

Board of Education

Mesa County Valley School District 51

Business Meeting

October 16, 2010

Business Meeting Minutes

A - Diann Rice
 B - Cindy Enos-Martinez
 C - Harry Butler
 D - Leslie Kiesler
 E - Greg Mikolai

Board of Education
Mesa County Valley School District 51
Business Meeting Minutes: October 19, 2010
Adopted: November 16, 2010

A	B	C	D	E
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					AGENDA ITEMS	ACTION
Present	x	x	x	x	A. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL ➤ Mr. Butler welcomed everyone to the October Board Business Meeting and gave instructions for meeting participants to address the Board, under <i>Item G, Audience Comments.</i> ➤ Mr. Butler asked for a moment of silence for Caitlyn True, the student from Fruita Monument High School who was killed over the past weekend. ➤ [Mr. Greg Mikolai: Absent/Excused]	6:00 p.m.
Absent				x		
Motion	x				B. AGENDA APPROVAL	Adopted as Presented
Second				x		
Aye	x	x	x	x	C. MINUTES AND MEETING RECORD APPROVAL	Adopted as Presented
No						
Motion		x			C-1. September 21, 2010, Business Meeting Minutes	Adopted as Presented
Second				x		
Aye	x	x	x	x	C-2. October 5, 2010, Regular Meeting/Work Session Minutes	Adopted as Presented
No						
Motion	x				D. RECOGNITIONS	
Second		x				
Aye	x	x	x		D-1. CHSAA Administrator of the Week [Resolution: 10/11: 24] ➤ Mrs. Leslie Kiesler read the Resolution honoring Mrs. Jody Diers for Colorado High School Activities Association, IBM of Colorado, KOA Radio and the Denver Broncos School Hero of the Week. The program recognizes those who excel in both activities arena, athletics, music, speech, leadership and in the classroom. Other activity participation includes citizenship and a quality which sets Mrs. Diers apart from her peers. Mr. Bill Larsen accepted the award on Mrs. Diers' behalf due to Mrs. Diers participating in a school activity with students. Mrs. Kiesler thanked Mrs. Diers for her leadership and positive attitude. ➤ The Board of Education congratulated Mrs. Diers, Central High School Principal, for receiving this award.	
No						
Abstain				x	D-2. FMHS Bronze Environmental Achievement Award – FMHS Recycling Club [Resolution 10/11: 26] ➤ Mrs. Diann Rice presented the FMHS Recycling Club with the Bronze Environmental Achievement Award. The Bronze award is the Environmental Leadership Program's entry-level award which recognizes the voluntary and significant environmental achievements of Colorado businesses, organizations, state and local government agencies. Mrs. Rice praised the students for their forward-thinking and their global awareness. ➤ The Board congratulated these students for spearheading the effort for Fruita Monument High School and making a positive environmental impact while saving money by recycling.	

