

**PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL MEETING
MINUTES
July 12, 2021**

Members Present: Mr. Joe Guillen, NMSBA Ms. Rachel S. Gudgel, LESC
 Mr. David Abbey, LFC Mr. David L. Robbins, PEC
 Mr. Antonio Ortiz, PED Mr. Clay Bailey, CID
 Ms. Ashley Leach, DFA

Members Absent: Mr. Raul Burciaga, LCS (no designee)
 Ms. Mariana Padilla, Office of the Governor (no designee)

1. **Call to Order** – Chair Guillen called the meeting to order at 1:36 P.M.
 - a. **Approval of Agenda** – Chair Guillen asked if there were any changes to the agenda as presented, as there was none, the agenda was unanimously approved.
 - b. **Correspondence** – None.
2. **Public Comment** – Mr. Abbey introduced Mr. Clinton Turner, staff for the PSCOOTF. Mr. Turner is an Economist and works closely with DFA and the Tax Department.
3. **PSCOC Financial Plan**
 - a. **Financial Plan**

Mr. Evans reviewed items listed within the financial plan, noting the action taken at the prior Council meeting for the additional \$1.6M for NMSBVI Garrett Dormitory as well as items listed on the agenda to be presented for Council action. Updated estimated numbers for school bus replacements were received from PED and were reflected in the financial plan.
4. **Consent Agenda**
 - a. **June 14th PSCOC Meeting Minutes**

MOTION: Ms. Gudgel moved for Council approval of the consent agenda item. Mr. Robbins seconded and the motion was unanimously approved.
5. **2021-2022 Awards Cycle**
 - a. **2021-2022 Standards-Based Capital Outlay Awards – Staff recommendations**

Mr. Chamblin provided a summary of the districts requests. (Gadsden) Gadsden MS is for a potential project cost up to \$47M in the out-years. The project will begin with planning in year one. (Mosquero) Mosquero Combined School is for a potential \$20M project in the out-years. The project will begin with the design phase in year one. The district has done most of their planning and will return for design phase funding later in the year, which may also include a local match reduction request. (Los Alamos) Chamisa ES is for a potential \$20M project. This project is ready for year one design phase funding. (Los Lunas) Ann Parish ES is for a potential \$34M project in the out-years. Year one funding is for planning to determine

the scope, cost, and schedule for the project. (Los Alamos) Piñon ES is a potential \$25M project in the out-years and is ready for year one funding for design. (Gadsden) Chaparral MS is for a potential \$38M project in the out-years. The scope and cost of the renovation needs to be determined and planning will start in year one.

Mr. Guillen inquired as to the total amount of funding that will result if each of the projects were to make it through construction; Mr. Chamblin replied that the year one local match would be up to \$5.7M and the year one state match would be slightly more than \$1M. With out-year funding for all projects, local funding would be up to \$89.5M and the out-year state share would be up to \$86.7M; the total combined state funding obligation if all of the standards-based projects were to proceed up to their budgeted amounts would be approximately \$87.5M.

MOTION: Council approval of the Awards Subcommittee recommendation to make capital outlay awards for the standards-based capital outlay program to the following school districts: (Gadsden) Gadsden Middle School planning phase \$25,300 state share, \$49,700 district share; (Mosquero) Mosquero Combined School design phase \$54,923 state share, \$2,002,128 district share; (Los Alamos) Chamisa Elementary School design phase \$409,195 state share, district share 1,636,779; (Los Lunas) Ann Parish Elementary School planning phase \$42,000 state share, \$33,000 district share; (Los Alamos) Piñon Elementary School design phase \$501,411 state share, \$2,005,646 district share; (Gadsden) Chaparral Middle School planning phase \$52,500 state share, \$22,500 district share. Each allocation is intended to fully complete the project, phase or specified purpose. Upon completion of this awarded phase of work, including conformance with all contingencies, out-of-cycle funding for future phases of work may be considered at any upcoming regularly scheduled PSCOC meeting. As this was a Subcommittee recommendation, a second was not needed and the motion was unanimously approved.

b. 2021-2022 Standards-Based Award Additional Conditions

There was no discussion following the reading of the motion and action was immediately taken.

MOTION: Council approval of the Awards Subcommittee recommendation to make standards-based capital outlay awards further subject to the Additional Conditions presented in the document in the meeting notebook. As this was a Subcommittee recommendation, a second was not needed and the motion was unanimously approved.

c. 2021-2022 Systems-Based Capital Outlay Awards – Staff Recommendations

There was no discussion following the reading of the motion and action was immediately taken.

