filing a petition pursuant to subsection (c) of this Section shall be tolled for the period of time from the date of that request until the date of the informal review.

Section 6. Petition Contents and Requirements.

(a) To initiate a contested case proceeding the petitioner shall prepare and file with the SFC a petition which includes the following:

(i) The name, telephone number, fax number, if available, and mailing address of the petitioner and the same information for the representing attorney, if applicable;

(ii) A statement, in ordinary and concise language, of the facts and of the errors alleged to have been committed and issues upon which the petition is based, including particular reference to statutory sections, contract provisions and/or rules, regulations, policies and orders involved;

(iii) A copy of the decision and/or relevant material which relates to the decision at issue;

- (iv) The specific relief sought; and,
- (v) The signature of the petitioner and the representing attorney, if applicable.

Section 7. Notice of Hearing.

(a) In all contested case proceedings, the petitioner shall be afforded an opportunity for a hearing after notice served by the SFC personally or by mail.

(b) The notice shall be in accordance with W.S. 16-3-107 and shall contain the following:

- (i) The time, place, and nature of the hearing;
- (ii) The legal authority and jurisdiction under which the hearing is to be held;
- (iii) The particular sections of the statutes and rules involved; and,
- (iv) A short and plain statement of the matters asserted.

(c) The notice shall be served upon each petitioner at least thirty (30) days prior to the date set for the hearing.

Section 8. General Procedure.

(a) The SFC or the presiding officer shall:

(i) Examine the petition, notify the petitioner of any apparent errors or omissions, and request any additional information deemed necessary;

(ii) Dismiss any petition not timely filed, except in instances where the SFC determines good cause has been shown and an exception is necessary;

(iii) Assign the contested case a docket number and schedule the commencement of contested case proceedings in accordance with the Wyoming Administrative Procedures Act;

(iv) Establish a separate file for each docketed contested case in which all papers, pleadings, documents, transcripts, evidence and exhibits pertaining thereto shall be filed. All items contained in this file shall contain the assigned docket number;

(v) Upon docketing, take appropriate action towards the ultimate decision, which may include but is not limited to, scheduling informal conferences, pretrial hearings, motion hearings, settlement conferences and the contested case evidentiary hearing.

(b) Each party may be ordered to file with the presiding officer and serve upon the

other parties a preliminary statement or joint preliminary statement. The parties shall be afforded at least thirty (30) days for the preparation and filing of any preliminary statement. Unless otherwise ordered, the statement shall set forth:

- (i) A brief summary of the contentions of the party;
- (ii) Significant facts about which there is no genuine issue (these may be admissions by stipulation);
- (iii) Contested issues of fact remaining for decision;
- (iv) Contested issues of law to be determined at the hearing. The parties may include memorandums of law on significant legal issues the parties wish to call to the attention of the presiding officer;
- (v) The names, addresses, and a brief description of the testimony of each witness the party intends to present at the hearing;
- (vi) A list and copies of all exhibits to be introduced. This does not foreclose the ability to introduce exhibits which become available at a later date; and,
- (vii) Estimated time required for the hearing.

(c) The taking of depositions and discovery shall be available to the parties in accordance with the provisions of Rules 26 and 28 through 37 (excepting 37(b)(1) and (2)(D) there from) of the Wyoming Rule of Civil Procedure.

(d) Upon application the presiding officer shall issue a subpoena requiring the appearance of witnesses for the purpose of taking evidence or requiring the production of any books, papers or other documents relevant or material to inquiry in accordance with W.S. 16-3-107(d).

(e) Motions shall be in writing and state the grounds and the relief sought. Prior to filing a motion for dismissal, default, or compliance with discovery procedures the moving party shall make reasonable good faith efforts to discuss the content and purpose of the motion, such efforts should be documented in writing and attached to the motion. Response to a motion shall be made within fifteen (15) days of service of the motion. All motions and responses shall be filed with the SFC and served upon all parties.

(f) All parties shall be permitted to file a brief with the presiding officer.

(g) Oral argument shall be allowed at the discretion of the presiding officer.

(h) Except to the extent authorized by law, a party or that party's attorney shall not communicate, directly or indirectly, in connection with any issue of fact or law with the presiding officer concerning any pending case, except upon notice and opportunity for all parties

to participate. Should ex parte communications occur, the presiding officer shall advise all parties of the communication as soon as possible thereafter, and if requested, allow any party an opportunity to respond.

- (i) The record of the contested case shall include:
 - (i) All formal and informal notices, pleadings, motions and intermediate rulings;
 - (ii) Evidence received or considered including matters officially noticed;
 - (iii) Questions and offers of proof, objections and rulings thereon;
 - (iv) Any proposed findings and exceptions thereto;
 - (v) Any opinion, findings, decision or order of the SFC and any report by the presiding officer of the hearing.
- (j) Proceedings, including all testimony, shall be reported verbatim stenographically or by any other appropriate means determined by the Agency or the officer presiding at the hearing.

Section 9. Expedited Contested Case.

- (a) Upon request of the parties, made prior to the date set for evidentiary hearing, any case may be heard as an expedited case.
- (b) Expedited cases will be decided on written argument, evidence and stipulations submitted by the parties. Oral argument will be presented upon the request of any party.
- (c) The hearing officer has discretion to require an evidentiary hearing in any case in which it appears that facts material to a decision in the case cannot be properly determined without an evidentiary hearing.
- (d) The losing party shall be responsible for all reasonable costs associated with conducting the contested case hearing, excluding any attorneys' fees.

Section 10. Decisions and Final Agency Action.

- (a) The SFC shall make and enter a written decision and order containing findings of fact and conclusions of law stated separately.
- (b) The findings of fact shall be based exclusively on the evidence and matters officially noticed. Technical or scientific facts within the SFC's specialized knowledge may be considered in making a final determination.

(c) Findings of fact shall be made on all material issues and ultimate facts.

(d) The written decision shall be filed with the SFC and will, without further action, become the decision and order as a result of the hearing.

(e) All written decisions and orders shall be served upon all parties upon formal execution by the SFC.

(f) If the SFC acts as the presiding officer over the contested case proceeding, it shall have sixty (60) days from the end of the hearing to issue a written decision and order. If a presiding officer is appointed by the SFC, the SFC shall have thirty (30) days from receipt of the recommended decision and proposed order to enter a final decision in accordance with this Section.

(g) In the event a recommended decision is rendered by a designee, all parties shall be afforded a reasonable opportunity to file exceptions thereto which shall be deemed a part of the record.

(h) The decision rendered in accordance with this Section shall serve as the final decision of the SFC and shall be subject to judicial review in accordance with W.S. 16-3-114.

