

**Ohio Facilities Construction Commission**  
**February 28, 2019 Meeting**  
**William McKinley Room, Statehouse**  
**2:30 PM**

*MINUTES*

Madam Chair Murnieks called the meeting to order at 2:30 PM.

Madam Chair Murnieks welcomed everyone to the February 28, 2019 meeting of the Ohio Facilities Construction Commission. Madam Chair Murnieks also welcomed the newest member of the Ohio Facilities Construction Commission, Designee Christina Frass on behalf of Director Mary Mertz from the Ohio Department of Natural Resources. Madam Chair Murnieks noted that the Commission has a designation letter on file.

**Roll Call**

Members present: Madam Chair Kimberly Murnieks, Vice Chair Matthew Damschroder and Christina Frass, Designee for Director Mary Mertz.

**Adoption of the January 24, 2019 Minutes**

Vice Chair Damschroder moved to approve the January 24, 2019 minutes. Ms. Frass seconded the motion.

Approval: Vote 3-0.

**ELPP and VFAP ELPP Eligibility Approval**  
**Presented by Shawn Smith – *Resolution 19-07***

Shawn Smith presented the ELPP and VFAP ELPP Eligibility. The ELPP program allows school districts to fund a discrete portion of their Master Facilities Plan with local funds prior to becoming eligible for participation in Classroom Facilities Assistance Program (CFAP). Similarly, the Vocational Facilities Assistance Expedited Local Partnership Program (VFAP ELPP) allows vocational school districts the opportunity to move forward with facility improvements prior to their participation in VFAP. Once the district enters CFAP or VFAP, the district receives a credit against the required local contribution for work completed under ELPP.

In accordance with ORC 3318.36 and 3318.46, the district must be over 2 years away from participation in CFAP to be eligible to enter the ELPP program. Typically, Commission staff has recommended that the Commission establish ELPP eligibility based on an expectation of reaching districts related to its ranking on the Priority Order of Assistance Listing (known generally as the “P-List” or “V-List”). Now, however, with the existence of multiple lapsed districts (that have priority under the Revised Code) and high demand

for participation in Commission programs, the P-List determination is not broad enough to timely capture the population of districts not “reasonably expected” to receive Commission assistance within two years.

To more accurately and timely allow districts the opportunity to participate in ELPP, staff recommends approval of Resolution 19-07. This resolution rescinds the P-List and V-List ELPP eligibility numbers established in Resolutions 18-33 and 18-34. Furthermore, this allows Commission staff to evaluate and identify those districts which will not receive CFAP funding within a two-year period. The resolution does not impact overall ELPP project approval, as this will remain a Commission function and is still subject to Controlling Board authorization.

Madam Chair Murnieks asked Mr. Smith if it would be fair to characterize the change in the eligibility process as being more flexible than the most recent policy’s reliance on a priority order list that is updated annually? Mr. Smith responded by agreeing that the new eligibility process creates more flexibility.

Madam Chair Murnieks asked Mr. Smith if it would be fair to say that Commission staff can now evaluate each district based on individual circumstances in a more careful and specific way in terms of not having to depend on a position on a list and a cut score? Mr. Smith responded that Resolution 19-07 allows Commission staff to evaluate each district on its merits, work within the budget and be in compliance with the statute.

Madam Chair Murnieks clarified that the list still exists and there is still a priority order, however, there isn’t a single cut line position on the list that states ELPP eligibility begins or ends at a particular position for that year? Mr. Smith responded that this is correct, this change takes the designation we would do once per year and removes the single cut line position and allows us to better evaluate the district.

Vice Chair Damschroder moved to approve Resolution 19-07.  
Ms. Frass seconded the motion.

Approval: Vote 3-0.

### **ELPP and VFAP ELPP Guidelines Update Approval Presented by Jon Walden – Resolution 19-08 and 19-09**

Jon Walden presented Resolutions 19-08 and 19-09. The Resolutions would update and amend the ELPP and VFAP ELPP Guidelines, respectively. As my colleague, Shawn Smith gave a brief description of ELPP, it allows districts to proceed before they are eligible to receive state assistance and the guidelines help us set fourth the Commission’s policy on how districts and staff should operate within these programs. The proposed updates and edits are perhaps best classified in three categories:

1. The first are edits associated with the modification in Resolution 19-07 that deals with ELPP eligibility.

- Previously the guidelines indicated that we would set eligibility once annually and we recommend modifications of that portion reflected in the adoption of Resolution 19-07. In addition, the guidelines indicate that Commission staff will advise interested school districts whether they should reasonably contemplate funding

within 2 years. In addition, related to one of the questions you asked, Madam Chair, it does allow flexibility for the Commission staff to reach districts that are either deferred or lapsed long ago and are now desiring to participate in the program.