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AGENDA ITEMS	ACTION
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| <p>E. BOARD REPORTS/COMMUNICATIONS/REQUESTS</p> <ul style="list-style-type: none"> ➤ Mrs. Rice reported attending three Board lunches at East Middle School, Fruita Middle School and Career Center. Mrs. Rice enjoyed visiting with staff at these schools. Mrs. Rice attended a prescreening of the movie, "Waiting for Superman". Mrs. Rice found the movie, sponsored by Club 20, and community discussion to be very interesting. Group discussion took place at BTK following the movie. The discussion centered on things District 51 is doing right and things the district can do better. Mrs. Rice expressed her gratitude for the amount of community support the district receives. There were numerous community leaders in attendance. Superintendent Schultz expressed his thanks for great community support and partnerships with the District. Over 60 people attended the discussion phase of the evening. Mr. Schultz reported the meeting provided a good balance of positive and constructive discussion. Mrs. Rice also reported attending some of the Budget Focus Groups and the District Foundation Meeting. ➤ Mrs. Kiesler reported attending the CASB Delegate Assembly and CASB Board Meeting. Mrs. Kiesler will be sharing legislation information and election issues with other Board members. Mrs. Kiesler also attended the Alpine Bank Student of the Month luncheon at Mesa State College and some of the Budget Focus Groups. ➤ Mr. Butler reported attending the Mesa State Alumni Luncheon, the Alpine Bank Student of the Month Luncheon and the League of Women Voters Debate. Mr. Butler acknowledged the district has some sharp students in our schools. <p>F. LEGISLATIVE REPORT</p> <ul style="list-style-type: none"> ➤ Mrs. Kiesler reported she had information from the Delegate Assembly to share with the other Board members. <p>G. AUDIENCE COMMENTS</p> <ul style="list-style-type: none"> ➤ No requests were received. <p>H. SUPERINTENDENT'S REPORT</p> <p>H-1. Instructional Update – Mr. Andy Laase, Executive Director of Elementary</p> <ul style="list-style-type: none"> ➤ Superintendent Schultz reported Wednesday, October 20 is the launch date for the 500 Plan. Mr. Laase reported on Wednesday afternoons from 2:00 – 3:00 p.m., tutors will meet, one-on-one, with students. All tutors participated in a ninety-minute training session with our Literacy Content Specialists. Tutors were then fingerprinted after their training. Eighty-three tutors have been trained. Over forty businesses are being represented. ➤ Third through fifth grades will be targeted. As the program grows, other grade levels will be targeted. Five schools will be served to begin with; Rim Rock, Chipeta, Dos Rios, Chatfield and Rocky Mountain. ➤ Students will bring appropriate grade level books to their tutoring sessions. Alternative materials will be in place for students who forget their books. | |
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					<ul style="list-style-type: none"> ➤ The extended hour's programs at schools participating in the 500 Plan will supervise students being tutored. There will be no charge to these participating families. When tutoring sessions are over, students will go to extended care until they can be picked up by their parents. Students selected to work with tutors will not be excluded from the program because they do not have transportation. ➤ The Board thanked Mr. Laase and everyone involved with the 500 Plan for their hard work. Superintendent Schultz thanked the Chamber of Commerce, Mrs. Sheryl Fischer with Extended Hours Programs and Sheriff Stan Hilkey and his department. The Board thanked all of the volunteers for their support. <p>H-2.Business/Investment Reports and Fuel Report – Mrs. Melissa Callahan-deVita, Executive Director Support Services, Mrs. Vi Crawford, Budget Director</p> <ul style="list-style-type: none"> ➤ Mrs. Kiesler thanked Mrs. Callahan-deVita for providing the fuel report in the Board packet. Mrs. Callahan-deVita noted that some of the vendor fleet cards were available and that the numbers will vary in November because the District is still in the process of emptying the old fuel tanks. <p>H-3.Expulsion Report</p> <ul style="list-style-type: none"> ➤ Superintendent Schultz reported six expulsions to date. <p>I. EXECUTIVE SESSION</p>	
Motion				x	J. CONSENT AGENDA [Resolution 10/11: 20, 21, 23, 19]	Adopted
Second		x			J-1. Personnel Actions	
Aye	x	x	x	x	J-1-a. Licensed Personnel	
No					J-1-b. Support Personnel	
					J-2. Gifts	
					J-3. Grants	
Motion				x	K. BUSINESS ITEMS	Adopted
Second	x				K-1.Resolution to Cancel November 2, 2010, Work Session	
Aye	x	x	x	x	[Resolution 10/11: 25]	
No						
Motion		x			K-2.District Accountability Committee Membership Approval	Adopted
Second				x	[Resolution 10/11: 22]	
Aye	x	x	x	x	➤ Mrs. Rice indicated she has been recruiting people to join the District's Accountability Committee. Mrs. Rice indicated she would like to see more community members and parents on this committee. Superintendent Schultz stated the district has been encouraging people to join.	
No					➤ Mrs. Kiesler noted seeing names of people on the list of people whom she has been recruiting to the committee. Mrs. Kiesler expressed gratitude to these people.	
					➤ Mr. Butler thanked Mrs. Rice for her dedication to this committee and her participation in the monthly meetings.	