Section 11. Designation and Authority of a Presiding Officer.

(a) The SFC may designate a presiding officer by assigning a contested case proceeding to an employee of the Department or an employee of another agency designated by the SFC to act as presiding officer in accordance with W.S. 16-3-112.

(b) The functions of all those presiding over contested cases shall be conducted in an impartial manner and in accordance with the Rules and Regulations of the SFC.

(c) Presiding officers shall have the full authority to administer oaths and affirmations; issue subpoenas; rule upon offers of proof and receive relevant evidence; take or cause depositions to be taken in accordance with the provisions of the Wyoming Administrative Procedures Act and the rules of the SFC; regulate the course of the hearing; hold conferences for the settlement or simplification of the issues; make recommended decision when directed to do so by the SFC; and take any other action authorized by this Chapter, which are consistent with the Wyoming Administrative Procedures Act.

(d) The presiding officer may, at any time while a contested case is pending, recuse himself from presiding over the contested case by filing written notice of recusal with the SFC and serving all parties. From and after the date the written notice of recusal is entered, that presiding officer shall not participate in resolution of the contested case.

(e) If a presiding officer is appointed, he shall submit a written recommended decision and order containing proposed findings of fact and conclusions of law.

(f) The recommended decision and proposed order shall be submitted to the SFC no later than thirty (30) days after the end of the contested case hearing.

**RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION
CHAPTER 3
UNIFORM ADEQUACY STANDARDS**

Section 1. Authority.

This Chapter is promulgated pursuant to W.S. 21-15-114(a)(xv) and W.S. 21-15-115(a).

Section 2. Purpose of Rule.

This Chapter is intended to establish and maintain uniform statewide standards for the adequacy of school buildings and facilities necessary for providing educational programs prescribed by law for the public schools.

Section 3. Facility Design Guidelines.

(a) In collaboration with the Districts the SFC shall calculate a square footage footprint using the facility design guidelines adopted in policy by the Commission. The policy adopted by the Commission shall ensure the design and construction of facilities support the delivery of educational programs necessary to meet state and federal laws and standards; are cost effective; provide a safe and secure environment for students, staff and teachers; and have a positive impact on their community and the environment.

(b) In consultation with Districts throughout the state, the Commission may revise the Facility Design Guidelines from time to time.

Section 4. Exceptions.

(a) If a District determines the square footage allotted by the facility design guidelines is inadequate, the District may request an exception, or variance, from the Commission. The process for requesting an exception shall be as follows:

(i) The District shall present in writing to its SFC Project Manager the basis of its request, together with all documentation related to the request;

(ii) The District's request shall be placed on the agenda at the soonest available Commission meeting when the request may be fully considered;

(iii) The District shall present to the Commission the reasons for the exception, including why the District cannot provide its educational programs within the square footage allotted by the guidelines.

(b) The Commission may grant exceptions to the facility design guidelines on a case by case basis when the exception supports the intent of these guidelines and Wyoming law.

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 4 FACILITY PLANS

Section 1. Authority.

This chapter is promulgated pursuant to W.S. 21-15-114(a)(xv) and W.S. 21-15-116.

Section 2. Purpose of Rule.

This Chapter is intended to aid in the development of long range comprehensive school building and facility plans for each school district which address district-wide building and facility needs.

Section 3. Facility Plan.

(a) On a schedule established by the Commission, the Commission shall develop long range comprehensive school building and facility plans for each school district in coordination with the applicable district.

(b) Facility plans created and updated by the district and their assigned project managers shall contain information consistent with the information required in W.S. 21-15-116.

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 5 EMERGENCY FUNDING PROCEDURES

Section 1. Authority.

This chapter is promulgated pursuant to W.S. 21-15-114(a)(xv) and W.S. 21-15-120(a).

Section 2. Purpose of Rule.

This Chapter is intended to provide procedures to determine when an emergency exists with respect to the adequacy of school buildings and facilities.

Section 3. Availability of Funds.

(a) Emergency funding for temporary remedies may be available under the following circumstances:

(i) The Commission, in consultation with the District determines that the situation immediately and substantially affects the ability of the district to provide the educational programs required by law and that no other reasonable alternative exists to address the situation other than emergency funding; or

(ii) The Commission determines a situation exists statewide which could substantially affect the ability of the district to provide the educational programs required by law, and that no other reasonable alternative exists to address the situation other than emergency funding.

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

**CHAPTER 6
SQUARE FOOTAGE GUIDELINES
FOR MAJOR MAINTENANCE PAYMENTS**

Section 1. Authority.

This chapter is promulgated pursuant to W.S. 21-15-114(a)(xv) and W.S. 21-15-109(c)(i).

Section 2. Purpose.

The purpose of this rule is to prescribe guidelines by which square footage will be computed for purposes of calculating major maintenance payments.

Section 3. Maintenance.

Each district in consultation with its assigned project manager shall maintain the total square footage of each building within the district.

Section 4. Calculation.

The Commission may, by policy, prescribe the method for calculating the total square footage of each building within the district.

Section 5. Computations and Adjustments.

The Commission shall adjust the total district gross square footage by excluding or reducing the gross square footage of newly constructed buildings and facilities using the following percentages:

Year 1	0%
Year 2	10%
Year 3	10%
Year 4	40%
Year 5	60%
Year 6	80%
Year 7 and after	100%

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 7 ANNUAL REPORTS

Section 1. Authority.

This Chapter is promulgated pursuant to W.S. 21-15-114(a)(xv), W.S. 21-15-109(e) and W.S. 21-15-115(b).

Section 2. Purpose of Rule.

This Chapter is generally intended to govern the submission of annual reports related to new construction and major maintenance account expenditures by the Districts.

Section 3. New Construction Report.

(a) Each District must annually report on a building-by-building basis, all expenditures made during the prior fiscal year for new construction.

(b) Each District shall make its annual report under this Chapter on such form or forms as the Commission requires.

(c) When new construction for a building includes labor and materials, the total amount of labor and materials shall be separately stated.

(d) All district submissions under this Section shall be certified by the District's superintendent as being true, correct, and complete.

Section 4. Major Maintenance Report.

(a) Each district must annually report on a building-by-building basis, all expenditures made from its separate major maintenance account.

(c) Each District shall make its annual report under this Chapter on such form or forms as the Commission requires.

(d) Each District shall report to the Commission any building or facility project(s) or major repair and maintenance project(s) which change the square footage of its school buildings and facilities. This reporting shall include the demolition, closure or mothballing of any school building or facility and all leased space as the lessee or lessor.

(e) District reports under this Section shall be certified by the District's superintendent as being true, correct and complete.