MOTION: Council approval of the Awards Subcommittee recommendation to make capital outlay awards for the systems-based capital outlay program to the following school districts:

(Raton) Longfellow Elementary School planning design and construction phases \$98,081 state share, \$262,098 district share; (House) House Combined design and construction phases state share \$65,661, district share \$77,197; (Portales) Portales High School design phase funding deferred, pending the results of the planning phase funded by James Elementary; (Floyd) Floyd Combined School design phase state share \$50,622, district share \$16,380; (Raton) Raton High School planning design and construction phases state share \$280,339, district share \$342,637; (T or C) Sierra Elementary School design phase state share \$26,712, district share \$151,371; (Raton) Raton Intermediate School planning design and construction phases state share \$137,927, district share \$168,577; (Portales) James Elementary School planning, design and construction phases state share \$96,862, district share \$61,928; (Tularosa) Tularosa Intermediate School design and construction phases state share \$394,619, district share \$194,365; (Raton) Columbian Elementary School design and construction phases state share \$386,050, district share \$471,839; (Las Vegas City) Paul D. Henry Elementary School design and construction phase state share \$155,721, district share \$944,279. Each allocation is intended to fully complete the project, phase or specified purpose. Upon completion of this awarded phase of work, including conformance with all contingencies, out-of-cycle funding for future phases of work may be considered at any upcoming regularly scheduled PSCOC meeting. As this was a Subcommittee recommendation, a second was not needed and the motion was unanimously approved.

d. 2021-2022 Systems-Based Awards Additional Conditions

There was no discussion following the reading of the motion and action was immediately taken.

MOTION: Council approval of the Awards Subcommittee recommendation to make systems-based capital outlay awards further subject to the Additional Conditions presented in the document in the meeting notebook. As this was a Subcommittee recommendation, a second was not needed and the motion was unanimously approved.

Representatives from the following districts thanked the Council for their awards:

1. Ms. Jennifer Guy – Superintendent, Los Alamos
2. Ms. Johnna Bruhn – Superintendent, Mosquero
3. Dr. Arsenio Romero – Superintendent, Los Lunas
4. Mr. Brian Luck – Superintendent, Roswell – also thanked Council though the Roswell project was yet to be presented.

6. Out-of-Cycle Funding/Award Language Requests

a. P19-004 Gallup – Tohatchi HS; Award Language Change to Include Teacher Housing Units

Participating via phone: Ms. Jvanna Hanks II – Assistant Superintendent, Business Services and Ms. Roxy Flanders – Director, Facilities/Planning.

Mr. Chamblin reviewed information listed within the executive summary. The district is requesting to add 8 teacher-housing units to the scope and cost of the Tohatchi HS project that

is currently underway and in the planning phase. This would add teacher housing to the scope of the previously awarded project with design and construction funding for the teacher housing added to the whole project. The construction for the school and the housing would likely run concurrently to take advantage of having one contractor on-site to do both projects; Ms. Hanks stated combining the projects would allow the district to maximize cost savings in regards to construction costs. Ms. Hanks stressed that teacherages are essential in order for the district to provide quality staff, especially for schools located on the Navajo Reservation as the area is currently experiencing a severe housing shortage. Ms. Flanders added that all of the current housing is occupied and has waiting lists nearly ten deep, except for the very remote Tse Yi Gai area.

Referring to leases, Ms. Gudgel reminded members that Council has historically required a 25-year lease plus an additional 25 years and it appeared that many of the Gallup projects, when entered into, did not have new leases and asked what the plan was in order to come into compliance with that policy. Mr. Chamblin replied that for the Tohatchi site, the district is currently in a 50-year lease, which expires in 2055 and was last negotiated in 2005. Clarifying further, Ms. Gudgel stated that the policy of the Council has been that the 25 years started at the onset of the project, and here we are 16 years into the current lease. Ms. Gudgel requested that PSFA staff look at the language in the Additional Conditions when the project was originally awarded to see if that requirement was included. Mr. Chamblin agreed to do so prior to the August meetings. Ms. Hanks stated that the district has built, and will continue to build relationships with the Navajo Nation and will work on this to ensure the continued movement of the housing project.

Mr. Abbey asked Mr. Chamblin to speak on the Awards Subcommittee discussion regarding teacherages; Mr. Chamblin stated that one of the Gallup sites will be the first teacher housing that is moved into construction with PSCOC dollars. There is an urgency to get these projects done and this will potentially be the first time that a standards-based award has been used as a mechanism to move a teacher housing project into construction. Though there are other districts in the pipeline that will follow, this one may be the first. The cost built in as the underlying assumption for the design phase is up to \$433K and is based on real costs from Gallup's recent 16 teacher housing units in Ramah that the district is funding with outside of adequacy, impact aid and potentially their own funding. The cost of this construction is for very compact 2-3 bedroom units, approximately 1,100 square feet.

