

**Minutes of the School Facilities Commission
University of Wyoming Outreach Building
Casper, Wyoming**

April 21, 2008

Chairman Gilpatrick called the meeting to order at 8:30 a.m.

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

Commissioner Goodson made a motion to move into Executive Session at 8:32 a.m. Commissioner McBride seconded the motion. Motion passed unanimously.

The Executive Session ended at 10:18 a.m. and a 20-minute recess was taken. The regular meeting reconvened at 10:35 a.m.

Chairman Gilpatrick welcomed Representative Matt Teeters, Representative Del McOmie and Representative Ross Diercks.

Approval of Meeting Agenda

Commissioner McBride made a motion to approve the meeting agenda with the addition of Item K – Performance Based Procurement. Commissioner Carrier seconded the motion. Motion passed unanimously.

Approval of Previous Meeting Minutes

Commissioner McBride made a motion to approve the previous meeting minutes from the March 18, 2008 meeting as presented. Commissioner Goodson seconded the motion. Motion passed unanimously.

Current Business

Adoption of SFC Rules

Ms. Donna Murray stated the rules needed to be revised due to several new policies and the revision would allow additional flexibility to the Commission and allow the ability to operate under the policy method. Ms. Murray indicated the revised rules adhered to the philosophy of the original rules with details included in the policies, as policies are also binding by the Commission.

Ms. Murray advised the Commission that these rules, if approved, would go into effect immediately for 120 days during which time the Staff would begin the permanent rule making process. Ms. Murray indicated the process did allow for public comments which would be considered and determination made for changes.

Ms. Murray stated the square footage guidelines would be included in the revised rules as requested by several of the Commissioners.

Commissioner McBride questioned if the revised rules would include population projections. Ms. Murray indicated the revised rules could include population projections.

Commissioner McBride made a motion to approve adopting the rules on an emergency basis and the emergency rules would be in effect for 120 days during which time the Commission would engage in the permanent rule-making process. Commissioner Carrier seconded the motion. Motion passed unanimously.

Goshen 1 Request

Mr. Ray Schulte, Superintendent of Goshen County School District No. 1 introduced members of the school board which included: Treasurer Brent Kaufman, Trustee Clark House, Vice Chairman Linda Johnson, Chairman Linda Kessler, Representative Matt Teeters and Business Manager Rob Bryant. Mr. Schulte expressed his appreciation to the Commissioners for their time.

Mr. Bryant distributed a small scale drawing of the current design to the Commission.

Mr. Schulte stated the District is requesting permission from the Commission to complete the design on the Lingle-Fort Laramie project and the District would like to be included in the supplemental budget request for construction funds if submitted by the SFC.

The district indicated there were major maintenance and minor capital funds which could be used to finish the design. Mr. Schulte also stated the district understood there were no construction funds at this time.

Chairman Gilpatrick questioned what would happen if the Commission agreed to fund the design to completion and two years from now a need was determined which required a change to the design.

Mr. Schulte indicated he did not foresee much change in the design as it was a small K-5 school with a preschool and special education with no major changes in programs over the next several years.

Commissioner McBride asked Mr. Schulte if he believed in the prioritization process. Mr. Schulte responded that the commitments made two years ago should be honored and he always had the understanding that these types of projects would be finished.

Commissioner McBride asked Mr. Schulte if he would still feel the same way knowing there were several other Districts in the same situation. Commissioner McBride expressed his concern with the need to be fair to all Districts and preserve the prioritization process. Commissioner McBride stated he felt 2-3 years from now there could also be a change in the community and this needed to be considered.

Mr. Brent Kaufman stated he had been on the school board since 2004 and had gone through the five year planning process with the school since 2004. Mr. Kaufman stated

the Lingle-Fort Laramie building was in the worst condition and the board and district had gone through all the steps and processes with the project and had it approved twice. Mr. Kaufman indicated that when the Commission changed policies, the District was told to reprioritize and then told to stop. Mr. Kaufman stated he felt they were being discriminated against because Goshen County was not part of the oil and gas industry.

Director Daraie explained that all five year plans were approved and the sum of the projects was \$650M and not all projects were funded. Director Daraie indicated that several Districts were disappointed when only some of their projects were funded but none have come forward asking for an exception to the prioritization process.

Director Daraie advised the Commission that the SFC staff was trying to honor the data and the priorities driven out of the process in the best possible way. Director Daraie indicated his request was for the District to postpone the design of Lingle-Fort Laramie in order to gain a greater level of clarity and confidence in the data and see if circumstances changed.

Mr. Schulte questioned why the District could not finish the design and hold it until construction funds were made available. Mr. Schulte commented on the community effort with the design and the five year plan.