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 8 CRITERIA FOR IDENTIFYING AND PRIORITIZING REMEDIES

Section 1. Authority.

This Chapter is promulgated pursuant to W.S. 21-15-114(a)(xv) and W.S. 21-15-117(a)(i).

Section 2. Purpose of Rule.

This Chapter is intended to establish criteria for building capacity, building condition, educational suitability and technology readiness.

Section 3. Inventory; Assignment of Building Score.

(a) The Commission shall prepare and maintain an inventory of all school buildings and facilities used by districts, which are connected to one or more utilities including plumbing, electrical or a heating source. Each structure in the inventory shall be assigned scores to denote its condition, educational suitability, and capacity. Technology readiness shall be considered in arriving at a score for educational suitability.

(b) These scores shall be used to establish a state-wide needs index, which shall then be used in conjunction with District facility plans to arrive at a prioritization schedule for building and facility remediation.

RULES AND REGULATIONS OF THE SCHOOL FACILITIES COMMISSION

CHAPTER 9 PROJECT CONTRACTS

Section 1. Authority.

This Chapter is promulgated pursuant to W.S. 21-15-114(a)(xv) and W.S. 21-15-118(c).

Section 2. Purpose of Rule.

This Chapter is intended to establish criteria for contracts relating to construction projects.

Section 3. Commission Requirements.

The Commission may by policy adopt requirements for contracts entered into between the Commission and the Districts and for contracts entered into independently by the Commission for projects and remedies.

Tab 3

INFORMATION SUMMARY SHEET
School Facilities Commission Meeting
April 21, 2008

ISSUE: Goshen 1 Request

BACKGROUND INFORMATION:

See attached information submitted by Goshen County School District No. 1 regarding the Lingle-Fort Laramie Elementary School Project.



GOSHEN COUNTY SCHOOL DISTRICT

2602 West E Street • Torrington, WY 82240
307-532-2171 • Fax 307-532-7085
www.goshen.k12.wy.us

Ray Schulte
Superintendent
of Schools

Roger Humphrey
Assistant
Superintendent

Rob Bryant
Business
Manager

GCSD#1
BOARD OF
TRUSTEES

Linda Kessler
Chairman

Linda Johnson
Vice Chairman

Mike Moore
Clerk

Brent Kaufman
Treasurer

Jim Eddington

Charlie
Harshberger

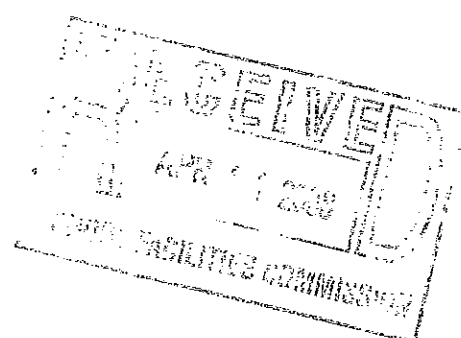
Clark House

Ed Jolovich

Jake Ochsner

April 10, 2008

Ken Daraie, SFC Director
Richard Gilpatrick, Commission Chairman
Wyoming School Facilities Commission
1920 Thomes Avenue, Suite 200
Cheyenne, WY 82002



Dear Sirs,

The Goshen County Board of Trustees has requested to address the School Facilities Commission during their April meeting. We are requesting that this letter along with the two enclosures be placed in the Commissioner's monthly board packet. The enclosures are copies of a letter to "proceed" and a copy of the building review that was ordered by the SFC and conducted by MGT in 2006.

At this time, the funding for the construction of the Lingle Ft. Laramie Elementary School has been eliminated. The SFC has also halted design work on the project. Last year the district and the SFC contracted with an architect to design the \$6 million elementary building and a \$6 million renovation to the LFL High School. The \$1.2 million dollars for design came from district minor capital, district major maintenance, and SFC capital project funding. At this time the architect has spent \$304,000 designing the elementary building. If the design is put on hold for months or possibly years, it will take a significant amount of money and time to resurrect the project and update the incomplete drawings.

The district is requesting the Commission to permit the architect, at a minimum, to finish the design of LFL elementary. It would also be prudent for the district and the SFC to fulfill their contractual obligations with the architect and restore funds to complete the design for the renovation of LFL High School.

The district will also ask the SFC to give Lingle Ft. Laramie Elementary high consideration for funding if and when a request is made to the Legislature for "supplemental funding" during the next legislative session.

Sincerely,

Ray Schulte

cc: Board of Trustees, GCSD

WYOMING SCHOOL FACILITIES COMMISSION

Copy
Roger
&
Bd.



JIM 'Bubba' SHIVLER, Director

RECEIVED

2006 MAY 22 AM 9 43

GOSD #1
TORRINGTON, WY

1920 Thomes Avenue, Suite 200
Cheyenne, Wyoming 82002
Office (307)777-8670
Fax (307)777-8674
<http://sfc.state.wy.us>

May 18, 2006

Mr. Rob Bryant
Business Manager, Superintendent
Goshen County School District #1
2602 West E Street
Torrington, WY 82240

Re: NOTICE TO PROCEED

Please proceed with the design phase of the Lingle- Fort Laramie HS\MS (6-12) - Lingle-Fort Laramie Elementary School - SFC project # 0801-012-0106-07-001. Project description is planning and design of a new K-5 elementary school facility and demolition of the existing facility.

The capital project amount is \$675,268 of which Lingle-Fort Laramie Elementary School is 27,340 square feet for demolition at \$6.50 per square foot which equals \$177,710. This would leave a balance of \$497,558 for design.

This funding will be available as of July 1, 2006 for invoicing. As a reminder, by State of Wyoming law, the district must conduct public meetings prior to demolition of any building. Before demolition of any existing building several issues must be considered; educational suitability, structural suitability, mechanical, technology, ADA accessibility and Safety/Building Code. The last MGT assessment score conducted in 2002 was 52. The School Facilities Commission will be happy to assist in helping the district move forward.

Thank you,

Taner Norton
SFC Project Manager

TN/ms

MGT

OF AMERICA, INC.

Memorandum

Date: October 3, 2006
To: Jim "Bubba" Shivler
Taner Norton
Fr: Jerry Gee and Dave Teater
Re: Lingle - Fort Laramie School Educational Suitability Analysis

The Wyoming School Facility Commission has asked that we prepare an educational assessment for the Lingle-Fort Laramie Elementary School in Lingle in the Goshen County #1 School District. The community of Lingle, Wyoming is located approximately 10 miles west of Torrington, Wyoming. The grade configuration for the elementary school is pre-kindergarten through fifth grade. There are two major questions that MGT has been asked to address: (1) "What is the educational suitability of the elementary school?" and (2) "Given the current educational suitability does it make sense to demolish the school and build a new elementary school or to make significant renovations to the existing elementary school facility?"

