

**REGULAR MEETING
BOARD OF EDUCATION
BYERS SCHOOL DISTRICT NO. 32J
August 18, 2011**

OPENING ACTIVITIES

Call to Order: A regular meeting of the Board of Education was called to order at 7:00 p.m. by Mrs. Laurie Kitzman, President, in the Lecture Hall at Byers School District, 444 E. Front Street, Byers, Colorado.

Roll Call and Declaration of a Quorum: Members present were Rodney Brockelman, Laurie Kitzman, Becca Pope, Mike Pugh, Shannon Roth, Woodie West.
ABSENT: Debbie Steitz

Pledge of Allegiance: The Pledge of Allegiance was said.

BOARD REVIEW AND APPROVAL OF AGENDA

Mr. Brockelman moved, Mr. West seconded, to approve the agenda with the following additions add the following to employment: Eric Steitz – Volunteer HS Football Coach, Brian Weikel – Volunteer HS Football Coach, Tyler Olsen – Volunteer HS Football Coach, Paul Jones – Volunteer HS Football Coach, Corey Green – Volunteer HS Football Coach, Kelsey Holm – Volunteer HS Volleyball Coach, Phoenix Bright – Volunteer HS Volleyball Coach, Frank Urban – Volunteer JH Football Coach, Carol Brumage – Full-Time Bus Driver, Annette Spence – Substitute; add action items 9.7, Mill Levy Override resolution; 9.8, Furlough days; 9.9, raise/step/bonus; add discussion item 10.3, Football Field.

AYE: Rodney Brockelman, Laurie Kitzman, Becca Pope, Mike Pugh, Shannon Roth, Woodie West
Motion Carried 6-0

CONSENT AGENDA ITEMS

Mr. Brockelman moved, Mrs. Pope seconded, to approve the minutes of the regular meeting June 16, 2011; approve the financial report; approve the employment Wendi Matthews – P/T Elementary Counselor, Debbie Hollingsworth – JH Volleyball Coach, Carol Brumage – Full-Time Bus Driver, Eric Steitz – Volunteer HS Football Coach, Brian Weikel – Volunteer HS Football Coach, Tyler Olsen – Volunteer HS Football Coach, Paul Jones – Volunteer HS Football Coach, Corey Green – Volunteer HS Football Coach, Kelsey Holm – Volunteer HS Volleyball Coach, Phoenix Bright – Volunteer HS Volleyball Coach, Frank Urban – Volunteer JH Football Coach, substitute list as presented, Annett Spence – Substitute; approve the resignation of Ron Brumage – Bus Driver.

AYE: Rodney Brockelman, Laurie Kitzman, Becca Pope, Mike Pugh
NO: Shannon Roth, Woodie West
Motion Carried 4-2

REPORTS/PRESENTATIONS TO THE BOARD

Presentations: Mr. Turrell presented a Health of the District Report. He briefly went over CSAP scores and highlights. We saw definite improvement, but there is still room to grow. The District will be fully accredited. He will focus more on the accreditation process and report at a future meeting. Fiscally, the District had strong audit numbers. He recognized the elementary and secondary for their budget savings. Additional savings was in the revenue from the high needs grant, E-rate, and some indirect costs.

Public Address: None.

ACTION ITEMS

Beginning Fund Balance Resolutions: Anytime a beginning fund balance is depleted, a resolution by the Board of Education must be approved noting that the expenditure will not lead to an ongoing deficit. After the audit numbers were completed, there were several funds that lowered their beginning fund balance.

“old” Capital Reserve

WHEREAS, C.R.S. 22-44-105 states that a budget, duly adopted pursuant to this article, shall not provide for expenditures, interfund transfers, or reserves, in excess of available revenues and beginning fund balance.

WHEREAS, the Board of Education may authorize the use of a portion of the beginning fund balance in the budget, stating the amount to be used, the purpose for which the expenditure is needed, and the district’s plan to ensure that the use of the beginning fund balance will not lead to an ongoing deficit.