Commissioner Carrier asked what the K-12 population currently was in the school. Mr. Schulte indicated there were 18-20 students per class and one class per grade.

Commissioner Carrier asked whether based on the new square foot guidelines; the project would be within the square footage allotment as set forth today.

Mr. Schulte stated the District signed a contract with the architect last July based upon guidelines at that time and the square footage was approved. Mr. Schulte indicated the same numbers were used for 2004 and 2006.

Director Daraie asked what the total square footage was for the K-12 project. Mr. Taner Norton indicated that approximately 58,000 square feet was proposed for the K-12 project and this included the old and new portions.

Chairman Gilpatrick expressed concern to Mr. Schulte and commented on the other Districts within the state that have similar issues. Chairman Gilpatrick indicated the Commission wanted to be fair to all Districts and would continue to engage in the discussion.

Mr. Schulte questioned if there were other designs moving forward that did not have construction funds. Director Daraie stated projects with a question of funding have been asked to stop. Director Daraie indicated there maybe conversations being held regarding what a school should look like, but no architects had been hired.

Commissioner Gilpatrick advised Mr. Schulte to be patient as the Commission was striving to be fair to all Districts and needed reliable data to do that.

Mr. Schulte questioned if the minor capital dollars budgeted for the design would stay within the District. Director Daraie stated the minor capital dollars would stay within the District and could be reallocated to other projects within the District.

Emergency Funds

Ms. Donna Murray advised the Commission that the SFC staff had determined several Districts were in need of addressing faulty fire alarm systems. Ms. Murray provided an example of this situation in the Meeteetse K-12 school where a fire occurred in a school but the fire alarm was not activated.

Ms. Murray indicated the emergency fund account was available and could be used for inadequate fire alarm systems. Ms. Murray stated the Project Managers would work with their Districts to determine the need for these funds. Ms. Murray advised the Commission that the funds in the emergency account would be reverted back to the State if not used.

Commissioner McBride made a motion to approve the use of funds from the emergency contingency account for inadequate fire alarm systems and not beyond the account balance. Commissioner Carrier seconded the motion. Motion passed unanimously.

At 11:25 a.m. and a 5-minute recess was taken. The regular meeting reconvened at 11:30 a.m.

Guideline Review

Director Daraie advised the Commission that an effort was underway to create a refined set of graphs to be used in major maintenance calculations. The refined guideline graphs would be presented for Commission approval at the next meeting.

Maximus Update

Mr. Stan Hobbs provided a brief update to the Commission regarding Maximus and how Maximus would allow for a central place of information. Mr. Hobbs indicated he would be traveling to Districts over the next few months to provide training.

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

Discussion was held on the need to adhere to a standard regarding this policy.

Commissioner Carrier made a motion to approve the policy on Mechanical Space Relative to Guideline Square Footage as presented here today. Commissioner Ferris seconded the motion. Motion passed unanimously.

Policy on FF&E (Final)

Discussion was held on the suggested changes from the public and the Commission asked the SFC staff to insert the changes and bring the policy back at the next scheduled meeting.

Commissioner Carrier made a motion to table the item until the next Commission Meeting. Commissioner McBride seconded the motion. Motion passed unanimously.

At 12:05 p.m. a lunch recess was taken. The regular meeting reconvened at 1:00 p.m.

Policy on Land Acquisition (Final)

Ms. Murray provided a brief overview of the subject policy.

Commissioner McBride made a comment regarding what acquisition meant and indicated his department had asked for clarification.

Commissioner Carrier questioned if the due diligence items would always be completed for all projects. Ms. Murray stated that a majority of the time the items would be completed.

Commissioner Goodson expressed his concern with public knowledge of the SFC buying land and the need to contract with individuals to do the preliminary work. Commissioner Goodson questioned if this option existed within the policy.

Director Daraie indicated the option did exist within the policy. Director Daraie indicated the circle of knowledge regarding a possible sale would be kept small.

Dr. Jim Lowham stated he reviewed the process and he understood it read that the District would consult with the SFC to determine a need and the SFC would locate options and present the options to the District.

Commissioner Carrier made a motion to approve the policy on Land Acquisition as presented. Commissioner Ferris seconded the motion. Motion passed unanimously.

Policy on On-Site Infrastructure (1st Reading)

Director Daraie indicated reviewed the policy with the Commission.

The Commission suggested to change the “Utilities” bullet point to the following: Fifty percent (50%) of associated infrastructure costs of utilities not to exceed 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.

Discussion was held on the definition of the word utilities and site preparation costs not associated with capacity.