Educational suitability is intended to assess how well a facility supports the educational program that it houses. Educational suitability categories include:

- The suitability of the site in regard to pedestrian/vehicular circulation and the appropriateness of site facilities and signage.
- The existence of facilities and spaces to support the educational program offered. These include general classrooms, special learning spaces (e.g. music rooms, libraries, science labs), and support spaces (e.g. administrative offices, counseling offices, reception areas, kitchens, health room)
- The adequacy of the size of the program spaces
- The appropriateness of adjacencies (e.g., physical education separated from quiet spaces)
- The appropriateness of utilities, fixed equipment, storage, and room surfaces (e.g. flooring, ceiling materials, wall coverings)

Lingle-Fort Laramie Elementary School

The educational suitability for the Lingle-Fort Laramie Elementary School indicated the following characteristics:

Site:

The Langley-Fort Laramie Elementary School has approximately 140 students enrolled on a site that is shared with the Lingley-Fort Laramie Middle/High school. The traffic circulation has significant problems. 65% of the elementary students ride a school bus. The school bus drop-off is behind the elementary school. The school buses then emerge on to the street where the parents are dropping off children. The school bus route goes through the elementary school playground. There is not a fence separating the playground from the bus route. The parking for the elementary school is inadequate. Numerous cars are required to park on the neighborhood streets. The elementary school playground and school grounds are not fenced. The playground equipment is old and does not meet today's standards for appropriate playground equipment for elementary students.

General Classrooms:

The Lingle-Fort Laramie Elementary School facility has numerous educational suitability deficiencies. Concerns with this facility include:

- The classrooms are all substandard in size for the number of students served and the standards established by the School Facilities Commission.
- Breakout areas within the classroom for group activities such as reading are not adequate. Currently teachers hold small group activities in the hallway outside their classroom doors.
- The intercom system does not allow an announcement to be made in all elementary school classrooms but announcements must be made one classroom at a time.
- The classrooms lack adequate storage and audiovisual equipment.
- The pre-kindergarten and kindergarten classroom do not have age appropriate sinks, restrooms, and wet areas for student work.
- Pre-kindergarten and kindergarten classroom utilize restrooms across the hall that are not sized properly for children that age.

Special Learning Spaces:

- Special-education rooms lack the appropriate equipment, sinks, and restrooms. They are located directly across the hall from the gymnasium with significant acoustical interference.
- The physical education space is shared with the middle school and houses middle school and high school wrestling programs. This gymnasium has a stage that, on occasion, is utilized by the high school for drama productions. The gymnasium does not have any

bleachers. The tiled walls protrude into the gymnasium next to the exits which does present a safety risk during student activities.

- Locker rooms are inadequate. The girl's locker room has been converted to the custodial/teachers lounge and storage area. The boy's locker room is used by the middle school football team and school wrestling teams. It is extremely small and lacks any type of ventilation. The showers have one faucet and controlling the temperature of the water is not an option.
- The elementary school does not have an art room.
- The elementary school does not have a music room.
- The computer room is extremely small for the 28 computers that it currently houses. The room is located next to the library. The doorway between the library and the computer room cannot be closed and noise can be a factor. The computer room lacks the appropriate HVAC system and many of the electrical cords are strung from the ceiling.

Support Spaces:

- The elementary school does not have an office nor reception area. The school office is located at the far end of the high school which is at the opposite end of the school site.
- The elementary school does not have an adequate teacher workroom or lounge.
- The cafeteria is located in the elementary school for the entire K-12 population. The kitchen lacks appropriate dry storage and refrigerator/freezer space. Students from the middle school and high school access the cafeteria by walking through the elementary school main hallway and then are funneled into a hallway approximately five feet across that accesses the pre-kindergarten and kindergarten classrooms. This student traffic flow presents a significant challenge in relationship to noise levels. Cafeteria deliveries require delivery trucks to drive down the alley way which dissects the elementary school playground. Cafeteria staffs are required to haul trash a significant distance in order to access the dumpsters.
- The elementary school does house the school nurse for the total K-12 school population. The nursing room has one cot and does not have a restroom or shower facility.

- The elementary school does not provide space for school counselors and psychologists or other support functions.
- The speech therapist office is located at the top of the stairway and was previously a storage room.
- Storage of teaching materials and supplies is extremely inadequate not only in the classrooms but throughout the building.
- Restrooms are small and outdated. In the restrooms curtains are used for the doors on the toilet stalls. None of the restrooms have ventilation other than to open a window.
- The second-floor fire escape requires students to exit the building by first stepping up and out the door to the school roof and then utilizing a metal staircase for egress.
- Signage is inadequate and does not direct visitors to the school office.

Findings:

Based on the points above, the two central questions for this study can be answered:

- (1) "What is the educational suitability of the elementary school?"

MGT concludes that the current Lingle-Fort Laramie Elementary School has significant suitability issues that negatively impact Goshen County School District #1 in their effort to provide the appropriate educational programs as established by the State of Wyoming.

- (2) "Given the current educational suitability does it make sense to demolish the school and build a new elementary school or to make significant renovations to the existing elementary school facility?"

MGT does not have the physical condition scores necessary to answer this question. However, based on our experience, the school building has numerous deficiencies that would require a careful cost-benefit analysis on the question of replacement vs. renovation.

Tab 4

**ACTION SUMMARY SHEET
School Facilities Commission Meeting
April 21, 2008**

ITEM: Emergency Funds

BACKGROUND INFORMATION:

The Commission has determined that faulty or inadequate fire alarm systems may substantially impact the ability of school districts statewide to provide educational programs required by law. Having determined that an “emergency” exists as defined in W.S. 21-15-120, the Commission authorizes funds to be expended from the emergency contingency account for the repair or replacement of faulty systems.

Qualifying school districts will consult with their Project Manager to apply for these funds.

SUGGESTED MOTION(S):

Approve:

I move the Commission approve the use of funds from the emergency contingency account for inadequate fire alarm systems.

Deny:

I move the Commission deny the use of funds from the emergency contingency account for inadequate fire alarm systems.

Observation Report from SFC Project Manager Todd Wilder

PARK 16 - K-12 UNIT VENTILATOR FIRE

February 12, 2008

I visited the facility along with Fred Hynek to make observations and note any damages that the District may need financial assistance to repair. Fred and I met with Mr. Robert Lewandowski, Superintendent and Mr. Richard Knopp, Maintenance Director to discuss the event, the email notification sent by the District, and to discuss how the SFC may help.