WHEREAS, the Board of Education has determined the beginning fund balance in the “old” Capital Reserve Fund is sufficient to allow for the one-time expenditure and the action will not lead to an ongoing deficit.

THEREFORE, BE IT RESOLVED:

In accordance with C.R.S. 22-44-105, the Board of Education authorizes the use of a portion of the FY2010-11 Beginning Fund Balance for the following fund: “old” Capital Reserve, in the amount of \$18,821 for the purpose of making capital purchases and closing the old fund.

BE IT FURTHER RESOLVED, the use of this portion of the beginning fund balance for the purpose(s) set forth above will not lead to an ongoing deficit.

Activity

WHEREAS, C.R.S. 22-44-105 states that a budget, duly adopted pursuant to this article, shall not provide for expenditures, interfund transfers, or reserves, in excess of available revenues and beginning fund balance.

WHEREAS, the Board of Education may authorize the use of a portion of the beginning fund balance in the budget, stating the amount to be used, the purpose for which the expenditure is needed, and the district’s plan to ensure that the use of the beginning fund balance will not lead to an ongoing deficit.

WHEREAS, the Board of Education has determined the beginning fund balance in the Activity Fund is sufficient to allow for the one-time expenditure and the action will not lead to an ongoing deficit.

THEREFORE, BE IT RESOLVED:

In accordance with C.R.S. 22-44-105, the Board of Education authorizes the use of a portion of the FY2010-11 Beginning Fund Balance for the following fund: Activity Fund, in the amount of \$1,000 for various activity purchases.

BE IT FURTHER RESOLVED, the use of this portion of the beginning fund balance for the purpose(s) set forth above will not lead to an ongoing deficit.

Rental

WHEREAS, C.R.S. 22-44-105 states that a budget, duly adopted pursuant to this article, shall not provide for expenditures, interfund transfers, or reserves, in excess of available revenues and beginning fund balance.

WHEREAS, the Board of Education may authorize the use of a portion of the beginning fund balance in the budget, stating the amount to be used, the purpose for which the expenditure is needed, and the district's plan to ensure that the use of the beginning fund balance will not lead to an ongoing deficit.

WHEREAS, the Board of Education has determined the beginning fund balance in the Rental Fund is sufficient to allow for the one-time expenditure and the action will not lead to an ongoing deficit.

THEREFORE, BE IT RESOLVED:

In accordance with C.R.S. 22-44-105, the Board of Education authorizes the use of a portion of the FY2010-11 Beginning Fund Balance for the following fund: Rental, in the amount of \$8,000 for the purpose of renovation.

BE IT FURTHER RESOLVED, the use of this portion of the beginning fund balance for the purpose(s) set forth above will not lead to an ongoing deficit.

Childcare

WHEREAS, C.R.S. 22-44-105 states that a budget, duly adopted pursuant to this article, shall not provide for expenditures, interfund transfers, or reserves, in excess of available revenues and beginning fund balance.

WHEREAS, the Board of Education may authorize the use of a portion of the beginning fund balance in the budget, stating the amount to be used, the purpose for which the expenditure is needed, and the district's plan to ensure that the use of the beginning fund balance will not lead to an ongoing deficit.

WHEREAS, the Board of Education has determined the beginning fund balance in the Childcare Fund is sufficient to allow for the one-time expenditure and the action will not lead to an ongoing deficit.

THEREFORE, BE IT RESOLVED:

In accordance with C.R.S. 22-44-105, the Board of Education authorizes the use of a portion of the FY2010-11 Beginning Fund Balance for the following fund: Childcare, in the amount of \$7,000 for the purpose daycare expenditures.

BE IT FURTHER RESOLVED, the use of this portion of the beginning fund balance for the purpose(s) set forth above will not lead to an ongoing deficit.

