

# *Board of Education*

## *Mesa County Valley School District 51*

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*Board Special Meeting Minutes*

*August 10, 2021*

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### **Board Special Meeting Minutes**

A - Doug Levinson  
 B - Paul Pitton  
 C - Trish Mahre  
 D - Tom Parrish  
 E - Amy Davis

**Board of Education**  
**Mesa County Valley School District 51**  
**Board Special Meeting: August 10, 2021**  
**Adopted: September 21, 2021**

	A	B	C	D	E	AGENDA ITEMS	ACTION
						<u>BOARD SPECIAL MEETING</u>	6:00 p.m.
Present	x	x	x	x	x	1. Call to Order/Pledge of Allegiance/Roll Call	
Absent							
Motion					x	2. Agenda Approval	Adopted
Second			x				
Aye	x	x	x	x	x		
No							
Motion			x			3. Board Discussion on Bond Resolution	Adopted
Second					x	➤ Board members reviewed the three resolutions presented for a possible bond measure. All three resolutions contained language for a bond measure to be placed on the November ballot requesting a bond in the amount of \$115 million. The difference in the three options pertained to what the bond would be used for. The options were to:	
Aye	x	x	x	x	x	a. Replace Grand Junction High School and retain the current art building and the east gym, with renovations being made to the east gym.	
No						b. Replace Grand Junction High School and retain just the current art building.	
						c. Replace Grand Junction High School without retaining any existing buildings.	
						➤ Members discussed the pros and cons of the various options and conducted a thumbs up vote on each option before deciding on which resolution to approve. The art building would be cost neutral to retain and would be used to store athletic equipment. The east gym would require approximately \$1.5 million to renovate and could be utilized by both the District and the community.	
Motion					x	4. Resolution to Approve Bond Measure [Resolution: 21/22: 05]	Adopted
Second			x			➤ The resolution voted on by the Board will place a bond measure on the November ballot to replace Grand Junction High School, retain the art building along with the east gym.	
Aye	x	x	x	x	x	➤ Board members requested to hear regular updates from the executive committee and the campaign committee at future meetings.	
No							
						5. Policy First Reading	
						5.a. BE, School Board Meetings	
						5.b. BEDH, Public Participation At Board Meetings	
Motion	x					6. Executive Session	7:01 p.m.
Second					x	Personnel matters except if an employee who is the subject of an executive session requests and open meeting pursuant to C.R.S. 24-6-402(4)(g). Present at the executive session were Board members Dr. Davis, Mr. Levinson, Mrs. Mahre, Mr. Parrish and Mr. Pitton.	
Aye	x	x	x	x	x	Motion to adjourn executive session and return to open meeting	
No						Time spend discussing personnel matters: 66 minutes	
Motion	x						8:07 p.m.
Second					x		
Aye	x	x	x	x	x		
No							

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Motion	x					7. Adjournment 8:07 p.m.	Adjourned
Second							
Aye	x	x	x	x	x		
No							
						_____ Bridget Story, Secretary Board of Education	

**RESOLUTION**

WHEREAS, the Mesa County Valley School District No. 51 (the “District”), in the County of Mesa and the State of Colorado, is a public corporation duly organized and existing under the Constitution and the laws of the State of Colorado; and

WHEREAS, the members of the Board of Education of the District (the “Board”) have been duly elected, chosen, and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any new tax, the creation of any debt, and for spending certain moneys above limits established by TABOR; and

WHEREAS, the District has applied to the State of Colorado (the “State”) for financial assistance from its Build Excellent Schools Today (“BEST”) program to be utilized for the acquisition, construction, and equipping of certain improvements of the District as further described in Section 4 below (the “Project”); and

WHEREAS, the State has selected the District as recipient for a BEST grant; and

WHEREAS, in order for the District to take advantage of the BEST grant in the amount of \$9,996,933.56 (which grant does not need to be repaid), the District is required to provide matching funding in the aggregate principal amount of approximately \$115 million to be utilized for the Project; and