The fire occurred Friday, February 8 at 4 PM in the custodial/receiving area room of the K-12 building. The fire occurred in a unit ventilator as a result of failure of the fan motor. The fan is currently in the possession of Basin Mechanical and I have not had an opportunity to inspect it. According to Mr. Lewandowski, there were no pre-failure indications as one might expect from a bearing seizing up. Twenty minutes prior to the incident a staff member had been through this room and did not notice any noise or smoke.

When the motor failed, it created a significant amount of smoke that filled the receiving room, and exited through a vent into the east hallway. When Mr. Lewandowski entered the building, smoke in the hallway was from about eye level to the ceiling. There was a smoke detector just outside of the vent in the hallway that did not operate (pictures provided). When the fire department arrived, they began removing smoke from the building and when they removed the cover to the unit ventilator, fire broke out and was quickly extinguished.

Our observations of the building are that there is no collateral damage other than to the unit ventilator. There is no smoke smell remaining in the building or damage/smoke in the effected room.

This incident brought to light a much more significant problem. The fire alarm in the K-12 building did not function. The smoke alarms also did not function. The fire alarm inadequacies and operating problems have been noted for several years and the district has had projects in their facility plan to replace this system campus wide. The district chose not to use their Major Maintenance funds to address this project as it was a large cost and were awaiting capital funds from the SFC. A major renovation project has been approved for this building and design funds provided. This design is currently at 35% and includes replacement of the current alarm system with a modern centralized system.

The plan to address this situation is to work with the architect (Plan One) to finalize the alarm design, turn the design over to the renovation Construction Manager At-Risk (Groathouse Construction) to bid and execute. When an acceptable bid is obtained, the SFC will provide emergency funds to execute this work.

Tab 5

**ACTION SUMMARY SHEET
School Facilities Commission Meeting
April 21, 2008**

ISSUE: Policy on Mechanical Space Relative to Guideline Square Footage (Final)

BACKGROUND INFORMATION:

At the January 15, 2008 Commission Meeting 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 going forward.

At the March 18, 2008 Commission Meeting a draft policy was presented and reviewed. Attached are the comment(s) received from the Districts regarding this policy.

The SFC Staff would like the Commission to review and approve the policy.

SUGGESTED MOTION:

Approve:

I move the Commission approve the policy on Mechanical Space Relative to Guideline Square Footage as presented here today.

Deny:

I move the Commission deny the policy on Mechanical Space Relative to Guideline Square Footage as presented here today.

Title: **Mechanical Spaces – Relative to Guideline
Square Footage**

Number: **2-114**

Originator: Ken Burnett

Applies to: SFC
School Districts

Approved by: School Facilities
Commission

Effective Date:

Policy Reference:

Revision Date:

POLICY

When calculating the overall building square footage for a new building, addition or major remodel (for the purposes of determining the allowable gross square footage), if the mechanical space complies with the definitions outline below, then it is not required to be included in the gross square footage calculations for the new construction.

Section 502 - International Building Code, 2006 Edition

Equipment Platform – An unoccupied, elevated platform used exclusively for mechanical systems or individual process equipment, including the associated elevated walkway, stairs and ladders necessary to access the platform. (See also Section 505.5).

Section 1502 – International Building Code, 2006 Edition

Penthouse – An enclosed, unoccupied structure above the roof of a building, other than a tank, tower, spire, dome cupola or bulkhead, occupying not more than 1/3 of the roof area. (See also Section 1509.2)

Also, for the type of construction, allowable size and height of a tower or spire shall be as outlined in Sections 1509.5, 1509.5.1 and 1509.5.2.

Tab 6

**ACTION SUMMARY SHEET
School Facilities Commission Meeting
April 21, 2008**

ISSUE: Policy on FF&E (Final)

BACKGROUND INFORMATION:

At the March 18, 2008 Commission Meeting a draft policy was presented and reviewed. Attached are the comment(s) received from the Districts regarding this policy.

The SFC Staff would like the Commission to review the comments and approve the policy.

SUGGESTED MOTION:

Approve:

I move the Commission approve the policy on FF&E as presented here today.

Deny:

I move the Commission deny the policy on FF&E as presented here today.

Title: **Furniture, Fixtures & Equipment (FF&E)**

Number: **2-113**

Originator: **N. Thomson**

Applies to: **SFC
School Districts**

Approved by:

Effective Date:

Policy Reference:

Revision Date:

POLICY

SFC portion of the FF&E expenditure – either 4.2% of the cost of construction for a school that is being replaced (assuming that some of the Districts existing FF&E is in reusable condition), or 6.3% of the cost of construction for new schools (where there is no existing FF&E to consider for re-use), is intended to cover items that have no permanent connection to the structure of the building or utility, such as desks, chairs, tables, office furniture, cafeteria tables, audio visual equipment, specialized items to equip art, music, science, technical education rooms, special education rooms, and physical education space. Grounds and landscaping equipment, floor cleaners and waxers, vacuums, snow blowers, and such related items are not considered an appropriate expenditure to be paid from the capital construction FF&E budget, as these expenditures are covered within the WDE block grant. All requested FF&E expenditures shall be reviewed by the SEC taking into consideration similar funding provided to the district in the WDE block grant. An inventory and assessment of all re-usable FF&E shall be conducted, by the District in conjunction with the SEC.

BACKGROUND INFORMATION

Example Definitions of FF&E

- (1) Furnishings, fixtures and equipment necessary to equip new school projects, building renovations, and additions for student and administrative use. Eligible FF&E items might include: desks, chairs, tables, office furniture, desktop computers, network hardware, cafeteria tables, and audio visual equipment. FF&E might also include specialized items to equip art, music, science, technical education rooms, special education rooms, and physical education space. Ineligible FF&E items are supplies and materials, textbooks, uniforms, sports equipment, some musical instruments, vehicles, laptop computers, office supplies, library books, wall mounted chalkboards, kitchen serving lines, kitchen equipment, software and related licenses for computers that are not part of the capital project. *Baltimore County Public Schools*

- (2) Movable furniture, fixtures, or other equipment that have no permanent connection to the structure of the building or utility. Examples might include desks, chairs, computers, electronic equipment, tables, bookcases, and partitions. *Answers.com Investment Dictionary*

FF&E Funding supported by WDE Block Grant (FY 2008)

School Instructional Supplies & Materials (p.77) -- \$27,973,823

- Elementary School: \$308.28 per ADM
- Middle School: \$308.28 per ADM
- High School: \$377.47 per ADM

Equipment & Technology (pp.78-85) -- \$23,027,626

- All levels: \$269.88 per ADM

Described in the recalibration report as funding to “purchase, upgrade and maintain computers, servers, operating systems and productivity software, network equipment, and student administrative system and financial systems software, as well as other equipment such as copiers.” (p.83)

Central Office Miscellaneous Costs -- \$27,633,151

- All students: \$323.86 per ADM

Described as central office, non-staff expenditures. (p.142)

Operations & Maintenance Supplies -- \$11,337,088

- All levels: \$0.59 per 110% gross square feet of instructional space

Intended for all custodial and maintenance activities. Was calculated using the average expenditures per gross square foot at the time of recalibration (p.133).