Endowment

WHEREAS, C.R.S. 22-44-105 states that a budget, duly adopted pursuant to this article, shall not provide for expenditures, interfund transfers, or reserves, in excess of available revenues and beginning fund balance.

WHEREAS, the Board of Education may authorize the use of a portion of the beginning fund balance in the budget, stating the amount to be used, the purpose for which the expenditure is needed, and the district's plan to ensure that the use of the beginning fund balance will not lead to an ongoing deficit.

WHEREAS, the Board of Education has determined the beginning fund balance in the Endowment Fund is sufficient to allow for the one-time expenditure and the action will not lead to an ongoing deficit.

THEREFORE, BE IT RESOLVED:

In accordance with C.R.S. 22-44-105, the Board of Education authorizes the use of a portion of the FY2010-11 Beginning Fund Balance for the following fund: Endowment, in the amount of \$20 for the purpose the annual fees.

BE IT FURTHER RESOLVED, the use of this portion of the beginning fund balance for the purpose(s) set forth above will not lead to an ongoing deficit.

Mr. Pugh moved, Mr. West seconded, to approve the beginning fund balance resolutions as presented.

AYE: Rodney Brockelman, Laurie Kitzman, Becca Pope, Mike Pugh, Shannon Roth, Woodie West
Motion Carried 6-0

Policy GCBG/GCBDA – 2nd Reading: Policies GCBG and GCBDA were presented to the Board on a 2nd reading. Mr. West moved, Mr. Brockelman seconded, to approve policies GCBG & GCBDA on a 2nd reading.

AYE: Rodney Brockelman, Laurie Kitzman, Becca Pope, Mike Pugh, Shannon Roth, Woodie West
Motion Carried 6-0

Policy GD – 1st Reading: Policy GD was presented to the Board on a 1st reading. Mr. Brockelman moved, Mrs. Pope seconded to approve policy GD on a 1st reading.

AYE: Rodney Brockelman, Laurie Kitzman, Becca Pope, Mike Pugh, Shannon Roth, Woodie West
Motion Carried 6-0

Transfer of Funds 27 & 29: At the completion of the audit, the auditor felt that the Rental fund and Childcare fund should be transferred from Special Revenue funds to Enterprise funds. This is just a re-classification of the account numbers. Mr. Brockelman moved, Mrs. Pope seconded, to approve the transfer of fund 29 to 54 and the transfer of fund 27 to 53.

AYE: Rodney Brockelman, Laurie Kitzman, Becca Pope, Mike Pugh, Shannon Roth, Woodie West
Motion Carried 6-0

CASB policies – 1st Reading: CASB sent numerous policy revisions. Mr. Brockelman moved, Mrs. Pope seconded, to approve the CASB policies on a 1st reading.

AYE: Rodney Brockelman, Laurie Kitzman, Becca Pope, Mike Pugh, Shannon Roth, Woodie West
Motion Carried 6-0

QZAB Program Application: Joey McLiney presented information to the Board regarding the QZAB program. His company will take care of all the steps needed to complete a QZAB loan including finding a contributor of the 10% match. His firm does not get paid unless the District decides to move forward with the QZAB loan. Mr. Pugh moved, Mr. Brockelman seconded, approve the QZAB program application resolution.

WHEREAS, the District desires to finance the expenses of the project described on the attached Exhibit A (the “Project”);

WHEREAS, capital expenditures for rehabilitation or repair of certain public school facilities may be financed with the proceeds of a Qualified Zone Academy Bond (“QZAB”) issued pursuant to Sections 54A and 54E of the Internal Revenue Code of 1986, as amended (the “Code”);

NOW, THEREFORE, the Board of the District hereby finds, determines, declares, and resolves as follows:

Section 1. Recitals and Definitions. All of the above recitals are true and correct and the Board of the District so finds and determines.

