

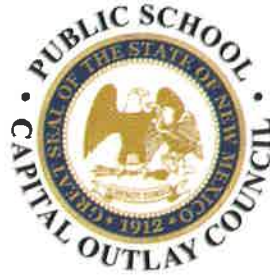
State of New Mexico  
Public School Capital Outlay Council

**PSCOC Members**

Joe Guillen, *NMSBA – Chair*  
David Abbey, *LFC*  
Gwen Perea Warniment, *LESC*  
Antonio Ortiz, *PED*  
Martin Romero, *CID*  
David Robbins, *PEC*  
Mariana Padilla, *OG*  
Ashley Leach, *DFA*

**Public School Facilities Authority**

Martica Casias | Executive Director  
Ryan Parks | Deputy Director



**Absent PSCOC Members:**

Raul Burciaga, *LCS – Vice Chair*

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## Meeting Minutes Summary

PSCOC Full Council Meeting  
State Capitol Building, Room 321 – October 11, 2022

*Unofficial notes drafted for the convenience of subcommittee members and subject to revision at member request.*

### I. Call to order – Joe Guillen, Chair

Chair Guillen called the meeting to order at 1:34 P.M.

#### a. Approval of Agenda

Chair Guillen asked if there were any changes to the agenda as presented; Item V.B was requested to be discussed before item II.A. Mr. Robbins moved for Council approval of the agenda. Mr. Romero seconded and **the motion was unanimously approved.**

#### b. Correspondence

Ms. Casias noted the Correspondence received by PSFA from Moriarty former Councilor and Mayor John E. Abrams, Superintendent Salazar of Moriarty-Edgewood, and the Moriarty community.

### II. Public Comment

Superintendent Salazar from Moriarty spoke first on behalf of the district and for item V.B (2022-2023 Systems-based Capital Outlay Award – Moriarty Edgewood ES). Ms. Salazar withdrew Edgewood ES from the application, but kept Moriarty HS East Complex portion of the application. The Moriarty Community (Audrey Jaramillo and Jerry Powers) also spoke on behalf of the item and indicated they were against the demolition of Edgewood ES.

### III. Finance

#### A. PSCOC Financial Plan

Mr. Brad Mathews, PSFA Chief Financial Officer, presented the PSCOC Financial Plan highlighting changes from the executive summary since the last meeting. Mr. Abbey noted that the Awards Subcommittee Meeting would have a special meeting on October 26, 2022 to discuss the financial plan regarding the bond reconciliation efforts.

#### B. Bond Reconciliation Update

Mr. Brad Mathews, PSFA Chief Financial Officer, presented the updates from the Bond Reconciliation.

## IV. Consent Agenda

Items on the Consent Agenda were not discussed; all Consent Agenda items were approved in a single motion. Mr. Abbey requested to remove item IV.K from the discussion, as there was no opposition the item was removed and discussed after the consent agenda.

### **A. August 29, 2022 PSCOC Meeting Minutes**

Council approval of the August 29, 2022 PSCOC Meeting Minutes.

### **B. 2022-2023 Systems-based Capital Outlay Award – Gallup McKinley – Indian Hills ES**

Council approval to a make capital outlay award for the Systems-based capital outlay program to Gallup-McKinley County Schools for design / construction funding to complete replacement / upgrade of the Roof, Exterior Walls, Fire Alarm and Site Drainage systems, including incidental systems directly related to the work in this award, to the total 50,955 GSF of the school facility, for a total state match of \$6,063,191. The allocation is intended to fully complete the project, phase or specified purpose.

### **C. 2022-2023 Systems-based Additional Conditions**

Council approval of the 2022-2023 PSCOC Systems-based Awards – Additional Conditions document listing required contingencies for approved awards.

### **D. 2019 Cat1 Award Extension to Gallup for Tse’ Yi Gai Upgrade**

Council approval to re-authorize the BDCP award to provide the state match for application funding year 2019 for Category 1 to Gallup McKinley District (Tse’ Yi’ Gai HS) for a total of \$187,738 to secure the extra funding match from the E-rate program and upgrade the school connectivity.

### **E. 2022 Cat2 Award (Network Equipment)**

Council approval to make Broadband Deficiencies Correction Program (BDCP) awards of actual E-rate-approved project amounts to provide the state match for application funding year 2022 for Category 2 (Network Equipment) to six school districts/schools for a total of \$222,304.97 up to the amounts listed in column “O” of the award spreadsheet attached as Exhibit A. Rescind the 2022 state match awards of \$965.66 to ACES Technical Charter School and \$1,429.13 to Mountain Mahogany Community School, due to scope non-eligibility. Each allocation is intended to fully complete the project, phase, or specified purpose.

### **F. 2023 E-rate Support for Charters Schools (Solix)**

Council approval to award up to \$100,000 for consultant agreements to continue providing direct support for the development, the application filing and the implementation of E-rate eligible broadband upgrade projects for charter schools and small districts.