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Motion					x
Second					
Aye	x	x	x	x	
No					

K-3.Trane Phase III Project Resolution [Resolution 10/11: 28]
 ➤ Mr. Butler conveyed his appreciation to Trane for the support and dedication they have conveyed to the district. Mrs. Enos-Martinez praised the District's decision to go with Trane as it was a move in the right direction and appears to be paying off.

Adopted

Motion	x				
Second					
Aye	x	x	x	x	
No					

K-4.Trane Phase III Financing Contract Resolution [Resolution 10/11: 27]
 ➤ Discussion took place regarding the decision to team with TRANE and the benefits the district has received from this partnership. The district has moved towards becoming more energy efficient.

Adopted

L. BOARD OPEN DISCUSSION

M. FUTURE MEETINGS - Reviewed

➤ The November 16, 2010, 6:00 p.m., Board Business Meeting was added to the list.

Motion					x
Second	x				
Aye	x	x	x	x	
No					

N. EXECUTIVE SESSION: 7:25 p.m.

➤ Negotiations, CRS Section 24-6-402(4)(e) For the purpose of determining positions relative to matters which may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators.

Adjourned to Executive Session

➤ Mr. Butler, Mrs. Enos-Martinez, Mrs. Kiesler, Mrs. Rice, Superintendent Schultz, Mrs. Martin

Convened: 7:35 p.m.

➤ Returned to Open Meeting 8:15 p.m.

Motion	x				
Second					x
Aye	x	x	x	x	
No					

Return to Open Meeting

Motion	x				
Second					x
Aye	x	x	x	x	
No					

O. ADJOURNMENT: 8:16 p.m.

Terri N. Wells, Secretary
 Board of Education



**Recognition: Jody Diers
IBM High School Administrator Hero of the Week**

Board of Education Resolution: 10/11: 24

Adopted: October 19, 2010

Each week, during the NFL season, the Colorado High School Activities Association, IBM of Colorado, 850 KOA Radio and the Denver Broncos select a School Hero of the Week. This program is designed to recognize those who excel in both the activities arena – athletics, music, speech and leadership – and in the classroom. Additional criteria include other activities participation, citizenship and a quality that sets someone apart from their peers. Each week, these organizations recognize five to seven people throughout the state of Colorado, two of whom are outstanding coaches, administrators or officials in high school sports.

The Board of Education would like to congratulate Jody Diers, principal at Central High School, for receiving the IBM High School Administrator Hero of the Week award in September.

Congratulations to Jody, and thanks for all you do to represent the Central High School community in such a positive light. You are a great role model for all our high school athletes!



**Mesa County Valley School District 51
Recognition: Fruita Monument High School Recycling Club
Bronze Environmental Achievement Award**

Board of Education Resolution: 10/11: 26

Adopted: October 19, 2010

The Colorado Department of Public Health and Environment recently awarded the Bronze Environmental Achievement Award to the Fruita Monument High School Recycling Club.

The Bronze award is the Environmental Leadership Program's entry-level award that recognizes the voluntary and significant environmental achievements of Colorado businesses, organizations and state and local government agencies.

Earlier this year, Brian Gaboriau of the department nominated Fruita Monument for its sustainability achievements, including the Recycling Club efforts. Club members traveled to Denver in October for a public recognition event where they were welcomed into the program.

According to club advisor Patti Clark, these students are amazing kids who are very forward-thinking and globally aware. They genuinely care about our world and everything in it. The Fruita Monument student body and staff recycle approximately 24% of their total waste stream and save about 20,700 pounds of waste from going to the dump every year.

The Board of Education would like to thank these students for spearheading this effort so that their school and our district have a more positive environmental impact and save money in the process.

The Fruita Monument High School Recycling Club members include:

- Seniors: McKenzie Kimball (President) and Katie Heil
- Juniors: Kelsi Bradley, Avivah Hotimsky and David Pauley
- Sophomores: Mariah Hartle, Dylan Weber and Courtland Carpenter

Board of Education Resolution: 10/11:20

Adopted: October 19, 2010

Name

School/Assignment

Effective Date

Retirements

None at this time.