Section 2. QZAB Authorization. The District is authorized to submit an application to the State of Colorado Department of Education seeking approval to issue a QZAB for those portions of the Project that meet the requirements of Sections 54A and 54E of the Code. In support of such application, the Board of the District specifically finds, determines, declares and resolves as follows:

(a) The District has reasonable expectations that at least 35% of the students attending or participating in the program will be eligible for free or reduced-cost lunches established under the Richard B. Nelson National School Lunch Act as of the date of issuance of the QZAB bonds.

(b) The District will have written commitments from private entity(ies) to make qualified contributions with a present value at the QZAB bond closing date of not less than 10% of the proceeds of the QZAB bond.

(c) The school(s) (or academic program(s) with such school(s)) (the "Academy") for which QZAB bond approval is sought is established by and operated under the supervision of the District, which is an eligible local education agency, as defined by Section 14101 of the Elementary and Secondary Education Act of 1965, in that the District provides education or training below the post secondary level, and (i) such Academy is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce, (ii) students in the Academy are subject to the same academic standards and assessments as other students educated by the eligible local education agency, and (iii) the comprehensive education plan of the school program is approved by the eligible local education agency.

(d) The District intends to use the proceeds of the QZAB for one or all of the following:

- (1) Rehabilitation or repairing the public school facility in which the academy is established; and/or
- (2) Providing equipment for use at such academy.

Section 3. Davis-Bacon Act Certification. All laborers and mechanics employed by contractors or subcontractors on projects funded by QZAB or QSCB proceeds shall be paid wages and fringe benefits at rates not less than those required under the Davis-Bacon Act, 40 U.S.C. 3141 et seq.

Section 4. Conflicts of Interest. Applicable state and local law requirements governing conflicts of interest are and will be, at issuance of any QZAB will be satisfied, and if additional conflict of interest rules are imposed by Internal Revenue Service or other federal regulation, such additional rules will be satisfied with respect to such issuance.

Section 6. Spending Plan. The District has written spending plans for the use of QZAB and QSCB proceeds on file in its offices.

[Option for Reimbursement] Section 7. Intent to Reimburse Under the Code. The District reasonably expects to reimburse capital expenditures described herein, costs of issuance or an expenditure described in Section 54A(d)(2)(D) of the Code with the proceeds of a QZAB, under Section 103 of the Code (any of the foregoing is referred to herein as a "Reimbursement Bond"), and further declares as follows:

- (a) The reimbursed expenditures have been paid not more than 60 days prior to the date of this Resolution.
- (b) The maximum principal component of Reimbursement Bond expected to be issued is \$_____.

- (c) The expenditures with respect to which the District reasonably expects to be reimbursed from the proceeds of Reimbursement Bond are for the acquisition of the property and costs set forth in Exhibit A.
- (d) Except as provided in Section 7, the District shall allocate on its books the Reimbursement Bond proceeds to the expenditures described herein within 18 months after the later of the date the original expenditure is paid or the date the Project is placed in service but not more than three years after the original expenditure is paid.
- (e) The District agrees that it will not use any reimbursed funds to pay debt service or to pay previously financed expenditures.

AYE: Rodney Brockelman, Laurie Kitzman, Becca Pope, Mike Pugh, Shannon Roth, Woodie West
Motion Carried 6-0

Mill Levy Override Resolution: Mr. Turrell presented information about a Mill Levy Override question to be put on the November ballot. The question has to be certified to the counties in accordance to the election timeline. Mr. Brockelman moved, Mrs. Pope seconded, to approve the Mill Levy Override resolution.