MOTION: Council approval of the Awards Subcommittee recommendation to amend the 2018-2019 standards-based award to Gallup McKinley County Schools Tohatchi High School (P19-004) for additional funding and an award language change to include funding for 8 teacher housing units, beginning with design phase funding up to \$433,239 for the teacher housing units, state share up to \$350,924 and district share up to \$82,315. Upon completion of the design phase, the district may return to the PSCOC for out-of-cycle funding for the construction phase of the project. As this was a Subcommittee recommendation, a second was not needed and the motion was unanimously approved.

b. P21-005 Gallup – Crownpoint HS; Award Language Change to Include Crownpoint MS, and Teacher Housing Units

Mr. Chamblin noted that though this item was similar to the previous, the major difference was the addition of the scope and cost to replace at least half of Crownpoint MS to the Crownpoint HS award that was awarded in August 2020. The planning work is ongoing and along with the middle school addition to the high school project, this will also include 8 teacher-housing units at the same site.

Ms. Hanks reiterated that there would be cost savings with the Gallup projects, and the district would try to keep the administrative costs low.

MOTION: Council approval of the Awards Subcommittee recommendation to amend the 2020-2021 standards-based award to Gallup McKinley County Schools for Crownpoint HS (P21-005) for additional funding and an award language change to include design and construction funding for the partial replacement of Crownpoint MS. In-process planning phase work funded by the HS award includes the MS and HS. No additional funding is needed at this time to include the MS in the scope of the HS project. Upon completion of the planning phase work, the district may return to the PSCOC for out-of-cycle funding for design. Additional funding and an award language change to include funding for 8 teacher housing units, beginning with design phase funding up to \$433,239 for the teacher housing units, state share up to \$350,924 and district share up to \$82,315. Upon completion of the design phase, the district may return to the PSCOC for out-of-cycle funding for the construction phase of the project. As this was a Subcommittee recommendation, a second was not needed and the motion was unanimously approved.

c. S20-004 Gallup – Crownpoint MS; Award Language Change

Mr. Chamblin stated that with the action taken for the previous Crownpoint MS agenda item, the middle school systems award can now be de-scoped and the total cost will come down from what was going to be a full roof replacement project on half the campus to now being only roof repair. The existing demolition scope from that systems award will remain as part of the award language/project and will demolish two empty buildings on the campus. The existing roof is in very bad shape and has chronic leaks. This approach will allow the district to spend about \$70K, combined district and state funding, for a short-term fix to patch the roof until such time that the campus is ready for the standards-based replacement for the middle school.

MOTION: Council approval of the Awards Subcommittee recommendation to amend the existing systems-based award for Crownpoint MS to change from roof replacement to roof repair on the 1968 original classroom building, gymnasium and administration building and inclusion of demolition of the classroom annex and old gym. Additionally, to amend the current award language for Crownpoint MS, converting the current systems-based award to a standards-based award, to include the replacement of Crownpoint MS to the existing Crownpoint HS award. As this was a Subcommittee recommendation, a second was not needed and the motion was unanimously approved.

d. P15-006 Gallup – Thoreau ES; Award Language change to Include Teacher Housing Units

Mr. Chamblin noted this project was nearly identical to the Tohatchi project previously discussed by adding 8 teacher housing units to an older standards-based award; the previously awarded Thoreau ES project is nearly complete.

MOTION: Council approval of the Awards Subcommittee recommendation to amend the 2014-2015 standards-based award to Gallup McKinley County Schools Thoreau Elementary School (P15-006) for additional funding and an award language change to include funding for 8 teacher housing units, beginning with design phase funding up to \$433,239 for the teacher housing units, state share up to \$350,924 and district share up to \$82,315. Upon completion of the design phase, the district may return to the PSCOC for out-of-cycle funding for the construction phase of the project. As this was a Subcommittee recommendation, a second was not needed and the motion was unanimously approved.

e. P19-010 Roswell – Nancy Lopez ES; Design Funding

In attendance and representing the district: Mr. Brian Luck – Superintendent; Mr. Chad Cole – Assistant Superintendent for Finance & Operations and Mr. Jeremy Sanchez – Construction Coordinator.

Mr. Chamblin reviewed information listed within the executive summary noting this would be a replacement of Nancy Lopez ES. Years ago, when first awarded, the scope and cost of the project was estimated to be much less as it was expected to be a renovation project. The district has done the planning phase and the results of the third party assessment is that this is more of a replacement project. The total project cost is now estimated to be up to \$21M; the design phase cost is based on the larger replacement scope and cost project.

