

**PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL MEETING
MINUTES
January 11, 2021
VIDEOCONFERENCE**

Members Present: Mr. Joe Guillen, NMSBA Mr. Raúl Burciaga, LCS
 Ms. Rachel S. Gudgel, LESC Mr. David Abbey, LFC
 Mr. Antonio Ortiz, PED Ms. Ashley Leach, DFA
 Mr. Clay Bailey, CID Mr. David L. Robbins, PEC
 Ms. Mariana Padilla, Office of the Governor

1. **Call to Order** – Chair Guillen called the meeting to order at 1:33 P.M.
 - a. **Approval of Agenda** – Chair Guillen asked if there was any objection to the agenda presented; as there was none, the agenda was unanimously approved.
 - b. **Correspondence** – None.
2. **Consideration for Approval to Adjourn to Executive Session Pursuant to the Open Meetings Act NMSA 1978, 10-15-1 (H)(7) for the purposes of discussing the Zuni lawsuit.**

MOTION: Council approval to adjourn to executive session pursuant to the Open Meetings Act NMSA 1978, 10-15-1 (H)(7) for the purposes of discussing the Zuni Lawsuit.

Roll Call:

Mr. Abbey – Yes	Ms. Padilla – Yes	Mr. Robbins – Yes
Mr. Burciaga – Yes	Mr. Ortiz – Yes	Mr. Bailey – Yes
Ms. Gudgel – Yes	Ms. Leach – Yes	Mr. Guillen – Yes

Members went into executive session at 1:54pm.

3. Reconvene to Open Session

MOTION: Council approval to reconvene from executive session pursuant to the Open Meetings Act NMSA 1978, 10-15-1 (H)(7) for the stated purpose of discussing the Zuni Lawsuit. Only the above referenced item was discussed and no action was taken.

Roll Call:

Mr. Abbey – Yes	Ms. Padilla – Yes	Mr. Robbins – Yes
Mr. Burciaga – Yes	Mr. Ortiz – Yes	Mr. Bailey – Yes
Ms. Gudgel – Yes	Ms. Leach – Yes	Mr. Guillen – Yes

Members returned from executive session at 2:37 pm.

Upon reconvening from executive session, Ms. Gudgel stated that though the agenda had been approved she would propose a motion to delay consideration of the following agenda items pending a decision on how to move forward on the Zuni Capital Outlay decision filed on December 28, 2020. Mr. Robbins agreed with Ms. Gudgel’s proposal:

- Item 5c Recertification of SSTBs,
- Item 6 Consent Agenda,
- Item 7 Standards-Based Awards – (Grants) Bluewater ES, (Las Cruces) Columbia ES and (Las Cruces) Desert Hills ES, and
- Item 8 Other Business – PSFA Agency Strategic Plan.

Ms. Gudgel also requested that members hear the information on the following agenda items:

- Item 5a Financial Plan,
- Item 5b Update on Board of Finance and PSFA Discussions,
- Item 9 Informational Items – PSR Update and the PSCOOTF/PSCOC/PSFA Statutory Duties.

MOTION: Ms. Gudgel moved to table all action items and continue with informational items. Mr. Robbins seconded and a roll call vote was taken.

Roll Call:

Mr. Abbey – Yes	Ms. Padilla – Absent	Mr. Robbins – Yes
Mr. Burciaga – Yes	Mr. Ortiz – Yes	Mr. Bailey – Yes
Ms. Gudgel – Yes	Ms. Leach – Yes	Mr. Guillen – Yes

4. Public Comment – None.

5. PSCOC Financial Plan
a. Financial Plan

Mr. Evans stated that the potential action projects listed on the agenda and tabled in the prior action are included on the financial plan at this point as estimates only of what would potentially be modifications to the project awards schedule. The future potential change equals \$9.1M. Updated revenue projections were received from the Board of Finance. In FY25, a favorable change to the fund balance is anticipated at \$111.7M. The Revenue Sources and Uses sheet from the Board of Finance was included in the meeting material for member review.

b. Update of Board of Finance and PSFA Discussions

Mr. Evans acknowledged that staff from the Board of Finance and PSFA have been discussing a variety of topics: revenue projections, certification and recertification of needs and other items of procedural matters. Conversations will continue and members will be kept apprised.

c. Recertification of SSTBs

This agenda item was included in the above motion to table all action items.

6. Consent Agenda

- a. Approval of Minutes – December 14, 2020
- b. 2021-2022 Final wNMCI Ranking
- c. 2021-2022 Capital Application Announcement Preliminary Funding Pool
Proposed Timeline Round 1 & Round 2; Rolling/Quarterly/Semi-Annual Applications
- d. 2021-2022 Systems-Based Program Rules
- e. 2021-2022 Charter School Lease Assistance Application Announcement Letter
- f. Lease Assistance Application and Award Timeline
- g. Jemez Valley Public Schools – Facilities Master Plan Award – Consideration of Late Application
- h. BDCP – 2020 Category 1 (Fiber) Awards
- i. BDCP – 2020 Category 2 (Equipment) Awards

This agenda item was included in the above motion to table all action items.