WHEREAS, Byers School District No. 32J, in Adams and Arapahoe Counties, Colorado (the "District"), is a duly organized and validly existing school district, political subdivision and body corporate of the State of Colorado (the "State"); and

WHEREAS, the District is in need of additional funds from the purposes described in the ballot issue set forth in Appendix A hereto and the District intends to seek voter approval for the authorization of additional local revenues; and

WHEREAS, the election shall be conducted as a coordinated election in Adams and Arapahoe Counties in accordance with articles 1 to 13 of title 1, Colorado Revised Statutes, as amended (the "Uniform Election Code"); and

WHEREAS, the County Clerks (defined in Section 3 below) are the coordinated election officials for the election pursuant to the Uniform Election Code, and shall be responsible for mailing the notice of election required by Article X, Section 20(3)(b) of the Colorado Constitution (the "TABOR Notice"); and

WHEREAS, the District intends to cooperate with the respective County Clerks to provide all necessary information and notices for the conduct of the election; and

WHEREAS, the Board has determined to set the ballot title for the ballot issue to be submitted at the election called by this Resolution.

THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF BYERS SCHOOL DISTRICT NO. 32J, IN THE COUNTIES OF ADAMS AND ARAPAHOE AND STATE OF COLORADO:

1. An election shall be held on Tuesday, November 1, 2011 (the "Election Date") at which there shall be submitted to the eligible electors of the District a ballot issue authorizing a mill levy override, which ballot issue shall be in substantially the form attached hereto as Appendix A.
2. For purposes of Section 1-11-203.5, C.R.S., this Resolution shall serve to set the ballot title for the ballot issue set forth in the appendix hereto. Appendix A is hereby incorporated into this Resolution as if set forth in full herein. The ballot title for the ballot issue attached hereto as Appendix A shall be the text of such ballot issue.
3. The election shall be conducted as a coordinated election in Adams and Arapahoe Counties in accordance with articles 1 to 13 of title 1 of the Colorado Revised Statutes (the "Uniform Election Code") and an Intergovernmental Agreement

4. (the "Intergovernmental Agreement") between the District and the Clerk and Recorder of Adams and Arapahoe Counties (the "County Clerks").

5. Not later than 60 days before the Election Date (Friday, September 2, 2011) the Designated Election Official shall certify a copy of the Ballot Issue set forth in Appendix A hereto to the County Clerks in accordance with Section 1-5-203, C.R.S. The "Designated Election Official" is the person designated as such in the Intergovernmental Agreement or, if no person is designated in the Intergovernmental Agreement, the Secretary of the Board, and such person is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and comply with the Uniform Election Code, Article X, Section 20 of the Colorado Constitution ("TABOR") and other applicable laws. The election shall be conducted in accordance with the Uniform Election Code, TABOR and other applicable laws. If the District refers more than one ballot issue to the voters at the same election (whether by this Resolution or one or more other resolutions), the order of the ballot shall, as provided by the rules of the Secretary of State, be as follows: first, measures to increase taxes; second, measures to retain revenues in excess of the District's fiscal year spending limit; third, measures to increase debt; fourth, citizen petitions; and fifth, other referred measures. If the District refers more than one ballot issue within any such category, the order within such category shall, unless otherwise determined by the Board, be the same as the order of the ballot issues in the resolution of the Board that orders that such ballot issues be so referred (with questions set forth in separate resolutions listed in the order in which such resolutions were adopted).

6. No later than 42 days before the Election Date (Tuesday, September 20, 2011), the Designated Election Official shall submit the TABOR Notice to the respective County Clerks in the form, if any, specified by the respective County Clerks. Thereafter, at least 30 days before the Election Date (Friday, September 30, 2011) the respective County Clerks are to mail, at the least cost, the notice required by Article X, Section 20(3)(b) of the Colorado Constitution to the registered voters of the District.

7. No later than 10 days before the Election Date (Friday, October 21, 2011) the Designated Election Official shall cause a notice of election to be published (if not otherwise published by the County Clerks) and posted in the office of the Designated Election Official in accordance with the Section 1-5-205, C.R.S.

8. As provided in Section 1-1-106, C.R.S., if the State Constitution or a State statute requires doing an act "no later than" or "at least" a certain number of days prior to the Election Date, the period is shortened to and ends on the prior business day that is not a Saturday, Sunday or legal holiday.