### **G. 2023 Preliminary Ranking**

Council approval to release the 2023 Preliminary wNMCI Ranking based on criteria and weightings previously adopted by the Council. Release of the ranking is subject to necessary technical corrections. Districts are encouraged to work with PSFA staff to resolve any outstanding technical corrections to the data, with the ability to make a formal appeal to the PSCOC by December 12, 2022.

### **H. Budget Adjustment Request**

Council approval of the FY23 Budget Adjustment Request (BAR) to move \$70,000 from the budget category “Other” 400’s to the “Contact Services” category 300’s.

### **I. Charter Variance Report**

Council approval of the variances from the allowable adequacy standards for all charter schools and alternative schools. Approval shall be continuous until the Adequacy Standards are updated or significant modifications to legislative language regarding charter school facilities occur.

**J. CTC Agreement Consultant for the Statewide Education Network (SEN)**

Council approval of the CTC Technology & Energy (CTC) proposal and award in the amount of \$294,000 + NMGRT (\$309,049.00 estimated) for technical support related to the Statewide Education Network (SEN) subsequent phases including procurement and implementation.

**MOTION:** Mr. Guillen moved for Council approval of the consent agenda. As there was no opposition, **the motion was unanimously approved.**

**APPROVED**

**K. wNMCI Ranking Methodology and Weight Factors**

Mr. Abbey requested for the item IV.K to be removed off of the consent agenda for discussion. The Council agreed to the amendment and discussed the deficiencies within the weight factors. The Council approved the staff recommendation.

**MOTION:** Mr. Guillen moved for Council approval of the current weighted New Mexico Condition Index (wNMCI) weight factors. As this was a subcommittee recommendation, a second was not needed and **the motion was unanimously approved.**

**APPROVED**

**V. Awards Cycle**

**A. 2022-2023 Pre-Applications Received**

Ms. Alyce Ramos, PSFA Programs Manager, reviewed the three pre-applications received for a Standards and Systems-based for the following districts: Maxwell, Hobbs, Santa Rosa, Gadsden, and Cuba School Districts.

**B. 2022-2023 Systems-based Capital Outlay Award – Moriarty – Edgewood ES**

Ms. Alyce Ramos, PSFA Programs Manager, reviewed the application request. The district withdrew the demolition of Edgewood ES. After discussion on the application with the district, the Council agreed to fund 60% state match and 40% local match for the Moriarty HS award.

**AMENDED MOTION:** Mr. Guillen moved for Council approval to a make capital outlay award for the Systems-based capital outlay program to Moriarty-Edgewood for construction funding to complete site survey, abatement of hazardous materials (if needed), utility disconnection (if needed), demolition of facilities, and final grading/drainage modifications at the abandoned ~~Edgewood ES – South Building and~~ Moriarty HS - East Complex, for a total state match of \$1,052,459 (local offset of \$88,970). The allocation is intended to fully complete the project, phase or specified purpose. Mr. Robbins Seconded the motion and **the motion was unanimously approved.**

**AMENDED APPROVED**

**C. FY23 Lease Assistance Awards**

Ms. Alyce Ramos, PSFA Programs Manager, reviewed the request to approve the FY23 Lease Assistance Awards. The Council agreed with the motion and approved the staff recommendation.

<p><b>MOTION:</b> Mr. Guillen moved for Council approval to:</p> <ol style="list-style-type: none"> <li>1. Adjust the MEM Rate per the 2021 Consumer Price Index (CPI) for the United States, all items, at 7.0% (this is the not to exceed amount);</li> <li>2. Adjust the PSCOC Discretionary Rate per MEM, to calculate the Lease Assistance Awards, to \$815.60, an increase of 7%.</li> <li>3. Approval of the Lease Assistance Award recommendations to 108 charter and district school applicants, in the amount of \$20,573,852, as specified in the accompanying spreadsheet entitled “FY23 Lease Assistance Program Detail Summary.” This award scenario represents a discretionary increase to the PSCOC Discretionary Rate per MEM, as referenced above.</li> </ol> <p>Upon acceptance of the award by the applicant charter school or district, Council authorizes PSFA staff to distribute the award amounts quarterly, on a reimbursement basis, upon receiving proof of the actual lease payments. Council authorizes PSFA staff to make reductions to award amounts subject to PED and/or PEC written certification to PSFA that a condition exists that warrants an award adjustment or suspension due to a school closure, charter revocation, financial violation or irregularities, and or adjustments to certified attendance numbers (MEM counts). Adjustments to lease amounts may also be made due to a lease termination or amendment. Reimbursements are contingent on the submittal of an E-Occupancy certificate, current facility master plan, audit report, invoices and other statutory requirements, as set forth in the application. As this was a subcommittee recommendation, a second was not needed and <b>the motion was unanimously approved.</b></p>	<p><b>APPROVED</b></p>
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## VI. Out-of-Cycle Awards

### A. P23-006 Albuquerque Sign Language Academy – Award Language Change

Ms. Casias presented the request to amend the Standards-based award to increase the design enrollment for a new total of 300 students. The Council approved the motion as presented.