Director Daraie asked that comments regarding this policy be directed, in writing, to Mrs. Murray.

Policy – Prioritization of Project Budgets (1st Reading)

Director Daraie reviewed the issues surrounding the prioritized project budgets and the possible need to adjust budgets due to inflation.

Director Daraie stated it was imperative that the priority of projects be preserved when adjusting budgets. Director Daraie indicated that if there was true inflation then possibly all project budgets within a segment of the state would be adjusted and the priority would be preserved. Director Daraie stated the impact of the budget adjustments would fall on the lowest priority projects.

Commission Goodson questioned if the entire state, all projects, would be impacted by budget adjustments. Director Daraie indicated adjustments would be made after all items of the design process have been reviewed and if it was determined there was no room for improvement, then budgets could be adjusted.

Chairman Gilpatrick stated his concern with automatically adjusting for high pricing as it creates no incentive for the industry to provide better pricing.

Director Daraie stated budget changes would be brought before the Commission for approval at a regular meeting. Director Daraie asked that comments regarding this policy be directed, in writing, to Mrs. Murray.

Performance Based Contracting

Commissioner Algier stated she would like the SFC Staff to coordinate a work session to educate the Districts and others on performance based contracting.

Director Daraie advised the Commission that SFC staff and Commissioner Algiers had met with Doug Shope of the National Guard and Rich Cathcart from State Construction regarding the approach. Director Daraie stated the cost per day for the vendor to come and present the information would be \$2,500 plus expenses.

Discussion was held on the concept, the amount of time and effort involved with the process by the staff, districts and architects and how it would impact Wyoming.

Director Daraie indicated the staff would investigate this process further and update the Commission at the next meeting.

Commissioner Goodson stated that based upon the issues we are having on some of the construction projects it may not be a bad thing to get a formalized process that allows us to do performance based contracting. However, if staff did not want to implement a process, it should not be pursued.

Commission Meeting Schedule

Chairman Gilpatrick asked Ms. Murray to send the Commissioners three suggested locations for the May 19 & 20 meeting.

Discussion was held on the need for a Commission Retreat during the summer. It was also suggested that staff coordinate a joint meeting with the State Board of Education for September 11 & 12.

Public Comments

Mr. Kevin Thibeault, Teton County School District, expressed his appreciation to Teresa Kunkel and staff for the quick turn around time with pay applications (applause).

Commissioner & Director Comments

Director Daraie advised the Commission of his recent visit to the Big Horn Basin and how SFC staff would be attending meetings with the SLIB Board and Business Council. Director Daraie indicated the meetings would be beneficial going forward.

Director Daraie commented on his meeting with Mr. George Parks of Wyoming Association of Municipalities, regarding cost sharing and re-capture agreements.

Director Daraie informed the Commission of a recent meeting Commissioner Carrier, Natrona School District personnel and Director Daraie had attended to discuss high school curriculum with Applied Minds (AMI), a California company.

Director Daraie expressed his disappointment that Goshen County School District members had left early and missed the discussion on rules and policies. Director Daraie expressed his appreciation to those in the audience for attending.

Commissioner McBride expressed his appreciation with the cooperation of all parties involved in the SFC process. Commissioner McBride commented on the need in the future to focus on pre-school, pre-kindergarten environments. Commissioner McBride stated the State of Wyoming has the finest schools in the nation.

Commissioner Carrier commented on his recent visit with Applied Minds (AMI) and expressed his appreciation to those who are looking forward and thinking about where we need to take education in 10-20 years. Commissioner Carrier stated he was not convinced that the AMI approach was the most effective, but hoped the SFC would continue to move forward in looking for different avenues which could improve education in the state. Commissioner Carrier commented on the need to work with the State Board of Education to provide a full package for the students in Wyoming.

Director Daraie informed the Commission of a recent meeting he had with the Department of Education and Evanston & Gillette School Districts to discuss alternative schools. Director Daraie expressed his appreciation for the Department of Education's representation at those meetings.

Commissioner Goodson congratulated Teresa Kunkel and staff for the outstanding turn around time with payment requests.

Commissioner Goodson also stated he has a high level of concern regarding the CMAR project delivery method as there is no method to measure the process. Commissioner Goodson stated he would like further discussion and action regarding various delivery methods.

Commissioner Ferris expressed his appreciation to Rich Hardt for the buildings constructed in the Fremont School Districts.

Chairman Gilpatrick expressed his appreciation to those who attended and stated the Commission is open to suggestions on how the SFC can improve.

Adjournment

Commissioner Goodson made a motion to adjourn the regular meeting at 2:12 p.m. Commissioner Carrier seconded the motion. Motion passed unanimously.