- In addition, with the removal of the P-List/V-List reliance for ELPP/VFAP, language has been added to clarify that ELPP does not apply to districts previously served in CFAP or VFAP.

2. The second category of proposed edits are related to Commission's request to clarify Commission action versus Commission staff action. In working through the editing process, we wanted to make sure when we bring you other guidelines for consideration at the next few meetings we follow the same framework.

- Where the Commission usually takes voted action, the edits will now denote by resolution or similar language.
- If the action is typically and specifically done by Commission staff, the notation will be added to reflect the change.
- Finally, in some places the guidelines will retain a broader use of the word "Commission" and that it aligns with the statutory duties and guidance we have under ORC 3318. For example, the program overview portion (which is an introduction) talks about what occurs in the Commission rules. Another example is the Commission assessment portion of the guidelines where it might say that the Commission will perform an assessment which is a statutory duty and right after it would note Commission staff will engage assessors and consultants.

3. The third category is the clean-up edits. This occurs to ensure consistency between the VFAP edits and the ELPP edits. One example is we moved some processes that are in the VFAP ELPP guidelines and inserted the changes into the ELPP guidelines. There is no substantive change from how the process is managed, but the edits add detail that better corresponds to the process used by Commission staff and our customers. The final edits will also hopefully bring more clarity to both our new Commission members and users of the Commission programs and policies.

Madam Chair Murnieks remarked that she appreciates the time Commission staff has put in over the last month since our January meeting to update the guidelines, Madam Chair Murnieks believes that they are much clearer and more transparent, and the process will be more understandable for her and others.

Vice Chair Damschroder moved to approve Resolution 19-08 and 19-09.

Ms. Frass seconded the motion.

Approval: Vote 3-0.

## **Executive Director Report**

David Williamson reported since the last meeting we are still on track with our Commission Task initiatives.

**Management Actions/Activities:** FY 2020-2021 Budget, K-12 Program Funding, Day to Day Priorities, and Management Task Action Timelines.

**Process Improvement Initiatives:** Process Management (VSM & L6S), OAKS-CI 2.0 Upgrade, and Metrics and Performance Excellence /TPE.

**State Agency & Public Outreach:** Public Affairs, Workshops, Webinars and Conferences.

The Director concluded his report by updating the Commission on OFCC's Management Action Timeline and Strategic Plan that includes: Lean Six Sigma processes, staff recruiting, technology applications, and leadership team.

## **Public Testimony**

Mr. Mike Ziegelhofer, Superintendent from the Lexington LSD (Richland) presented for public testimony to discuss changes his district would like to see with the current ELPP rules and regulations. Superintendent Ziegelhofer introduced his colleagues Dave Roberts, a member of the Board of Education for the Lexington LSD and Jason Whitesal, Treasurer for the Lexington LSD. Superintendent Ziegelhofer's written comments are incorporated into the minutes.

Superintendent Ziegelhofer provided background about his district's circumstances and the need to replace 5 old buildings with 2 new buildings. Superintendent Ziegelhofer indicated they passed a facilities bond issue for the first time due to the tremendous amount of community support. Superintendent Ziegelhofer expressed his request to the Commission to revise the ELPP rules and regulations to permit districts currently in line to receive their state share project funding to participate in ELPP. The requested changes would allow districts to go through the process by selecting an architectural firm and do the design work and planning of the project up front to save time and resources. Superintendent Ziegelhofer also expressed concern about lapsed districts having priority over other districts. Superintendent Ziegelhofer thanked the OFCC for the opportunity to receive significant funding assistance and to participate in the ELPP program.

Mr. Michael Von Gunten, Superintendent from the Firelands LSD (Lorain) presented public testimony to discuss when the residents of Firelands LSD should expect their project to be funded. Superintendent Von Gunten's written comments are incorporated into the minutes.