Per Mr. Sanchez, the district has gone through the Ed Specs process and through the evaluation, it was determined that the project would be better addressed as a replacement. The district will monitor enrollment and will not overbuild.

Mr. Cole stated that the district went out for the remainder of the community elected bonds last year and they do have the funds in place for this project.

MOTION: Council approval of the Awards Subcommittee recommendation to amend the standards-based award to Roswell Independent Schools for Nancy Lopez ES to include design phase funding for a partial replacement and renovation of the existing facility to construct a new school with a design enrollment of 300 students, grades K-5 up to the maximum allowable gross square footage of 41,112 GSF, with an increase in the state share (71%) for the design phase up to \$1,494,488 and a local share (29%) up to \$610,425. Review of design enrollment shall occur during the design phase with approval of the design enrollment. Prior to the out-of-cycle construction phase funding request. As this was a Subcommittee recommendation, a second was not needed and the motion was unanimously approved.

f. Des Moines – Award Language Change and Design Phase Funding

In attendance and representing the district: Ms. Kodie Sumpter – Superintendent; Mr. David Brown – Board President.

Mr. Chamblin stated this project was originally awarded under the standards-based program and was deferred in the 2019-2020 cycle. Since that time, the district has completed a structural investigation of the existing building as well as planning work for the combined campus. PSFA has been working with the district for the last two years on this project. The action for today is for the combined campus of 96 students, design and enrollment for 40,512 GSF. This school has a unique teacher structure as well as education program space needs that necessitates additional square footage over and above the square foot calculator. The district and the project are technically ready for design phase funding; however, the district intends to go out for a bond election this fall to raise as much of their share as possible. Preliminary estimates for the local share for design might run as high as \$2.5M. The district estimates their full potential revenue generated by the upcoming election might be up to \$2.1M. The district will not be ready for the start of design and the first funding draw until after the bond election later this year. The district is potentially going to need and request a local match reduction for the construction phase.

Ms. Sumpter thanked Council for their consideration of the project; Mr. Brown also expressed his appreciation as well as that of the community.

Mr. Guillen asked that the district publish the Council's action in support of their bond issue.

MOTION: Council approval of the Awards Subcommittee recommendation to amend the 2019-2020 Standards-based award to Des Moines Municipal Schools to include design phase funding up to \$2,844,362, state share \$221,381 (14%) and district share \$2,622,981 (86%), including the \$176,830 offset balance, for a replacement school with a design enrollment of 96 students grades Pre-K through 12 in 40,512 GSF. Upon completion of the design phase, the district may return to the PSCOC for out-of-cycle funding for the construction phase of the project. As this was a Subcommittee recommendation, a second was not needed and the motion was unanimously approved.

7. Other Business

a. Recertification of SSTBs

Mr. Evans noted this was the recertification for a number of projects just awarded. Ms. Leach reminded members that since the Board of Finance had not yet reviewed the recertification worksheet, the PSCOC Chair had the authority to sign the recertification after the meeting if anything came up during the review. Ms. Gudgel asked that such language be included on all motions; Ms. Leach agreed.

MOTION: Council approval of the Awards Subcommittee recommendation to adopt the Resolution, Notification, and Certification/Decertification of unexpended bond proceeds as follows:

- SSTB19SD-0004 in the amount of \$701,848 of unexpended funds from bond balance.

- SSTB18SD-0001 in the amount of \$3,029,316 of unexpended funds from bond balance. As this was a Subcommittee recommendation, a second was not needed and the motion was unanimously approved.

b. Schedule of Programs 2021

Mr. Chamblin reviewed information listed within the executive summary noting the draft schedule for what could be three new funding programs. The demolition and roofing programs will initiate at the same time; however, due to the complexity of the roofing projects, more time will be needed for assessment of project scope. The Demolition of School Facilities Program anticipates awards in January 2022 and awards for the Roofing Program in April 2022. Direction from the Awards Subcommittee included conducting workshops and information gathering this fall on teacher housing; potential awards for the Teacher Housing Program are also anticipated in April 2022.

Discussion during the Awards Subcommittee included potentially moving these types of projects through the systems program. The reason these have been broken out as three separate potential programs is that the demolition language is stand-alone and is in the Capital Outlay Act based on recently passed legislation. There is also a roofing program outlined in the Capital Outlay Act from prior years that can be piggybacked. The teacher housing issue is new and is therefore potential justification to run it as a new stand-alone program.

Mr. Guillen inquired as to the dollar amounts being looked at, if funds will be earmarked or if it will be dependent on the applications determining the amount. Mr. Chamblin replied that it would be a decision for Council to make; however, the roofing program could be funded up to \$5M-10M in state funding; demolition could be for a similar amount based on current interest with the maximum state funding potential of \$15M; teacher housing remains an unknown until after the fall workshops.