Resignations

None at this time.

Leave of Absence

None at this time.

New Assignments

Couch, Timothy	R-5/ Nova Net/Online Education	September 29, 2010
Dalpiaz, Stacey	Hawthorne/ School Nurse	September 13, 2010
Edwards, David	R-5/ Nova Net/Online Education	September 30, 2010
Gammage, Antonia	Rocky Mtn./ SPED Moderate Needs	September 22, 2010

I hereby certify that the information contained in the above resolution is accurate and was adopted by the Mesa County Valley School District No. 51 Board of Education on October 19, 2010.

Terri N. Wells
Secretary, Board of Education



Board of Education Resolution: 10/11: 21

Adopted: October 19, 2010

NAME	ASSIGNMENT		LOCATION	EFFECTIVE DATE
RETIREMENTS				
Lawson, Richard A	HVAC		Maintenance	10/08/2010
RESIGNATIONS AND SEPARATIONS				
Baldwin, Marsha D	Instructional Asst		Shelledy Elementary	10/08/2010
Bohning, Kathleen L	Paralibrarian		Nisley Elementary	10/01/2010
Davis, Vicky M	Health Assistant		Fruita 8-9 School	09/14/2010
Duran, Nikole B	Instructional Asst	ECE	Tope Elementary	09/30/2010
Eggstaff, Pamela A	Instructional Asst		Emerson	09/10/2010
King, Wilma C	Instructional Asst	Sped	Rocky Mountain Elementary	10/19/2010
Reed, Suzzann D	Instructional Asst	Sped	Fruita Monument High School	09/16/2010
Roberts, Candice N	Fruitvale Paraprofessional		Fruitvale Elementary	10/15/2010
Shires Iii, Arthur E	Custodian Trainee		Custodial Dept	09/09/2010
Silva, Lorie Ann	Health Assistant		Chatfield Elementary	09/01/2010
Strem, Nakita A	Instructional Asst	Sped	Grand Mesa Middle School	09/16/2010
Witte, Orilee L	Instructional Asst		R-5 High School	10/01/2010
Layton, Anthony S	Night Custodian		Central High/Grand Mesa MS	09/14/2010
ASSIGNMENTS				
Carter, Susan L	Instructional Asst		Career Center	09/07/2010
Clark, Ericka M	Instructional Asst		Rocky Mountain Elementary	09/27/2010
Cordova, Lonny C	Behavior Coach		Rocky Mountain Elementary	09/29/2010
Dodson, Ashley N	Instructional Asst	Sped	Pomona Elementary	09/07/2010
Dole, Stacey R	Instructional Asst	Sped	Taylor Elementary	09/20/2010
Espinosa Muniz, Celia M	Translator		Equity/Diversity	09/28/2010
Garcia, Joshua M	Instructional Asst	Sped	Grand Junction High School	09/13/2010
Hardy, Shannon L	Swap Specialist		Career Center	09/01/2010
Metcalfe, Stacy D	Instructional Asst	Sped	Orchard Mesa Middle School	09/14/2010
Quintana, Gabriel D	Instructional Asst	ISS	Grand Junction High School	09/01/2010
Reece, Anne E	Instructional Asst	Sped	Chatfield Elementary	09/03/2010
Roehm, Nelcia A	Instructional Asst	Sped	Wingate Elementary	09/09/2010
Smith, Barbara A	Instructional Asst	Reading	Clifton Elementary	09/14/2010
Strem, Nakita A	Instructional Asst	Sped	Grand Mesa Middle School	09/01/2010
Trousdale, Jonathan L	Instctional Asst	Tech	Hawthorne	09/22/2010
Valencia, Antonia R	Instructional Asst	Reading	Clifton Elementary	09/16/2010
LEAVE OF ABSENCE				
Long, Stephanie	Speech/Language Assistant		Emerson	9/30/2010
Hilbish, Clayton	Painter		Maintenance	8/31/2010



Mesa County Valley School District 51

Classified Personnel Action

Board of Education Resolution: 10/11: 21

Adopted: October 19, 2010

I hereby certify that the information contained in the above resolution is accurate and was adopted by the Mesa County Valley School District No. 51 Board of Education on October 19, 2010.