Superintendent Von Gunten indicated that Firelands is a lapsed district and believes that priority for lapsed districts is appropriate. He indicated that the district has been engaged with the Commission since the early 2000s. After a failed bond issue in 2008, and then three subsequent bond failures during the 2015-2016 school year, our community supported our most recent bond issue to construct a 9-12 high school, after an exhaustive community engagement process and campaign. As we are considered a wealthy district by the Ohio Department of Education, this will be our first new construction project since 1961. Upon completion of the new high school, the existing high school will be converted to a middle school, and our current middle school which dates back to 1910, four years prior to the start of World War I, will be closed.

As a lapsed district, the OFCC has been consistent in their message that upon securing our local share and maintenance requirement we shall be given first priority for project funding. As of today, almost 5 months since the election, we have yet to receive any formal communication from the Commission regarding potential guidelines. Only by chance did I see an article in the Columbus Dispatch last week that addressed the shortage that has come to light and the introduction of a Senate financing bill that may fund lapsed districts such as Firelands LSD.

Madam Chair Murnieks responded that she appreciated the variety of concerns displayed today from Superintendent Ziegelhofer and Superintendent Von Gunten. Madam Chair Murnieks requested that the Commission expeditiously follow-up with Superintendent Von Gunten regarding the status of his district. Madam Chair Murnieks requested, at the March Commission meeting, that we prepare a presentation to understand exactly what the statutory requirements are around lapsed districts and participation order where the classroom facilities construction projects are concerned.

The meeting was adjourned at 3:00 PM.



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Kimberly Murnieks, Commission Chair



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These meeting minutes were prepared by  
Elizabeth Perry, Secretary to the Commission (Interim)



OHIO FACILITIES CONSTRUCTION COMMISSION

### Testimony Request Slip

Commission Meeting Date February 28, 2019

Please return the completed form and **ten (copies)** of your testimony and materials to the Commission Secretary prior to the start of the meeting.

Name: Mike Ziegelhofer

Title/Organization Representing: Superintendent, Lexington Local Schools

Address: 103 Clever Lane  
Lexington, OH 44904

Phone: 419-884-2132 E-mail: ziegelhofer.mike@lexington.k12.oh.us

Topic to be addressed in testimony:

1. Revising the ELPP rules/regulations to permit districts currently "in line" to receive their state share of their facilities project funding to participate in the ELPP program beginning yet this year, 2019
2. Allow districts who choose to participate in ELPP to go through the OFCC process to select an architectural firm now so all planning/design work can be done upfront
3. place a moratorium on inserting lapse district in to their original place "in line"

Check if handouts or materials are provided

*Mike Ziegelhofer*

February 26, 2019

Mrs. Kimberly Murnieks, Director  
Office of Budget and Management  
30 East Broad Street, 34<sup>th</sup> Floor  
Columbus, OH 43215

Dear Director Murnieks,

My name is Mike Ziegelhofer. I am the Superintendent of the Lexington Local Schools in Richland County. Our school district, on the advice of the OFCC, placed a facilities bond issue on the November 2018 ballot for the first time. We had previously deferred with the OFCC to be sure we had our operating funds solidified. We have a great school district and tremendous community support. Our facilities bond issue passed on the first attempt by 57% of the vote. We were originally informed, by the OFCC, that we would not receive the State share of the funding until the first half of 2019. In March 2018, we were informed that we would not receive our State share until the second half of 2019, but that we needed to go on the ballot to “get in line” for our state share as soon as possible. So, now we are “in line”. Because of the number of districts currently in line and the current OFCC funding situation, we are being told it may be 2-3 years before we receive our State share. And, “that is before lapse districts are inserted in the line after the primary and fall elections in 2019” per an OFCC official.

After talking with Mark Romanchuk, our State Representative, David Conley of Rockmill Financial and Becky Princehorn of Brickler and Eckler, I decided to write you as the new chairperson of the OFCC Commission.

On behalf of the Lexington Local School District, the Lexington community and the other school districts and communities in a similar situation, I am asking that the OFCC Commission please give serious consideration to and vote in favor of two changes to the current rules/policies of the OFCC during the February 28, 2019 meeting.