WHEREAS, the Board has determined the interest of the District and the public interest and necessity require the capital improvements as provided in the ballot question set forth below, all at a cost estimated at approximately \$115 million; and

WHEREAS, TABOR requires the District to submit ballot issues (as defined in TABOR) to the District’s electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 2, 2021, is one of the election dates at which ballot issues may be submitted to the eligible electors of the District pursuant to TABOR; and

WHEREAS, the County Clerk and Recorder (the “County Clerk”) in Mesa County, Colorado (the “County”) will conduct the election on November 2, 2021, as a coordinated election (the “election”); and

WHEREAS, it is necessary to submit to the eligible electors of the District, at the election, the proposition of creating general obligation indebtedness in the aggregate principal amount of not to exceed \$115 million to finance the Project and increasing taxes to pay such debt; and

WHEREAS, the District will not have held more than one other election on the question of contracting a bonded indebtedness for any purpose within the twelve months immediately preceding the election herein called.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51, IN THE COUNTY OF MESA AND THE STATE OF COLORADO:

**Section 1.** All action heretofore taken (not inconsistent with the provisions of this resolution) by the District and the officers thereof, directed towards the election, the Project, and the objects and purposes herein stated, are ratified, approved, and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in Section 22-42-101, C.R.S. or Section 1-1-104, C.R.S.

**Section 2.** The election shall be conducted as a coordinated election in the County pursuant to TABOR, Article 42 and 54 of Title 22, C.R.S., and the Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto. The election shall also be conducted by the County Clerk of the County. The District hereby determines that the election shall be held on November 2, 2021, and that there shall be submitted to the eligible electors of the District the question set forth herein. Because the election will be held as part of the coordinated election, the Board hereby determines that the County Clerk shall conduct the election on behalf of the District pursuant to the Uniform Election Code of 1992.

**Section 3.** The Board hereby authorizes and directs the officers of the District to certify on or before September 3, 2021, the following question in substantially the form hereinafter set forth to the County Clerk. Such question shall be submitted to the eligible electors of the District at the election.

### **BALLOT ISSUE**

SHALL MESA COUNTY VALLEY SCHOOL DISTRICT NO. 51 DEBT BE INCREASED \$115 MILLION, WITH A MAXIMUM REPAYMENT COST OF NOT TO EXCEED \$205.75 MILLION, AND SHALL TAXES BE INCREASED NOT MORE THAN \$20.9 MILLION ANNUALLY FOR THE FOLLOWING:

- 1) FOR THE SOLE PURPOSE OF REPLACING GRAND JUNCTION HIGH SCHOOL (CONSTRUCTED IN 1956) WITH A NEW HIGH SCHOOL ON THE SAME SITE AND RENOVATING THE EXISTING EAST GYM AND ART BUILDING ON THE HIGH SCHOOL CAMPUS SITE (THE "PROJECT"); AND
- 2) WITH SUCH TAX INCREASE BEING TEMPORARY AND EXPIRING UPON THE REPAYMENT OF ANY BONDS ISSUED PURSUANT TO THIS BALLOT QUESTION; AND

3) WITH THE NEW HIGH SCHOOL INCLUDING ACADEMIC, ART, AND ATHLETIC FACILITIES THAT SHALL BE USED FOR THE BENEFIT OF STUDENTS DISTRICT-WIDE;

PROVIDED HOWEVER THAT ANY PROCEEDS OF THE BONDS REMAINING AFTER THE COMPLETION OF THE PROJECT SHALL BE UTILIZED FOR THE PAYMENT OF THE BONDS;

WITH SUCH BONDS TO BE GENERAL OBLIGATIONS OF THE DISTRICT, TO BE SOLD, BEAR INTEREST, MATURE, BE SUBJECT TO REDEMPTION, AND BE ISSUED AT SUCH TIME, AT SUCH PRICE (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH TERMS NOT INCONSISTENT WITH THIS BALLOT ISSUE, AND SHALL AD VALOREM PROPERTY TAXES BE LEVIED AT A MILL LEVY SUFFICIENT IN EACH YEAR TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH DEBT AND ANY REFUNDING DEBT WHEN DUE, OR TO CREATE A RESERVE FOR THE SAME; PROVIDED THAT ANY REVENUE PRODUCED BY THIS MILL LEVY SHALL NOT EXCEED \$20.9 MILLION ANNUALLY AND PROVIDED FURTHER THAT THE PROCEEDS (PRINCIPAL PLUS ANY PREMIUM MINUS ANY DISCOUNT) RECEIVED BY THE DISTRICT OF ANY DEBT ISSUED PURSUANT TO THIS QUESTION SHALL NOT EXCEED \$115 MILLION?