9. If a majority of the votes cast on the ballot issue attached hereto as Appendix A shall be in favor of the ballot issue, the District acting through the Board shall be authorized to proceed with the necessary action to levy taxes in accordance with the ballot issue. Any authority to levy ad valorem property taxes, if conferred by the results of the election, shall be deemed and considered a continuing authority levy the taxes so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

10. The officers and employees of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

11. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board and the officers and employees of the District and directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

12. All prior acts, orders or resolutions, or parts thereof, by the District in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

13. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

14. This Resolution shall take effect immediately upon its passage.

AYE: Rodney Brockelman, Laurie Kitzman, Becca Pope, Mike Pugh, Shannon Roth, Woodie West
Motion Carried 6-0

Furlough Days: Due to the budget savings in the 10-11 fiscal year, Mr. Turrell would like to give some back to the staff. The staff agreed to take two furlough days in the 11-12 school year. Mr. Turrell would like to revise contracts and give back the monetary portion that the furlough days took away. Mr. Pugh moved, Mrs. Pope seconded, to approve the return of the furlough day money that was originally taken out of the employees' 2011-12 contracts. The schedule will remain the same with a full week off at Thanksgiving.

AYE: Rodney Brockelman, Laurie Kitzman, Becca Pope, Mike Pugh, Shannon Roth, Woodie West
Motion Carried 6-0

Raise/Step/Bonus: In addition to the return of the furlough days, Mr. Turrell would like to give the staff either a raise, step, or bonus to make up for the three years that the staff has been frozen at their current level. With the uncertainty of the economy and state funding the Board didn't feel they should agree to anything at this time. Mr. West moved, Mr. Brockelman seconded to table the raise/step/bonus conversation until a later meeting. Mr. Turrell will keep the Board updated on student count numbers and the potential additional funding from the state so a decision can be made in Oct/Nov/Dec.

AYE: Rodney Brockelman, Laurie Kitzman, Becca Pope, Mike Pugh, Shannon Roth, Woodie West
Motion Carried 6-0

DISCUSSION ITEMS

Administrative Report: Mr. Turrell reviewed the Public School Finance Transparency Act and noted the items that are now required to be posted on the District website. He also noted that Strasburg schools have agreed to let the Byers School District play their home football games on their field this year.

Football Field: Mr. Roth raised the concern that the football is not getting any better. He suggested we stop putting money into the field if it is not doing any good. The board felt that we have tried to make it better but we need to come up with some new solutions. Mr. Turrell will work on creating a committee to focus on the football field and the options we have.

Committee Reports:

Legislative – None

BOCES – None

CHSAA – None.

Personnel – Mr. Roth shared the audit report. Auditor said District funds look very good.

Buildings/Grounds – Very pleased with the work that got completed over the summer. School looks good.

Policy – None

Accountability – Next meeting September 19th at 3:45.

REGULAR MEETING
BOARD OF EDUCATION
BYERS SCHOOL DISTRICT NO. 32J
August 18, 2011
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CLOSING ACTIVITIES

Agenda Items for Next Board Meeting: The next regular meeting of the Board of Education is scheduled for Thursday, September 15, 2011 at 7:00 p.m. in the Lecture Hall at Byers School District, 444 E. Front Street. Items for the next meeting include GCBD/GCBDA – 3rd reading; GD – 2nd reading; CASB policies – 2nd reading, Student Presentations; Director presentation; along with anything else that arises prior to that time. The Board will also have a work-session on Wednesday, August 31st at 6:00 p.m. to discuss the possibility of an on-line school.

Adjournment: There being no further business, Mr. Brockelman moved, Mr. Pugh seconded, to adjourn the meeting at 8:55 p.m.

AYE: Rodney Brockelman, Laurie Kitzman, Becca Pope, Mike Pugh, Shannon Roth, Woodie West

Motion Carried 6-0

President

Secretary