1. A revision of the current ELPP rules/policies to allow the school districts currently “in line” for their State share, to participate in ELPP and use their local share, now, to begin their facilities projects. In our case we are replacing 5 buildings with 2 new buildings. Our local share will enable us to build either of the 2 buildings, lock in our local share percentage, take advantage of current interest rates, avoid increases in construction costs, provide a much needed boost to the local economy and most importantly, get half of our students into the new educational facility they need and deserve much sooner. By the time this first

*An excellent school district working to be even better!*

J. Michael Ziegelhofer – Superintendent  
Jeremy Secrist – Assistant Superintendent  
Jason Whitesel – Treasurer

Administrative Offices – 419.884.2132  
Treasurer’s Office – 419.884.1192  
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building is completed, we would likely be receiving our State share to build the second building. It would also save significant time and resources if we could do the planning and design work on both buildings now. I'm told the selection process with OFCC for an architectural firm takes 3 months and the design process takes up to 12 months. Please allow us to do this all up front and save 16 months on when the other half of our students walk into new buildings.

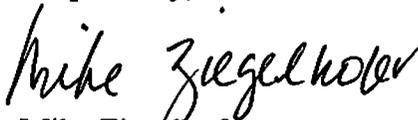
2. Per an OFCC official, "we are in line, but out 2-3 years for our State share BEFORE lapse districts in the 2019 elections are inserted in the line". At one time reinserting lapse districts into the line did not create significant ramifications. There were not as many districts in line at one time and there was plenty of money. Now there are a higher percentage of districts passing facilities issues than ever before and the OFCC budget line dollar amount has remained the same. Thus, inserting a lapse district into the line at the present time will punish districts who passed their issue on the first attempt by pushing them significantly farther out in terms of receiving their State share. My common sense tells me that given the current OFCC situation, which has not been seen before, when a district passes a facilities issue, that district then gets "in line" at the end of the line and waits its turn as did the districts already in line. This would be fair to all the communities and the children they serve.

We are most thankful for the OFCC and the opportunity to receive significant funding assistance which makes 21<sup>st</sup> Century learning environments possible for our students now and for generations to come. To have the opportunity to participate in the ELPP and having our place in line for our state share remain stable will make a tremendous difference in our ability to make these needed new facilities a reality, much sooner, for our students.

Thank you for taking the time to read my letter and consider my requests / suggestions.

If you have any questions, please do not hesitate contact me at [ziegelhofer.mike@lexington.k12.oh.us](mailto:ziegelhofer.mike@lexington.k12.oh.us) or at 419-884-2132.

Respectfully,



Mike Ziegelhofer  
Superintendent

cc: Mark Romahchuk, State Representative

## Testimony Request Slip

Commission Meeting Date 2/28/18

Please return the completed form and ten (copies) of your testimony and materials to the Commission Secretary prior to the start of the meeting.

Name: Michael Von GuntenTitle/Organization Representing: Firelands LocalAddress: 112 North Lake Street  
South Amherst, OH 44001Phone: 440.965.5821 E-mail: mvongunten@firelandsschools.org

Topic to be addressed in testimony:

Commission Approval for Firelands Local  
School District Check if handouts or materials are provided

Chair Murnieks and Members of the Commission, Good afternoon.

My name is Mike Von Gunten and I am the Superintendent at Firelands Local School District which encompasses portions of Lorain and Erie Counties.

Our district has been engaged with the commission since the early 2000s. After a failed bond issue in 2008 and then three subsequent failures during the 2015-2016 school year, our community supported our most recent bond issue to construct a 9-12 high school, after an exhaustive community engagement process and campaign. As we are considered a wealthy rural district by the Ohio Department of Education, this will be our first new school construction project since 1961. Upon completion of the new high school, the existing high school will be converted to a middle school, and our current middle school which dates back to 1910, four years prior to the Start of World War I, will be closed.

As a lapsed district, the OFCC has been consistent in their message that upon securing our local share and maintenance requirement we shall be given first priority for project funding. As of today, almost 5 months since the election, we have yet to receive any formal communication from this Commission regarding potential timelines. Only by chance did I see an article in the Columbus Dispatch last week that addressed the shortage that has come to light and the introduction of a Senate financing bill that may fund lapsed districts such as Firelands. Today, I am here requesting clarity from this Commission on when the residents of Firelands Local Schools should expect our project to be funded.

Thank you.