Mr. Abbey asked what Mr. Chamblin's proposal was for August and what had been decided about the potential new programs; Mr. Chamblin replied that the demolition program could run a little faster and simpler than the other two. Rules for the three programs will be taken to the subcommittees in August.

Mr. Abbey further asked why new rules would be needed if these categories could run under the systems program; Mr. Chamblin replied that staff assessment of the systems program as defined in the Capital Outlay Act is that it has its own rules, and though it covers roofing, it is not in the same way that the roofing program does. Teacher housing is not something that could be funded through the systems program given the restrictive language in the Capital Outlay Act regarding awards. Demolition of an abandoned building will not necessarily extend the life of an existing school facility.

Discussion took place on the recent Court decision on the Zuni lawsuit; Ms. Gudgel stated that the Attorney General's office submitted a request to reconsider the ruling and since the District Court judge denied the request, we remain with the first ruling, which states, "the Public School Capital Outlay Act and the Public School Capital Improvements Act are unconstitutional." Mr. Abbey requested that the ruling and subsequent effects on

PSFA/PSCOC be checked; Mr. Guillen indicated that was identified in some recent correspondence which will be shared with Mr. Abbey.

8. Informational

The BDCP SB144 Implementation Update (Item 8c) was the only item presented under the Informational category.

a. Project Status Report

This item was not presented.

b. Maintenance Performance Summary

This item was not presented.

c. BDCP SB 144 Implementation Update

Mr. Chamblin reminded members that this item was in follow-up to their request to have these entities provide an update on their broadband work and how efforts are being coordinated between entities.

PSFA Presenters:

Mr. Ovidiu Viorica – Broadband Program Manager

Mr. Jerry Smith – Broadband Projects Specialist

Mr. Viorica provided a synopsis of the SB 144 initiative noting there were two main goals of the bill: to connect students and staff at home, wherever they are and to create a statewide educational network. The Public Education Department (PED) is leading the efforts to connect students as a result of the Yazzie/Martinez lawsuit court order. The PSFA team is focusing on the implementation of a statewide education network. The statewide education network is a continuation of what the Council started three years ago with the creation of regional consortia connecting schools together and then connecting the groups to the internet. The strategy of a statewide education network is to connect all of the schools together and to connect them to regional hubs where higher-level tasks and cyber security could be performed. These hubs would also make available high quality, high capacity and low cost internet regionally.

Three general models that are possible include the leased/lit network, backbone and the statewide network. The benefit of creating a statewide education network by utilizing leased circuits that are available from internet service providers is that there is no construction involved. The limitation is that the network still needs to be run and you pay for the speed and it would only be available for the schools, or potentially libraries, while other interests would not be served. Another model, the backbone, has the construction of some fiber for high capacity traffic and connects all the hubs so that schools can connect to the regional hubs through leased lines. The advantage is that on the backbone, other interests could be served as well, and the speed is controlled by whoever manages the network. The third model is the construction of fiber optic throughout the state to all the school locations. This is the most costly and would take the longest to implement, however; it offers the most flexibility in the extra capacity and can serve other needs such as municipalities, agriculture, and healthcare.

In reality, there will likely be a hybrid between leased lines and built lines wherever the capacity exists.

The composition of the advisory committee was included in the meeting material and has broad representation from a variety of school districts, charter schools as well as public and state agencies.

Mr. Viorica reiterated it would need to be a phased implementation and would take several years to accomplish. Moving forward with design would allow for procurement in late fall/winter and then contractual obligations in January/February in order to be ready for the March E-rate deadline in order to not miss out on a full year of federal funding.

NM DoIT Presenters:

Mr. Gar Clarke – Project Manager

Mr. Rand Tilton – Program Manager

Mr. Tilton and Mr. Clarke reviewed the handout entitled *New Mexico Broadband Program Public School Capital Outlay Committee*. For clarification purposes, members were reminded that there was an advisory committee developed out of SB144 and coming out of PSFA and another advisory committee developed out of SB93.

Regarding broadband connectivity, New Mexico is currently ranked 49th nationally with 700K residents unserved and approximately 126K business and residential locations unserved.

Some current DoIT activities include a broadband budget of \$133M for four years, launching a broadband technical assistance program, extended mapping contracts to support broadband requirements for the next two years through EDAC, executing a community broadband survey contract and completing an RFP offering to provide grant writing, planning and construction to support broadband projects. The current broadband budget can fund 17-33% of the cost and provide service to approximately 95K locations. The deployment cost estimate for a combination of fiber and fixed wireless technology is between \$405M to \$708M; the current budget, which includes recent appropriations and a previous balance, is \$133.46M; the funding gap of \$272M-647M will require federal funds to close. Under the federal broadband grant programs, there is approximately \$37B coming into the state; \$23B of which will be for general use broadband funding programs (broadband infrastructure) and \$14B will be for broadband subsidy programs (including other purposes such as education and healthcare).