**Section 4.** Bridget Story was appointed as the designated election official of the District for purposes of performing acts required or permitted by law in connection with the election.

**Section 5.** If a majority of the votes cast on the question to authorize general obligation indebtedness submitted at the election shall be in favor of incurring general obligation indebtedness as provided in such question, the District, acting through the Board, shall be authorized to proceed with the necessary action to incur general obligation indebtedness in accordance with such question.

Any authority to contract general obligation indebtedness, if conferred by the results of the election, shall be deemed and considered a continuing authority to contract the general obligation indebtedness 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.

**Section 6.** If a majority of the votes cast on the question authorize the issuance of bonds as described in the bond question set forth above, the District intends to issue such bonds in the approximate aggregate principal amount of \$115 million to pay the costs of the Project, including the reimbursement of certain costs incurred by the District prior to the execution and delivery of such bonds, upon terms acceptable to the District, as authorized in a resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection

therewith. The officers, employees, and agents of the District shall take all action necessary or reasonably required to carry out, give effect to, and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by the resolution. The District shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h). This resolution is intended to be a declaration of “official intent” to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

**Section 7.** Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

**Section 8.** The officers of the District are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

**Section 9.** All orders, bylaws, and resolutions, or parts thereof, in conflict with this resolution, are hereby repealed.

**Section 10.** If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

ADOPTED AND APPROVED this August 10, 2021.

(SEAL)

ATTEST:

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President  
Mesa County Valley School District No. 51

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Secretary  
Mesa County Valley School District No. 51



STATE OF COLORADO )  
 )  
 COUNTY OF MESA ) SS.  
 )  
 MESA COUNTY VALLEY )  
 SCHOOL DISTRICT NO. 51 )

I, Bridget Story, am the duly qualified and acting Secretary of the Board of Education of Mesa County Valley School District No. 51 (the “District”), in the County of Mesa and State of Colorado, and I do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the “Resolution”) passed and adopted by the Board of Education of the District (the “Board”) at a special meeting of the Board held on August 10, 2021.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of August 10, 2021, by an affirmative vote of a majority of the members of the Board as follows:

Name	“Yes”	“No”	Absent	Abstain
Tom Parrish, President				
Paul Pitton, Vice President				
Dr. Amy L. Davis				
Doug Levinson				
Trish Mahre				

3. The members of the Board were present at such meeting and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the President of the Board, sealed with the District seal, attested by the Secretary, and recorded in the minutes of the Board.

5. Attached hereto as Exhibit A is a copy of the notice of the meeting of August 10, 2021, which notice was posted in one place within the District at least 24 hours before such meeting and which notice included agenda information, if available.

6. There are no bylaws, rules or regulations of the Board which prevent the immediate adoption of the Resolution set forth in the foregoing proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District, this August 10, 2021.

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Secretary

(SEAL)

EXHIBIT A

(Attach Notice of Meeting)

# Mesa County Valley School District 51

## BE SCHOOL BOARD MEETINGS

Adopted: October 10, 1972

Revised: May 15, 2001

Revised: September 3, 2002

Adopted: June 16, 2009

Adopted: February 20, 2018

March 19, 2020

August 17, 2021

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Revision First Reading: August 10, 2021

~~Board of Education of Mesa County Valley School District 51 shall perform in accordance with all laws pertaining to public schools as specified by the United States federal government and the Colorado state government. The assistance of legal representatives and authorities may be used by members of the Board or their designee as deemed necessary and/or advisable by a majority of the Board.~~

All meetings of a quorum of three or more members of the Board at which any public business may be discussed or any formal action taken shall be open to the public at all times except for periods in which the Board is in executive session. Any, but any person who disturbs good order may be required to leave.