<p><b>MOTION:</b> Mr. Guillen moved for Council approval to amend the current Standards-based award to the Albuquerque Sign Language Academy (ASLA) to include a 100 student increase in the design enrollment for a new total of 300 students, grades K-12 with a maximum allowable gross square footage of 60,000 GSF. An increase in the previously awarded Construction Phase State match of \$6,718,307, totaling \$28,007,571 (90.32%). The previously awarded local match shall remain unchanged at \$3,000,000 (9.68%). As this was a subcommittee recommendation, a second was not needed and <b>the motion was unanimously approved.</b></p>	<p><b>APPROVED</b></p>
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### B. P21-001 Zuni HS Twin Buttes HS – Design Phase Funding and Award Language Change

Ms. Casias presented the request to amend the Standards-based award. The Council approved the staff recommendation.

<p><b>MOTION:</b> Mr. Guillen moved for Council approval to amend the current Standards-based awards to Zuni Public Schools for Twin Buttes HS and Zuni HS to include;</p> <ul style="list-style-type: none"> <li>• Part 1: The consolidation of Zuni MS (P19-011), Twin Buttes HS and Zuni HS (P21-001) combined into a single campus and Standards-based award.</li> <li>• Part 2: A state match of \$1,060,714 (100%) for design phase funding for 18 teacher housing units.</li> </ul>	<p><b>APPROVED</b></p>
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**AMENDED MOTION:** Mr. Robbins moved for *the intention of moving towards a hybrid model after fair discussion at the November AMS meeting with the input of a staff recommendation*. Five members voted in favor of adopting the motion; Mr. Abbey Objected, **the motion was unanimously approved.**

**AMENDED  
APPROVED**

## VIII. Informational

### A. 2023 Legislative Staff Proposals – Legislative Education Study Committee and Legislative Finance Committee

The item was presented as an informational item. Dr. Warniment presented the Legislative 2023 Staff Proposals from LESC and LFC to the PSCOC Council. The proposals focused on the State/Local match.

### B. Priority Information

The item was presented as an informational item. Ms. Casias highlighted the important details regarding process improvements, PSCOOTF Update, Project Status Report, and the Adequacy Standards Update.

## IX. Next PSCOC Meeting

Proposed for November 21, 2022 – (tentative).

## X. Adjourn

There being no further business to come before the Council, Mr. Robbins moved to adjourn the meeting. Ms. Abbey seconded, and **the motion was unanimously approved.** The meeting adjourned at 3:52 P.M.



Chair



Date

*\*Please Note: Italic in motions indicate amendments.*

<ul style="list-style-type: none"> <li>Part 3: Design phase funding for a consolidated replacement facility for Zuni MS, Zuni HS and Twin Buttes HS with a design enrollment of 581 students (grades 7-12) up to the maximum allowable gross square footage of 97,340 GSF, with an increase in the state match of \$8,458,907 (100%) for the design phase of the replacement facility. Review of proposed solution to address soil and site conditions, current enrollment and allowable GSF shall occur prior to the out-of-cycle construction phase funding request. As this was a subcommittee recommendation, a second was not needed and <b>the motion was unanimously approved.</b></li> </ul>	
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## VII. Other Business

### A. Recertification of SSTBs

Mr. Mathews reviewed the item and the requested to approve the recertification of Supplemental Severance Tax Bonds for the purpose of PSCOC awarded projects and noted the amount would be adjusted per the discussion of the meeting for Moriarty Edgewood.

<p><b>AMENDED MOTION:</b> Mr. Guillen moved for Council approval for the adoption of the Resolution, Notification, and Certification and Reconciliation of unexpended bond proceeds as follows:</p> <ul style="list-style-type: none"> <li>SSTB21SD 0001 in the amount of \$25,142,223 for PSCOC awarded projects.</li> </ul> <p>Delegate authority to the PSCOC Chair to approve any changes to the resolutions and recertifications that may be required upon review by the State Board of Finance. As this was a subcommittee recommendation, a second was not needed and <b>the motion was unanimously approved.</b></p>	<p><b>AMENDED APPROVED</b></p>
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### B. Joints Powers Agreement for Office of the Broadband and PSCOC

Ms. Casias discussed the executive summary and the request to approve the Joints Powers Agreement for Office of the Broadband and PSCOC. The Council requested for Ms. Casias to meet with Office of the Broadband and their attorney regarding the final JPA. The Council indicated that the language from section VI of the JPA should change from *may* to *shall*.

<p><b>MOTION:</b> Mr. Guillen moved Council approval to continue to explore a Joint Powers Agreement (JPA) with the State of New Mexico’s Office of Broadband Access and Expansion (OBAE) [administratively attached to the Department of Information Technology (DoIT)] for the oversight and management of the Statewide Education Network (SEN). As there was no opposition, <b>the motion was unanimously approved.</b></p>	<p><b>APPROVED</b></p>
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### C. Guidelines for Teachers and Students for the Statewide Education Network SEN

The AMS Subcommittee did not have a recommendation on the item because the subcommittee did not think there was sufficient information on some technical items. After discussion, the Council agreed that the motion would be to postpone action of approving the guidelines. Staff was directed to draft a motion with guidelines of a hybrid model for the November 14, 2022 AMS meeting. The AMS Subcommittee offered a special meeting if needed.