The Connect New Mexico Council will collaborate with the Office of Broadband Access and Expansion (OBAE), which will be administered by a director selected by the Governor. The council will consist of members from state agencies, legislative members and tribal members.

The New Mexico Broadband Advisory Council will engage members from local governments, industry, community, state government, educational organizations and the telehealth arena. The New Mexico Broadband Advisory Council will also offer its expertise to the Connect New Mexico Council.

Next steps include creating an infrastructure implementation plan, providing technical assistance to all entities, establishing a digital inclusion presence, improved governance, collaboration and integration of broadband efforts, expanding the broadband mapping program, empowering municipalities to take ownership of broadband construction/operation at a local level; establishing legislation that outlines rules, procedures, and addresses regulatory requirements and establishing strategies to focus on economic development, telemedicine and agriculture.

Mr. Abbey thanked the DoIT representatives for their presentation and asked how much of the \$133.4M PSFA would be responsible for, Mr. Clark replied that the \$133.4M came from SB144 and the \$25M would be for connecting schools. Mr. Viorica clarified that the Department of IT would receive the \$25M. Mr. Abbey felt the bipartisan bill that congress was working on that included \$65B for Broadband was not reflected in the number provided by DoIT and stated that though there are significant needs, there are no funding constraints until additional information is provided. Mr. Abbey asked Mr. Viorica how PSCOC reconciles not missing the E-rate cycle with not being quite ready; Mr. Viorica replied that the work the Council, PSFA and Advisory Committee is doing is aligned to meet all of the needs encompassing the state. With the creation of the statewide education network, Mr. Viorica believes that the regional hubs are going to help the regions as a whole, to have better access to the internet; more affordable and more available, but also extra capacity can be built by the DoIT Team with the money that is available and could serve agriculture, healthcare, municipalities, and other interests that cannot be served by the E-rate program. Mr. Abbey stated that the PSCOC received \$10M that was not included in the \$133.4M; Mr. Viorica replied that the \$10M was the cap that was always allowed out of the PSCOF and was in the financial plan and gets an E-rate match. Mr. Abbey asked what was next; what does Council need to do in the next three months? Mr. Viorica replied that the scheduled plan is to bring recommendations for approval, recommended guidelines for the statewide education network to start with the design of the first phase that is supposed to happen in August 2021. With Council approval, the team can start to develop the first phase of the implementation of the statewide education network. Mr. Viorica stated that he would like to get from the partners a list of needs for other interests and what they would like to see and how those needs would align with the statewide education network and what the schools and possibly libraries and higher education are going to do when building the statewide education network.

NM PED Presenters:

Ms. Mary Montoya - Chief Information Officer
Mr. John Chadwick - State E-rate Coordinator
Mr. Ferdi Serim – MA Strategies
Mr. Mike Archibeque – MA Strategies

Ms. Montoya stated that the work PSFA and DoIT are doing is looking at the future of the solution while PED has been hit with a court order that says “now”. Identify right now who cannot access education resources remotely from their home for whatever reason (lack of device, lack of connectivity) and it is unacceptable to enter the next school year without providing students with a device of connectivity or some alternative means for on-site education. With that court order, PED needed to immediately reassess the situation down to

the student and teacher level. PED contracted with a couple of consultants one local and one national who have done a lot of work in terms of identifying a long term broadband roadmap and also most recently has worked with other states to get their students connected. This year is unusual, as in addition to all of the funding that is available, the FCC has extended their E-rate program to the student's homes and are implementing an emergency funding connectivity fund, which allows districts to take advantage of the funding to provide connectivity to students; the funding has a very small window.

Mr. Chadwick spoke on the collaboration with his counterpart in Arizona and realizing that there was an area with no coverage in the four corners area. Phase 1 planning on how to get the Navajo Nation to apply for E-rate began, and over a period of time, the tribe eventually hired an E-rate consultant and in the 2020 funding year, New Mexico received \$43M for 380 new miles on the Navajo Nation. Phase 2 is currently under review; Arizona was recently funded and it is anticipated that New Mexico will be funded approximately \$4M within the next few weeks. Once phase 1 and phase 2 are completed, every school will have fiber to the premise.