Terri N. Wells
Secretary, Board of Education

Board of Education Resolution: 10/11: 23

Adopted: October 19, 2010

Donor	Alpine Bank
Gift	Cash
Value	\$700.00
School/Department	West Middle School / ESL Program

Donor	EC Electric, Inc.
Gift	Cash
Value	\$1,000.00
School/Department	Central High School / Cross-Country Track Team

Donor	Mesa Systems
Gift	Cash
Value	\$600.00
School/Department	Central High School / Booster Club

Donor	Target
Gift	School supplies
Value	\$300.00
School/Department	Prevention Services / R.E.A.C.H. Program

Donor	Rocky Mountain Health Plans
Gift	Hygiene Bags
Value	\$1,000.00
School/Department	Prevention Services / R.E.A.C.H. Program

Donor	Alpine Bank
Gift	Banners
Value	\$1,000.00
School/Department	Middle Schools / Banners for the gym

Donor	Target
Gift	Dictionaries
Value	\$400.00
School/Department	Migrant Program

Donor	Kelly Corn
Gift	Cash
Value	\$100.00
School/Department	Appleton Elementary / Books for the Book Room



Board of Education Resolution: 10/11: 23

Adopted: October 19, 2010

NOW THEREFORE BE IT RESOLVED the Mesa County Valley School District 51 Board of Education, in accepting the donations listed above, extends their appreciation and acknowledges these important partnerships within the community which support learning for all students.

I hereby certify that the information contained in the above resolution is accurate and was adopted by the Mesa County Valley School District No. 51 Board of Education on October 19, 2010.

Terri N. Wells
Secretary, Board of Education



**Mesa County Valley School District 51
Grants**

Board of Education Resolution: 10/11: 19

Adopted: October 19, 2010

Grant Title	Title I, Part G: Advanced Placement for Disadvantaged Students: Advanced Placement Fees
Source	Colorado Department of Education
Fund Number	22-394-5330
Site	Palisade High School
Description	To be used for the International Baccalaureate Program
Budget Amount	\$3,834.00
Fiscal Year	06/30/2011
Authorized Representative	Matt Diers

Grant Title	Read to Achieve
Source	Colorado Department of Education
Fund Number	22-121-3930
Site	Rocky Mountain Elementary
Description	Additional funding to support professional development for teachers to increase proficient readers.
Budget Amount	\$39,793.00
Fiscal Year	06/30/2011
Authorized Representative	Leslie Whitacre (Patti Virden Supplies up \$1,000.00)

Grant Title	Public Safety Partnership and Community Policing Grant, COPS Safe Schools Initiative
Source	Mesa County Sheriff Office
Fund Number	22-730-7710
Site	Maintenance
Description	Installation of keyless entry security systems at Central High School, Grand Mesa Middle School, and Clifton Elementary. Install exterior security lighting in black out areas at Thunder Mountain Elementary.
Budget Amount	\$50,400.00
Fiscal Year	06/30/2011
Authorized Representative	Cal Clark

NOW THEREFORE BE IT RESOLVED that the Mesa County Valley School District No. 51 Board of Education approved the above identified grant funds for expenditure purposes.

*I hereby certify that the information contained in the above resolution is accurate and was adopted by the Mesa County Valley School District No. 51 Board of Education on
October 19, 2010.*

Terri N. Wells
Secretary, Board of Education



**Mesa County Valley School District 51
November 2, 2010, Meeting Cancellation**

Board of Education Resolution: 10/11: 25

Adopted: October 19, 2010

WHEREAS, Mesa County Valley School District 51's Work Session is scheduled for Tuesday, November 2, 2010, and

WHEREAS, Mesa County Valley School District 51 recognizes November 2, 2010, is an election day in Colorado, and

NOW, THEREFORE, IT IS RESOLVED, Mesa County Valley School District 51 School Board hereby certifies they shall cancel the Board Work Session on November 2, 2010, and

THEREFORE, Mesa County Valley School District 51 Board of Education will meet on November 1, 2010, for a Board Retreat.