A recording shall be made of regular and special meetings as required by law and at a minimum shall be an audio recording. Recordings shall be maintained for 90 days.

All regular meetings of the Board of Education shall be held in the Harry Butler Board Room, 455 N. 22 Street, Grand Junction, Colorado, at 6:00 pm, unless otherwise publicly announced.

### 1. Regular Meetings

- a. ~~The Board, as a decision making body, is confronted with a continuing flow of problems, issues and needs which require action. The Board is mindful of the importance of planning, brainstorming and thoughtful discussion prior to any action. Therefore, the Board schedules a Work Session for Work sessions for~~ discussion of educational and business issues ~~to be shall be~~ held on the first Tuesday of each month, with the exception of November and December, when no work sessions will be held. Business items may be added to the agenda when necessary under a business meeting format.
- b. Business meetings shall be held on the third Tuesday of each month, with the exception of the November, December, March and May meetings, which ~~will instead may~~ be scheduled on an alternative Tuesday to accommodate ~~Election Day,~~ Thanksgiving, Christmas, Spring Break and/or high school graduations. No business meeting will be held during the month of July. Adjournment will be no later than 9:30 p.m., except for good cause.

### 2. Special Meetings

Special meetings may be called by the president at any time, and shall be called by the President~~him/her~~ upon the written request of two or more a majority of the members.

The secretary of the Board shall cause written notice of any special meeting to be emailed or mailed ~~or delivered~~ to each member of the Board stating the time, place and purpose of the meeting. If the notice is to be emailed, delivered, it shall be sent by email in the hands of the member no later than 24 hours prior to the hour set for the meeting, and if it is to be mailed, it shall be mailed no later than 72 hours prior to the hour set for the meeting. Hand delivery shall be a valid substitute for email or mail.

Any member may waive notice of the time, place and purpose of a special meeting before, during or after such meeting, and attendance thereat shall be deemed to be a waiver.

# Mesa County Valley School District 51

## BE SCHOOL BOARD MEETINGS

Adopted: October 10, 1972

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No business other than stated in the notice of the meeting shall be transacted unless all members are present and consent to consider and transact other business. Public comments, if allowed, shall be limited to the subject of the special meeting.

The Board shall adopt an agenda setting forth the business and the order of business to be transacted, discussed or considered at each regular meeting of the Board.

At all regular and special meetings of the Board of Education, no new item shall be considered past the hour of 9 p.m. In the event the agenda has not been completed, the remaining agenda items will be considered at a special meeting set by the Board or be included on the agenda for the next regular meeting.

Except as otherwise specified by state law or Board policies pertaining to its own operating procedures, the Board generally shall operate by the rules prescribed in *Robert's Rules of Order, Newly Revised*.

### Electronic Participation

Board members may attend and participate by electronic means in regular or special meetings of the Board in accordance with this policy and state law. For purposes of this section policy concerning participation of a member electronically in a normal public meeting, "electronic means" shall be defined as attendance via telephone, video or audio conferencing, or other electronic device.

Board members may attend and participate by electronic means in a regular or special Board meeting when extenuating circumstances prevent the Board member(s) from physically attending the meeting.

A meeting at which one or more Board members attend and participate by electronic means shall be open to the public, except for periods in which the Board is in executive session.

The electronic means used shall allow the public to hear the comments made by the Board member(s) participating by electronic means and allow the Board member(s) to hear the comments made by the public. A Board member participating by electronic means will be included in the recording of the Board meeting.

A Board member who seeks to attend and participate by electronic means in a Board meeting shall notify the Board president and superintendent at least three business days prior to the meeting and shall explain the extenuating circumstances that prevent the Board member from physically attending the meeting. If such notification is not possible, the Board member shall notify the Board president and superintendent as soon as is reasonably possible of the request to attend by electronic means.