Per Mr. Serim, in one month and one day, the \$7B window on the Emergency Connectivity Fund closes and in order for New Mexico school districts to spend federal dollars instead of their own dollars, it is essential to know which students can and can not connect. There are currently 315,000 students listed in STARS for the 120th day. Referring to the handout entitled *NM Student Connect*, Mr. Serim noted that the data received during the student connectivity survey was all over the place. When the court order came out, work was done in collaboration with the data people at each school in order to find out what information was accurate. Mr. Serim stated that CTC Student Connect Support is providing support to districts and to families because the federal money is aimed in two different ways. If it is an unmet need that the school district has because they did not have adequate bandwidth to be able to support the homes through the existing service providers, then the school(s) can apply for that money similar to how they do for E-rate. However, if the family is on free or reduced lunch or has some other evidence of financial need, they are able to apply directly to the internet service provider and have the bill, or a portion of the bill, covered directly. This option requires calling 100,000 families and every day 200 hours of phone calls are being made by 20 members of the CTC team. In addition, about 50,000 students are being contacted via their mailing addresses. Per Mr. Serim, the piece that ties everything that Mr. Viorica and Mr. Clarke spoke on is that in New Mexico, a vast majority of students have a connection at home that is inadequate for learning. What this means is that if they do not have the ability to upload a file, stream a video or the ability to go into the learning management system to do their schoolwork the student is not being counted for attending school for a full day.

Mr. Guillen acknowledged Mr. Archibeque, former CIO with PED and newly appointed school board member for Bernalillo, who is also the project manager for the NM Student Connect effort.

NM DOT Presenters:

Mr. Jeremy Lovato – Chief Information Officer

Mr. Justin Reece – Deputy Secretary

Mr. Viorica acknowledged that DOT has been a tremendous partner over the last five years by supporting numerous fiber-optic builds to connect many schools that did not have connectivity. The Department of Transportation made a concerted effort to prioritize and expedite the permit reviews for all the fiber builds happening in the schools throughout the state. DOT is also currently involved in work that relates to broadband.

Mr. Reece expressed the DOT's support of the broadband initiative. Mr. Lovato acknowledged the role that DOT plays in the broadband infrastructure environment in New Mexico, noting the additional responsibilities taken on in support of expanding broadband in the state.

Referring to the handout entitled *Telecommunications Infrastructure Operations*, Mr. Lovato read the mission for the infrastructure operations, which states, "support the expansion of right-of-way broadband infrastructure through industry collaboration and partnerships, while protecting the interest of the state and its assets," adding that the right-of-way cannot be given away and, therefore, exchanges, fees and several different variables are accommodated to allow service providers to get into the right-of-way. Because of this, a statewide network strategy has emerged. The statewide network is one of the efforts that contributed to collaboration among numerous agencies/entities, a right-of-way effort and permitting efforts. Part of this effort will enhance and create more opportunities to allow branching out to the rural areas of the state. A consortium has been established with IAD, Santa Fe Indian School and DoIT.

NM State Library Presenters:

Mr. Richard Govea - Broadband Opportunities Program Manager

Mr. Viorica introduced Mr. Govea, a former PSFA broadband team member who moved to the State Library to develop their own broadband program which was a successful result of a pilot initialed by the PSCOC in 2018 where the PSFA broadband team helped libraries get connected to fiber and start getting funding from the E-rate program. Mr. Govea has been instrumental in getting the libraries started with their own programs.

Mr. Govea stated that the structure of the State Library is the same as the PSFA BDCP. A few of the different metrics that are used; however, is that no students are allocated to the libraries and a benchmark is used: 100Mbps or greater of internet, which allows the schools to ask for fiber through the E-rate program. Along with that, network equipment is upgraded and sustainable solutions are researched. Funding for the program includes the \$1M Library Broadband Infrastructure Fund and federal E-rate funding, which offers a 60%-95% discount on eligible items. There are over 100 public/private/tribal libraries in New Mexico, many of which are located in rural areas. The libraries are considered anchor institutes within the communities.

One of the bigger differences between the BDCP funding and the state library funding is that between the library fund and E-rate, 100% of special construction costs is covered as well as the network equipment upgrades. Future work includes continued program support, IT support for libraries (cybersecurity) and the Statewide Education Network.

Ms. Gudgel sought clarification on whether all of the chapter houses were eligible for E-rate funding; Mr. Govea replied that they are eligible for E-rate but not for state funding, as they are developing libraries. Ms. Gudgel further clarified that they were not eligible for state funding because the state did not have a program for them; however, if they were eligible for state funding, they would leverage a 90% match for fiber. Ms. Gudgel asked if anyone had done an estimate on what would be needed to fund the 10%; Mr. Viorica stated he was unsure but thought many of the projects in the Navajo Nation build would be taken care of.