I hereby certify that the information contained in the above resolution is accurate and was adopted by the Mesa County Valley School District 51 Board of Education on October 19, 2010.

*Terri N. Wells
Secretary, Board of Education*



Mesa County Valley School District 51

District Accountability Committee (DAC) Membership
2010 – 2011 School Year

Board of Education Resolution: 10/11: 22

Adopted: October 19, 2010

<i>Current Member Name</i>	<i>Representative Area</i>
Darryl Aday	Parent, Community Representative (Co Chairman)
Mark Allen	Middle School Representative
Koni Atencio	Community Representative
Lee Carleton	Parent, High School Representative
Harriet Carpenter	Community Representative
Terri Chapell Paxson	Community Representative
Jerri Hahnenberg	Elementary School Representative
Brandy Hinkle	Community Representative
Deb Lamb	Elementary School Representative
Doug Levinson	Parent, Elementary School Representative
Jennifer Morrell	Parent, Elementary School Representative
Andy Nikkari	Parent, Community Representative
Martijn Peppelmen	Parent, Community Representative
Sherry Price	Parent, Community Representative (Chairman)
Gary Roahrig	Community Representative

I hereby certify that the information contained in the above resolution is accurate and was adopted by the Mesa County Valley School District 51 Board of Education on October 19, 2010.

Terri N. Wells
Secretary, Board of Education

**Amendment No. 2 to Energy Performance Contract
(Phase 3 Project)
TRANE U.S., INC.**

Board of Education Resolution: 10/11: 28

Adopted: October 19, 2010

WHEREAS, in 2009 the District and Trane U.S., Inc. (herein, the “Contractor”) entered into a Technical Energy Audit Contract (“TEA Contract”) pursuant to which Contractor conducted an audit of energy consumption and costs at District schools and other facilities to determine the feasibility and cost of implementing energy and utility cost saving measures for the District, and presented their findings and recommendations to the Board; and

WHEREAS, the District’s administration and Contractor subsequently negotiated a proposed energy performance contract dated June 24, 2009 (“EPC”), as contemplated in the TEA Contract and section 29-12.5-101(3), C.R.S., for installing and implementing the first of three planned phases of the recommended energy saving measures (the “Phase 1 Project”) and for the provision of certain ongoing maintenance, monitoring and verification services related to such measures (the “Services”); and

WHEREAS, in February, 2010, following substantial completion of the Phase 1 Project, the District and Contractor entered into an amendment to the EPC (“Amendment No. 1”), for the installation, monitoring and maintenance of a second phase of energy conservation measures, (herein, the “Phase 2 Project”), which project is currently in progress and scheduled to be substantially completed by the end of the current year; and

WHEREAS, the District’s administration recommends that the Board now approve a further amendment to the EPC (“Amendment No. 2”), a copy of which is attached, for the installation, monitoring and maintenance of a third and final phase of energy conservation measures (herein, the “Phase 3 Project”), which phase includes the following work:

- A. Replacement and retrofitting of lighting fixtures at Fruita Monument High School;
- B. Installation of lighting control upgrades at Pear Park Elementary School and Dos Rios Elementary School;
- C. Improvements to existing building automation systems at designated schools, including retro-commissioning of direct digital control (“DDC”) systems, new automation points for implementing energy conservation measure (“ECM”) programming strategies, additional electrical metering controls to DDC systems for reduction of peak electrical demand, and installation of enterprise server system and software to allow the District to track electrical demand reductions, global HVAC equipment

scheduling, and allowing all existing schools' building automation systems to be accessible via the internet.