Career-Technical Education (pp.97-100)

Career Technical Education Supplies -- \$1,889,748

- High School: \$5,934.21 per FTE CTE teacher

Career Technical Education Equipment -- \$512,215

- High School Equip: \$1,608.46 per FTE CTE teacher

Career Technical Education Equipment Replacement -- \$255,911

- High School Replace: \$803.62 per FTE CTE teacher

Career-Technical Education Demonstration Grants

From the 2008 budget act, Section 21-12-105(a) states that districts can apply for assistance to “fund expenses associated with the planning, development and implementation of a career-technical education demonstration project as a new or an expansion to any existing high school

career-vocational education program in the district” and to “fund initial purchases of equipment and supplies.” These are two-year grants with the first year not to exceed \$150,000 and the second year not to exceed \$200,000.

FF&E Funding Supported by the SFC

FF&E Fees

23-Feb-04

Establishment of these fees is based on the American School & University figures.

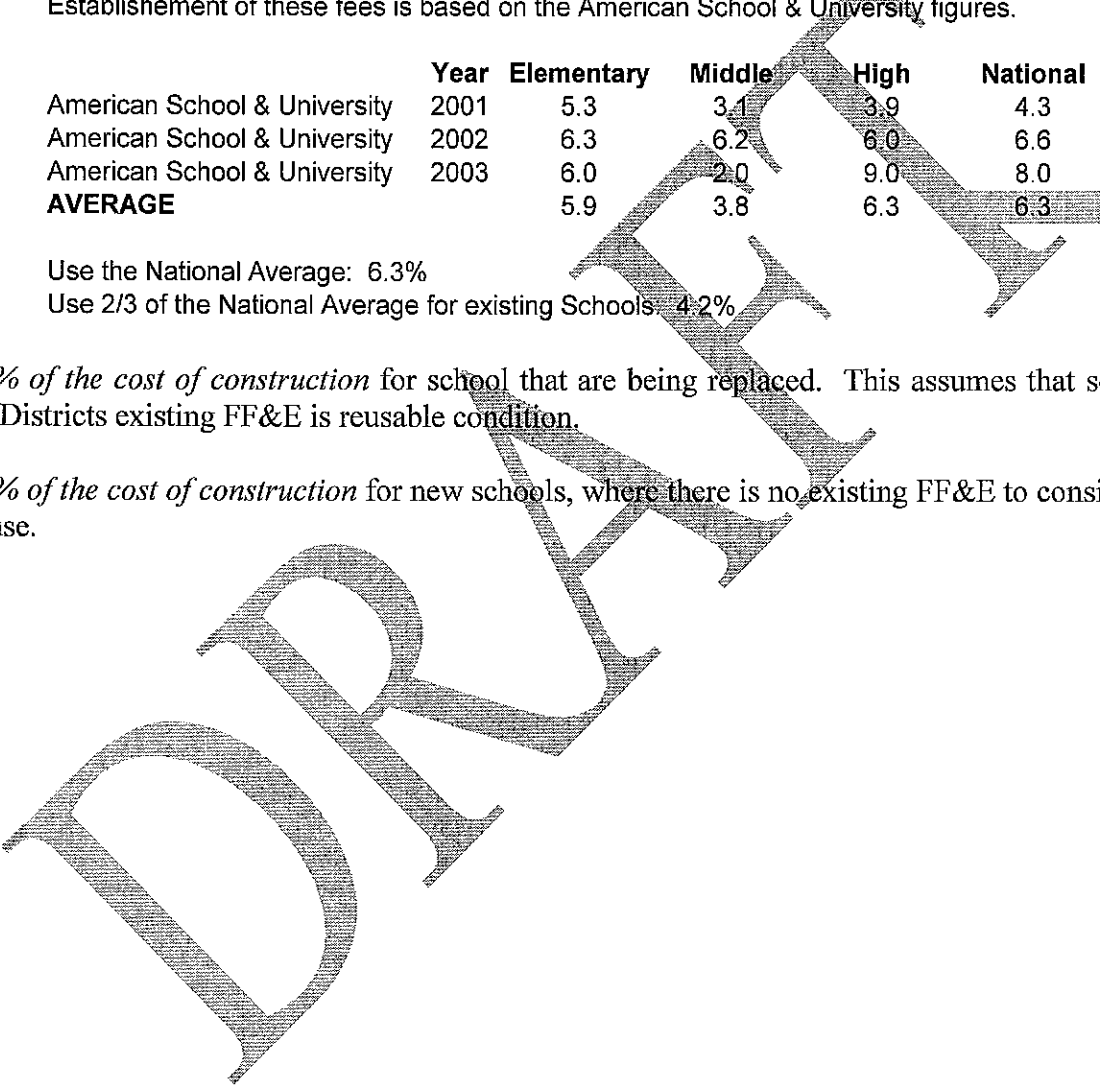
	Year	Elementary	Middle	High	National
American School & University	2001	5.3	3.1	3.9	4.3
American School & University	2002	6.3	6.2	6.0	6.6
American School & University	2003	6.0	2.0	9.0	8.0
AVERAGE		5.9	3.8	6.3	6.3

Use the National Average: 6.3%

Use 2/3 of the National Average for existing Schools: 4.2%

4.2% of the cost of construction for school that are being replaced. This assumes that some of the Districts existing FF&E is reusable condition.

6.3% of the cost of construction for new schools, where there is no existing FF&E to consider for re-use.