Santa Fe Indian School Presenters:

Ms. Kimball Sekaqueptewa - Chief Technology Director

Ms. Sekaqueptewa is leading the effort to create a tribal education network that would create education entities from all of the tribes and pueblos together to the internet and the Santa Fe Indian School. PSFA has been partners in this effort since inception of the BDCP. One of the builds involved public schools as well as tribal libraries and tribal schools from Bernalillo to the Jemez Pueblo.

Ms. Sekaqueptewa has been working on broadband since 2008-2009 with the ARRA Stimulus Funds Consortia. The E-rate program allows for special fiber construction because all of the tribal schools receive the highest discount. When fiber optic connectivity was finally brought in to the Santa Fe Indian School campus, it was discovered that the tribes connections were too slow to talk back during video conferences. Ms. Sekaqueptewa was encouraged to go help the tribal libraries because they are in the heart of the community and if they were able to be connected, the core of the underserved communities can be connected.

Two consortia: Middle Rio Grande (MRG) and Jemez-Zia (JZ) Consortium applications would go on to get funded approximately \$3.9M each. Six pueblos, six tribal libraries and two state charter schools are all connected. Ms. Sekaqueptewa stated that in 2015, only one or two tribal libraries had fiber connectivity; today, only one or two do not have fiber connectivity.

Recently, Ms. Sekaqueptewa has been working with the Department of Transportation on creative problem solving to get across state land for the pueblos and to get across tribal land for state interests. Acknowledging that the willingness is there, but the number of conduit strand counts are still to be determined, as well as the accompanying legal documents that go with them on both the tribal and state sides.

Santa Fe Indian School did receive \$5M in Capital Outlay Funds during the recent legislative session to build from Santa Fe down to meet the Middle Rio Grande portion of the network.

Ms. Gudgel asked if the idea was to get fiber from Point A to Point B, regardless of who owns it and then anyone can use it; Ms. Sekaqueptewa replied in the affirmative adding that it was

a complicated “mathematical” equation involving who owns the fiber and the existing networks. The agreements are so important because not everyone is on the same network and has different equipment, but a cable might be shared and significant junctions are being identified. Once the various junctions are overlaid, aggregation points will be seen and then networks can either build to them or connect to at least one.

NM Higher Education Presenters:

Dr. Yolanda Jones King - Regent, NM Tech

Dr. Dan Patterson - Regent, ENMU

Mr. Viorica stated that higher education has a lot of similar needs and they have a lot of expertise and work that they are already doing and hopefully, much of the work can be leveraged in order to build a better operation under the Statewide Education Network.

Dr. Patterson clarified that they were not representatives of the Department of Higher Education but were representing the New Mexico Higher Education Regents Coalition (HERC), which is an organization whose purpose is to provide regents with the opportunity to communicate, collaborate, and provide training to regents throughout the state. The statewide education broadband has recently become an extremely high profile issue for the state, but educational institutions have been working on this issue for a number of years. Recent decisions by the State Supreme Court and the New Mexico Legislature have made it clear that we can no longer put off a coordinated statewide solution to this problem. Numerous components of state government have been working on this problem for a number of years in various ways according to their specific needs, specific capabilities and their financial abilities. The time has come to put efforts together in a cohesive effort towards a common goal. Various organizations are doing great things but the question remains how do they fit together? Not all entities are fully informed on what the other entities are doing. There is a tremendous need to identify all of the organizations involved in this process, identify a lead organization and manager with the authority and budget to lead this effort forward.

Mr. Abbey inquired as to what the ask was and when it would be coming to the Council; Mr. Chamblin replied that step one would come in August with the concept for a statewide broadband network infrastructure build-out and will be the first of many conversations that will take place over the coming year. Mr. Abbey stressed that it was extremely important that whatever is brought forth is consistent with the Governor’s plan. Mr. Viorica felt that by August, he would have more information on where the effort was heading, as he was also unclear about the details.

d. Quarterly Lease Assistance Status Report

This item was not presented.

e. Request for Proposal (RFP) Scoring, Evaluation Committee

In response to some discussion in June, Mr. Chamblin noted that the RFP issue was included on the agenda and described in some detail how we get involved in a district or school in running a proposal process for services (i.e.: design or construction). It sets the record straight on what we do and why we do it.

f. Workplan Timeline 2021-2022

This item was not presented.

9. Next PSCOC Meeting - Proposed for August 9, 2021.

10. Adjourn – There being no further business to come before the Council, Ms. Leach moved to adjourn the meeting. Mr. Ortiz seconded and the motion was unanimously approved. The meeting adjourned at 5:05 p.m.

 F. Leach Chair
 8/9/21 Date