- D. expansion/upgrade of certain mechanical and HVAC equipment and systems not included in the Phase 1 Project or Phase 2 Project, and
- E. Replace or retrofit existing toilets, faucets, and other plumbing fixtures at designated schools with metered and water conserving plumbing fixtures; and
- F. Performance of up to seven (7) additional capital contingency fund priority projects identified in Schedule A-2 to Amendment No. 2, at the District's option after reviewing cost proposals for such projects.

WHEREAS, Amendment No. 2 calls for the District to pay \$2,086,621 (herein the "Additional Contract Sum") for all labor, materials, design, engineering, equipment and services to complete the Phase 3 Project, which sum is in addition to the \$8,633,838 the District contracted to pay Contractor for the Phase 1 Project and Phase 2 Project combined, **plus** additional annual fees for the Services related to the Phase 1, 2 and 3 Projects as specified in Schedule D-2 to Amendment No. 2; and

WHEREAS, a portion (\$96,218) of the Additional Contract Sum is to be paid by the District as an additional capital contribution, and then recouped by the District through utility award or incentive payments the District expects to receive from Xcel Energy upon completion of the Phase 3 Project, although the District's receipt such incentive or award payments is not guaranteed; and

WHEREAS, the remaining balance of the Additional Contract Sum is to be financed in part through a lease purchase agreement with Bank of America, N.A. ("BoA") constituting a qualified energy conservation bond ("QECCB") in the amount \$1,068,207, and in part through a re-financing lease-purchase agreement with BoA in the amount of \$8,451,898 (which re-financing will pay off the outstanding principal balances due under the previous lease purchase agreements the District entered into with Bank of America, N.A. for the Phase 1 Project and Phase 2 Projects, as well as provide funds to pay \$128,274 in interest and pre-payment penalties due BoA in connection with the refinancing), which lease purchase agreements are presented to the Board for approval by a separate resolution; and

WHEREAS, as with the Phase 1 Project and the Phase 2 Project, the EPC as amended contains Contractor's guaranty that the Phase 3 Project will yield a level of energy and cost savings sufficient to cover the District's additional lease payments to Bank of America, N.A. under the refinancing and QECCB lease purchase agreements, as well as the Contractor's annual monitoring and maintenance fees during the term of the EPC in accordance with §29-12.5-103(a), C.R.S.; and

WHEREAS, upon completion of the Phase 3 Project, the energy and cost savings guarantees applicable to all three project phases will be merged and consolidated into one combined and cumulative guarantee, such that the Phase 1 Project, Phase 2 Project and

Phase 3 Project shall be considered a single project for purposes of monitoring and verification of total energy and cost savings under the EPC; and

WHEREAS, the administration has recommended that Amendment No. 2 be approved on the same basis as the EPC, thereby requiring, under Policy DJE, that the Board waive application of the competitive bidding requirements of Board policy; and

WHEREAS, the Board has been fully advised as to the reasons therefore, and deems the same to be adequate justification for waiving the competitive bidding requirements of Board policy, and finds that it is in the interest of the District to enter into Amendment No. 2.

NOW, THEREFORE, RESOLVED that the Board of Education approves the Amendment No. 2 in substantially the form attached, subject to final review and approval of the District's legal counsel, and authorizes and directs the Superintendent to enter into and to execute on behalf of the Board a copy of same in form substantially similar to the attached copy, as soon as all the accompanying schedules, exhibits and appendices are finalized and complete and the District's legal counsel has approved same, without compliance with the competitive bidding requirements of Policy DJE.

I certify that the information contained herein is accurate and was adopted by the Mesa County Valley School District 51 Board of Education on October 19, 2010.

Terri N. Wells
Secretary, Board of Education

RESOLUTION

A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF TWO EQUIPMENT LEASE/PURCHASE AGREEMENTS, AND RELATED DOCUMENTS AND CERTIFICATES IN CONNECTION THEREWITH.

WHEREAS, Mesa County Valley School District 51 (the “District”) is a duly and regularly created, organized and existing political subdivision of the State of Colorado and body corporate, existing as such under and by virtue of the Constitution, statues and laws of the State of Colorado.