From: Michele Semones
To: Thomson, Nancy
Subject: Re: Fwd: FFE

>>> On 3/26/2008 at 11:46 AM, in message
> <20080326174737.E35F867BA6@outbound3.VirtualConnect.net>, "Tom Necklason"
> <necklasont@hms.crooknet.k12.wy.us> wrote:
> Hi Nancy,

> A short while ago Maurie sent a copy of the FFE proposal that
> you have been working on. I like the idea that something is finally being
> put in black and white to be used when acquiring equipment to furnish
> schools when capital construction projects are done. Over the past two years
> of dealing with the great unknown of what is and isn't acceptable it will be
> a good thing. I agree with most everything as listed. One thing I question
> is the purchase of desk top computer and hardware. It doesn't really define
> what these can be used for. I am not wanting to do this, I am just
> expressing my opinion, but would these be able to be used to equip a
> computer lab or to serve as a means of running like building equipment. I
> don't think that they should be able to equip computer labs with this type
> of money. The wall mounted marker boards should be added to the list as
> acceptable (thanks for OK'ing for us). My overall opinion of what this type
> of money is for is to equip a building with only the equipment, furniture
> needed to ensure that the building is equipped properly to server the needs
> of the staff and students. Anything that would be attached to a wall or
> become a permanent part of the building that wasn't covered by the main
> project should be added to the lists.

>
>
>
> Anyway thought I would throw out my opinions for considerations.
> Hope all is going good for you, understand you have a job that sometimes get
> criticism from a lot of people but know you can handle it. I respect the job
> you do and you as a person. Keep up the good work..

>
>
> Tom W. Necklason
> Major Maintenance & Facilities Director
> Crook County School District #1
> Sundance Wy. 82724
> 307-283-2299 X101
> 307-290-0701 cell
> necklasont@hms.crooknet.k12.wy.us

>
> No virus found in this outgoing message.
> Checked by AVG.
> Version: 7.5.519 / Virus Database: 269.22.0/1344 - Release Date: 3/26/2008
> 8:52 AM
>



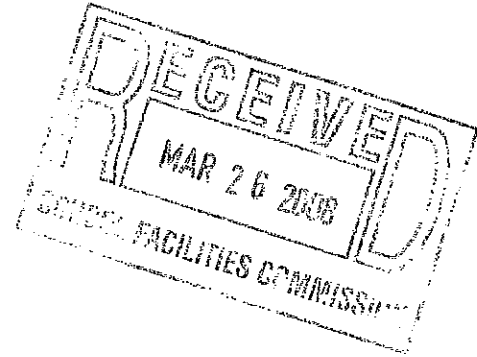
FREMONT COUNTY
School District 1

400 Baldwin Creek Road
Lander, Wyoming 82520
307.332.4711 • fax: 307.332.6671 • fcsd1.com

COPY

March 25, 2008

Donna Murray, Assistant Director
Wyoming School Facilities Commission
1920 Thomas Avenue, Suite 200
Cheyenne, WY 82002



RE: Policy on Furniture, Fixtures and Equipment

Dear Donna:

I am writing in regard to the portion of the proposed policy that states "Grounds and landscaping equipment, floor cleaners and waxers, vacuums, snow blowers, and such related items are not considered an appropriate expenditure to be paid from the capital construction FF&E budget, as these expenditures are covered within the WDE block grant." The funding of these items under the block grant are no different that the other items that are allowed in the first part of this policy.

I would request that these items be allowed under the same provisions as the other FF&E in that an assessment and inventory of the maintenance equipment be done by the school district in conjunction with the SFC staff. The cost of items would be included in the 4.2% or the 6.3% as stated earlier in the policy. I am not asking that these percentages be increased.

Thank you for your consideration.

Sincerely,

Kirk S. Schmidt
Assistant Superintendent

Tab 7

**ACTION SUMMARY SHEET
School Facilities Commission Meeting
April 21, 2008**

ISSUE: Policy on Land Acquisition (Final)

BACKGROUND INFORMATION:

At the March 18, 2008 Commission Meeting a draft policy was presented and reviewed. Attached are the comment(s) received from the Districts regarding this policy.

The SFC Staff would like the Commission to review the comments and approve the policy.

SUGGESTED MOTION:

Approve:

I move the Commission approve the policy on Policy on Land Acquisition as presented here today.

Deny:

I move the Commission deny the policy on Policy on Land Acquisition as presented here today.

Title: **Land Acquisition**Number: **2-116**Originator:
Approved by: School Facilities
CommissionApplies to: SFC
School Districts

Effective Date:

Policy Reference:

Revision Date:

POLICY

Requests for land acquisition should originate with a request by each district to the Project Manager assigned to the district. **The School Facilities Commission will determine the need for the land acquisition using the following information:**

1. Define/Confirm the need
 - a. Near term capacity issue driven by ADM
 - b. Long term capacity driven by economic and demographic projections
 - c. Need driven by FCI on current buildings
 - d. Long term strategic objective based upon any of the above factors including suitability, health and safety
2. Examine current district land inventory
 - a. If replacement school, is current site suitable
 - b. Does the district own any other land which is suitable
 - c. If new land required consider:
 - i. Land swap
 - ii. Community owned land
 - iii. Land available in conjunction with development

Once it is determined that land acquisition is necessary, the SFC in consultation with the district will conduct the following (in no particular order):

3. Due diligence Investigation
 - a. Obtain title commitment
 - b. Obtain legal description of property
 - c. Obtain two (2) land appraisals (using the average of two if within 5% of each other, otherwise a 3rd appraisal will be obtained and the average of the two (2) closest appraisals will be used)
 - d. Conduct site survey to include property description, utility locations and capacities, topography
 - e. Conduct Phase I environmental assessment
 - f. Investigate annexation and zoning issues
 - g. Investigate local design requirements

- h. Obtain preliminary and final plat, if necessary

The Commission may grant a waiver to any of the above due diligence requirements.

All phases of the land acquisition process shall be kept confidential. Neither the district nor the SFC will divulge information on proposed land acquisitions until such time as all due diligence has been completed and the SFC has negotiated the land purchase price.

DRAFT

Title: **Land Acquisition**

Number: **2-116**

Originator:
Approved by: **School Facilities Commission**

Applies to: **SFC School Districts**

Effective Date:

Policy Reference:

Revision Date:

POLICY

Requests for land acquisition should originate with a request by each district to the Project Manager assigned to the district. **The School Facilities Commission will determine the need for the land acquisition using the following information:**

Formatted: Font: Bold

Formatted: Font: Bold

1. Define/Confirm the need
 - a. Near term capacity issue driven by ADM
 - b. Long term capacity driven by economic and demographic projections
 - c. Need driven by FCI on current buildings
 - d. Long term strategic objective based upon any of the above factors including suitability, health and safety
2. Examine current district land inventory
 - a. If replacement school, is current site suitable
 - b. Does the district own any other land which is suitable
 - c. If new land required consider:
 - i. Land swap
 - ii. Community owned land
 - iii. Land available in conjunction with development

Formatted: Bullets and Numbering

Formatted: List 4, Numbered + Level: 3 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.38" + Tab after: 1.5" + Indent at: 1.5"

Once it is determined that land acquisition is necessary, the SFC in consultation with the district will conduct the following (in no particular order):

Formatted: Font: Bold

3. Due diligence Investigation
 - a. Obtain title commitment
 - b. Obtain legal description of property
 - c. Obtain two (2) land appraisals (using the average of two if within 5% of each other, otherwise a 3rd appraisal will be obtained and the average of the two (2) closest appraisals will be used)
 - d. Conduct site survey to include property description, utility locations and capacities, topography
 - e. Conduct Phase I environmental assessment
 - f. Investigate annexation and zoning issues
 - g. Investigate local design requirements

Deleted: ¶
1. Examine current district land inventory¶
a. If replacement school, is current site suitable¶
b. Does the district own any other land which is suitable¶
c. If new land required consider:¶
<#>Land swap¶
<#>Community owned land¶
<#>Land available in conjunction with development¶

Deleted: 2

h. Obtain preliminary and final plat, if necessary

The Commission may grant a waiver to any of the above due diligence requirements.