~~A Board member may attend and participate by electronic means in a maximum of two Board meetings per calendar year, unless otherwise approved by the Board.~~

A Board member's failure to comply with this policy may result in the Board's refusal to allow the member to participate by electronic means in Board meetings.

### Electronic Meetings

# Mesa County Valley School District 51

## BE SCHOOL BOARD MEETINGS

Adopted: October 10, 1972

Revised: May 15, 2001

Revised: September 3, 2002

Adopted: June 16, 2009

Adopted: February 20, 2018

March 19, 2020

August 17, 2021

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Revision First Reading: August 10, 2021

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A regular or special Board meeting may be held by electronic means in the event of extenuating circumstances, as determined by the President of the Board. For purposes of this section regarding full virtual meetings, the term "electronic means" shall be defined as a meeting conducted by video conferencing with a stream / link for members of the public to use so that the public is able to hear and observe the meeting. In the event of an Electronic Meeting, public comments will not be taken.

### Voting

All voting shall be by roll call with each member present voting "Aye" or "No" alphabetically. However, election of the president and vice president may be by secret ballot. A member may abstain from voting only if excused by the Board for good cause.

A Board member who has a personal or private interest in any proposed or pending matter which presents a conflict of interest in accordance with Board policy shall disclose such interest and shall not vote unless his participation is necessary to obtain a quorum or otherwise enable the Board to act. Under such circumstances, the member shall comply with the voluntary disclosure requirements set out in state law.

To pass, any motion must be approved by a majority of the members present except as state law or policies of this Board may require a majority of full membership.

### Legal References:

- C.R.S. 22-31-129 (board vacancies)
- C.R.S. 22-32-104 (3) (president and vice president must be elected by majority of the entire membership)
- C.R.S. 22-32-108 (board meetings)
- C.R.S. 22-32-108 (6) (voting by roll call, excused for good cause)
- C.R.S. 22-32-108 (7) (a) (a board member who participates electronically in conformance with the board's policy on electronic meeting participation is considered "present")
- C.R.S. 24-6-401, et seq. (open meeting law)
- C.R.S. 24-6-402 (2)(d)(IV) (outcome of a secret ballot vote must be recorded contemporaneously in the minutes)
- C.R.S. 24-6-402 (4) (a two-thirds majority of the quorum present is required to go into executive session)
- C.R.S. 24-18-109 (3) (conflict of interest and voting)
- C.R.S. 24-18-110 (voluntary disclosure of conflict of interest)

### Cross References:

- BCB, Board Member Conduct/Conflict of Interest
- BEC, Executive Sessions/Open Meetings
- BEDA, Notification of Board Meetings

**Mesa County Valley School District 51**  
**BEDH**  
**PUBLIC PARTICIPATION AT BOARD MEETINGS**

Adopted: October 10, 1972

Policy Manual Review: September 3, 2002

Revision First Reading: August 17, 2021

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All regular and special meetings of the Board shall be open to the public. Because the Board desires to hear the views of citizens throughout the District and also needs to conduct its business in an orderly and efficient manner, the Board shall schedule time during some Board meetings for comments from the public. The Board will set a time limit on the length of the public participation and a time limit for each individual speaker. The public is invited to attend Board meetings and shall be given limited time to voice opinions or problems. During times of general public comment at regular business meetings, comments may deal with any topic related to the conduct of schools. Comments at special meetings, if any, must be related to the topics of the special meeting.

The Board recognizes its responsibility to conduct the business of the district in an orderly and efficient manner and will, therefore, require reasonable controls to regulate public presentations to the Board. A person wishing to be heard by the Board shall first be recognized by the president. The person He shall then identify himself/herself and proceed with his/her comments as briefly as the subject permits, but within the time limits established by the Board.

The president is responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion, the appropriateness of the subject being presented and the suitability of the time for such presentation. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings.

Members of the public wishing to make formal presentations before the Board should make arrangements in advance with the superintendent so that such presentation, if appropriate, may be scheduled on the agenda. The decision to schedule a presentation is within the sound discretion of the superintendent.

Legal Reference:

C.R.S. 24-6-401 et seq (open meeting law)