WHEREAS, the Board of Education (the “Board”) of the District, is authorized, pursuant to the Colorado Revised Statutes, to lease or rent undeveloped or improved real property or equipment on such terms as the Board sees fit for use by the District;

WHEREAS, the Board has determined and hereby determines that it is in the best interest of the District to finance the acquisition of energy and water savings conservation equipment and related systems (the “Project”); and

WHEREAS, for purposes of financing the Project, the Board has determined and hereby determines that it is the interests of the District that the District and Bank of America, N.A., or its designee enter into an Equipment Lease/Purchase Agreement (the “Equipment Lease”) and the District and Bank of America Leasing and Capital, LLC, or its designee (and together with Bank of America, N.A., the “Lessors”) enter into an Equipment Lease/Purchase Agreement (Taxable Direct Pay Qualified Energy Conservation Bond) (the “QECB Lease”) to provide for the lease of the Equipment (defined in the Equipment Lease and the QECB Lease) by the District from the Lessors; and

WHEREAS, the Lessors desire to lease the Equipment to the District, and the District desires to lease the Equipment from the Lessors, pursuant to the terms and conditions and for the purpose set forth in the Equipment Lease and the QECB Lease, each dated as of the date thereof; and

WHEREAS, the obligation of the District to pay Rent (as defined in the Equipment Lease and the QECB Lease) shall be from year-to-year only; shall constitute currently budgeted expenditures of the District; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation, direct or indirect multiple-fiscal year obligation or other indebtedness of the District within the meaning of any constitutional or statutory limitation or requirement concerning the creation of indebtedness, nor a mandatory payment obligation of the District in any ensuing fiscal year beyond any fiscal year during which the Equipment Lease or the QECB Lease shall be in effect; and

WHEREAS, neither Equipment Lease nor the QECB Lease shall directly or indirectly obligate the District to make any payments beyond those appropriated for any fiscal year during which the Equipment Lease or the QECB Lease shall be in effect; and



THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF MESA COUNTY VALLEY SCHOOL DISTRICT 51, IN THE COUNTY OF MESA AND IN THE STATE OF COLORADO:

1. The terms and provisions of the Equipment Lease and the QECB Lease and all exhibits and appendices thereto (collectively, the "Project Documents") are hereby approved in substantially the form presented to the Board and on file in the offices of the District, provided however, that the Project Documents may be further revised with such changes as may be agreed to by counsel to the District and the Chief Financial Officer of the District. Any officer of the Board of Education is hereby authorized to affix and to attest the official corporate seal of the District on, the Project Documents, with execution and delivery constituting conclusive, irrefutable evidence thereof.

2. The execution and delivery of the Project Documents by officers of the Board and the execution and delivery by officers of the Board of the District of related certificates documents as may be necessary or appropriate to effectuate the transactions contemplated by the Project Documents are hereby approved.

3. All actions not inconsistent with the provisions of this Resolution, heretofore taken by the directors, officers and employees of the District, directed toward the purposes stated herein ratified, approved and confirmed.

4. 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.

5. 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.

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

ADOPTED AND APPROVED this 19th day of October, 2010.

[DISTRICT SEAL]

President, Board of Education

ATTEST:

Secretary, Board of Education



Board of Education Resolution 10/11: 27

Adopted: October 19, 2010

STATE OF COLORADO)
)ss.
COUNTY OF MESA)

I, _____, the duly appointed, qualified and acting Secretary of the Board of Education (the "Board") of Mesa County Valley School District 51 ("District"), do hereby certify that the foregoing pages, numbered 1 to 2, inclusive, constitute a true and correct copy of a resolution of the Board of the District, adopted at a regular meeting of the Board, held on the 19th day of October, 2010, as recorded in the official Record of Proceedings of the District kept in my office; that said proceedings were duly had and taken; that the meeting was duly held; and that the resolution has not been amended or rescinded since its adoption and is in force and effect as of the date hereof.

WITNESS my hand and the seal of the District, this 19th day of October, 2010.

Secretary

[DISTRICT SEAL]