All phases of the land acquisition process shall be kept confidential. Neither the district nor the SFC will divulge information on proposed land acquisitions until such time as all due diligence has been completed and the SFC has negotiated the land purchase price.

Formatted: Indent: Left: 0", First line: 0"
Deleted: ¶
Deleted: . ¶

DRAFT

From: "Tom Decker" <tdecker@ccsd.k12.wy.us>
To: "Donna Murray" <dmurra@state.wy.us>
CC: <kdarai@state.wy.us>, <randerson@jgaarchitects.com>, <mpette@state.wy.us...>
Date: 3/31/2008 12:57 PM
Subject: Land Aquisition Policy and SFC Rules & Regulations

Donna:

Regarding Due diligence items for land aquisition.

- Closing can not occur without a title committment. It will be furnished within the process. If there is a particular concern that warrants obtaining it prior to the normal timing the agent can be tasked accordingly.

- If there has been any activity or other reason for concern with the property a phase 1 environmental and historic assesment may be warranted. On the properties we have aquired, this work has typically been done as a part of the Civil Consuting Service for the project. With the exception of rare cases this would seem unnecessary and at least premature to expend these additional resources.

- A Phase 1 Geotechnical Investigation is a necessary element of the due diligence but is not indicated.

- Currently in the Gillette Market two appraisals followed by a third, if not within 5%, will create an additional two (2) to three (3) months to the process to obtain the third appraisal. Can this requirement either be two (2) or three (3) up-front appraisals?

- The implementation of this policy without an identified source of funding to facilitate these efforts wii create an unfunded mandate.

- For property aquisitions we have looked at and pursued the current process to obtain funding is not sufficiently expedient to serve the need within most available windows of opportunity.

Property owners have typically established plans for use with definitive schedules that require a commitment within a specific time.

Tab 8

**INFORMATION SUMMARY SHEET
School Facilities Commission Meeting
April 21, 2008**

ITEM: Policy on On-Site Infrastructure (1st Reading)

BACKGROUND INFORMATION:

Attached is a draft policy for Commission review and discussion. This policy outlines the on-site infrastructure the Commission will allow to be funded through a project budget.

SCHOOL FACILITIES COMMISSIONArea: **Capital Construction**Title: **On-Site Infrastructure**Number: **2-115**Originator:
Approved by: School Facilities
CommissionApplies to: SFC
School Districts

Effective Date:

Policy Reference:

Revision Date:

POLICY

The following on-site infrastructure will be funded by the SFC as part of the project budget:

- Roads – Fifty percent (50%) of the cost of the road to be built adjacent to the District school property.
- Utilities – One hundred percent (100%) of the capacity need for the school building using a ratio of dedicated capacity or proportionate share based upon the building dedicated capacity.
- Traffic Lights – Funding of traffic lights will be proportional to traffic volume resulting from the construction of the District facility and in some cases may be determined by the acreage of the District school property.

Tab 9

**INFORMATION SUMMARY SHEET
School Facilities Commission Meeting
April 21, 2008**

ITEM: Policy on Prioritized Project Budgeting (1st Reading)

BACKGROUND INFORMATION:

Attached is a draft policy for Commission review and discussion. This policy describes the processes which shall be used in project budgeting to ensure the prioritization established in the Needs Identification Index is honored.

Title: **Prioritized Project Budgeting**

Number: **4-101**

Originator: Ken Daraie

Applies to: SFC
School Districts

Approved by:

Revision Date:

Policy Reference:

Effective Date:

POLICY

In order to appropriately budget for projects identified through the prioritization process and the Needs Identification Index, the Commission must consider several factors affecting project funding.

Therefore, on an ongoing basis, the Commission shall review, analyze, and adjust regionally, the cost data that may have an impact on project budgets. These adjustments shall ensure that the data which established the Needs Identification Index is honored.

As projects identified through the prioritization process and the Needs Identification Index reach the stage where funding is needed to proceed with identified remedies, it is possible that issues including inflation will have an effect upon those project budgets. In the event that any particular project budget appears to be insufficient to fully fund that project remedy, the following non-exclusive and non-prioritized list of factors shall be considered in determining whether, and how, that project remedy will be allowed to proceed with Commission funding:

- a. Ascertain whether all value engineering recommendations have been followed, and if not, why not. In the absence of demonstrable good cause, value engineering recommendations should be followed;
- b. Thoroughly reexamine all aspects of the design of the project to identify cost savings which may be generated within the project. In this regard, all parties are encouraged to reexamine earlier assumptions in the search for viable, cost-effective and efficient design changes;
- c. Thoroughly examine the scheduling, or phasing, of the project to determine when budgeted funds will be required, and if cost-savings or cost-deferrals may be obtained by that scheduling. In this regard, decision-making must also take into account the funding cycles of the legislature and the uncertainty of future funding.
- d. Thoroughly examine the possibility of reallocating existing funding within the district;
- e. In the event the factors noted above, in addition to other relevant factors which are identified on a case-by-case basis, are insufficient to bring anticipated project

funding within the identified project budget (including any adjustment for inflation), then the following additional factors shall be considered:

- i. Other policies of the Commission directed toward the funding of cost-effective and efficient facility remedies;
- ii. Other potential sources of funding;
- iii. Delayed start date of the project;
- iv. Complete, or partial, redesign of the project;
- v. Application of reserve funding held by the SFC;
- vi. Reallocation of funding on the prioritized list of projects from those with a lower Needs Index number to those with a higher number. In this regard, fidelity to the prioritization established by the data of the SFC is imperative, although readiness to proceed notwithstanding the relative Needs Index number may be taken into account by the Commission upon a demonstration of extraordinary circumstances.

DRAFT