7. Standards-Based Awards

- a. **Grants – P20-008 – Bluewater ES – Award Language Change – Increase in Design Enrollment**

This agenda item was included in the above motion to table all action items.

- b. **Las Cruces – P20-005 – Columbia ES – Award Language Change – Review of District-Wide Enrollment and Feasibility Studies/Approval to Begin Campus Master Plan and Ed Specs**

This agenda item was included in the above motion to table all action items.

- c. **Las Cruces – P19-005 – Desert Hills ES – Award Language Change – Increase in Design Enrollment**

This agenda item was included in the motion to table all action items.

8. Other Business

- a. **PSFA Agency Strategic Plan 2021-2023**

This agenda item was included in the motion to table all action items.

9. Informational

- a. **Project Status Report**

Mr. Chamblin noted that included within the executive summary were additional details about the projects currently not making progress and what needs to be done in order to move the project forward.

- b. **Public School Capital Outlay Oversight Task Force (PSCOOTF), Public School Capital Outlay Council (PSCOC) and Public School Facilities Authority (PSFA) Statutory Duties**

Mr. Chamblin noted this was being brought to Council for discussion and information at the request of several AMS Subcommittee members. The request was to start a discussion, which will likely continue for several meetings and ahead of this year's Task Force meetings. The executive summary includes a short history of key events that illustrate the relationship over

time between the PSCOOTF, the PSCOC and the PSFA. One of the basic requests from the AMS Subcommittee was to consider what oversight means in the underlying Public School Capital Outlay Act, especially relative to the oversight functions between the Task Force and the Council and how it has changed over time. With new members on both the Task Force and on the Council, this information is being provided to start the discussion about the appropriate oversight activities. Mr. Burciaga stated that this is being presented in order to get a better sense of what the duties and responsibilities were between the Task Force and the Council and making sure, to the extent possible, Task Force meetings can be scheduled after Council meetings so that they are being provided the most updated information as possible. There has always been some question as to what Council is responsible for and what the Task Force is responsible for. The Task Force is more of a policy body, with legislators and public members, and they make recommendations and sometimes adopt or endorse legislation whereas the Council is more of an administrative arm and has responsibility for the funding and the allocation of funds, and overseeing the PSFA. This discussion is an effort to refresh everyone’s memories on who does what.

Mr. Guillen agreed with Mr. Burciaga that it was important to continue to work on the relationship with the Task Force as there have been some grey areas and it is important to clarify them.

Ms. Gudgel asked if this was something that would be, or has already been, provided to the Task Force; Mr. Chamblin replied that it had not yet been provided to the Task Force. Ms. Gudgel sought clarification that it was the intent to do so; Mr. Chamblin replied in the affirmative.

10. Consideration for Approval to Adjourn to Executive Session Pursuant to the Open Meetings Act NMSA 1978, 10-15-1 (H)(2) for the purposes of discussing PSFA Director Evaluation

MOTION: Mr. Robbins moved for Council approval to adjourn to executive session pursuant to the Open Meetings Act NMSA 1978, 10-15-1 (H)(2) for the purposes of discussing PSFA Director Performance Evaluation. Ms. Gudgel seconded and a roll call vote was taken.

Roll Call:

Mr. Abbey – Yes	Ms. Padilla – Absent	Mr. Robbins – Yes
Mr. Burciaga – Yes	Mr. Ortiz – Yes	Mr. Bailey – Yes
Ms. Gudgel – Yes	Ms. Leach – Yes	Mr. Guillen – Yes

Adjourned to executive session at 3:01pm.

11. Reconvene to Open Session

MOTION: Mr. Robbins moved for Council approval to reconvene from executive session pursuant to the Open Meeting Act NMSA 1978, 10-15-1 (H)(2) for the stated purpose of discussing the performance evaluation of the PSFA Director. Only the above referenced item was discussed and no action was taken. Ms. Gudgel seconded and a roll call vote was taken.

Roll Call:

Mr. Abbey – Yes	Ms. Padilla – Yes	Mr. Robbins – Yes
Mr. Burciaga – Yes	Mr. Ortiz – Yes	Mr. Bailey – Yes
Ms. Gudgel – Yes	Ms. Leach – Yes	Mr. Guillen – Yes

Reconvened from executive session at 3:31pm.

12. Next PSCOC Meeting - Proposed for April 12, 2021.

13. Adjourn – There being no further business to come before the Council, Ms. Gudgel moved to adjourn the meeting. Mr. Ortiz seconded and the motion was unanimously approved. The meeting adjourned at 3:47 p.m.



Chair

04/22/2021

Date