TOPIC: REVISED TWO-YEAR CASH FUNDED CAPITAL PROGRAM

LIST - METROPOLITAN STATE UNIVERISTY OF DENVER

PREPARED BY: DANIEL KRUG, DIRECTOR OF CAPITAL ASSETS AND

COMPLIANCE

I. <u>SUMMARY</u>

This item requests approval of a revised Two-Year Cash Funded Capital Program list for the Metropolitan State University of Denver (MSUD). The revised list of cash funded projects, approved by the Board of Trustees, contains one total item that MSUD will pursue. The revised list is included as Attachment A.

II. <u>BACKGROUND</u>

Prior to the FY2010-11 budget cycle, governing boards were required to submit a single unified five-year plan for capital construction projects. This five-year plan included state funded requests and cash funded proposals. With the passage of SB09-290, institutions of higher education were granted considerable flexibility in the area of capital construction. This legislation also revised the submission criteria for the five-year list by dividing it into two distinct lists.

Governing boards are permitted to amend their two-year lists at any point during the fiscal year, and such amendments are to be submitted to the Commission and the Capital Development Committee (CDC) for re-approval.

DHE and CDC staff have come to a mutual understanding and agreement on the implementation of SB09-290 that no Cash Funded project may commence until it has received the following: approval from the Commission and the CDC on the Two-Year list (for non-Intercept projects); or Commission and CDC approval on the Two-Year Cash Funded Program list and Commission review and approval of a program plan (for Intercept projects).

During the December 2011 Commission meeting, the Commission approved all submitted Two-Year Cash Funded Capital Program lists. On December 5th and 6th the legislature's Capital Development Committee listened to submissions during scheduled hearings, and the CDC gave approval for all Two-Year lists in January 2012. MSUD did not submit a list during the December hearings and this submission is the first for the current fiscal year.

III. STAFF ANALYSIS

The MSUD list consists of one project at a total cost of approximately \$4.6 million. Table 1

displays the projections for cash funded projects as reported on the two-year list by funding type (Cash Funds (CF) and Federal Funds (FF)).

Table 1: Two-Year Cash Funded Capital Program FY2010-2012

| 1 1 2 0 1 0 2 0 1 2 | | | |
|---------------------|-------------|--|--|
| CF | \$4,600,000 | | |
| FF | \$0 | | |
| TF | \$4,600,000 | | |

For these projects, Table 2 displays the breakdown between the academic and auxiliary nature of the project and whether or not the project will be financed under the Higher Education Revenue Bond Intercept Program (C.R.S. 23-5-139). The Intercept program permits schools to issue bonds for capital construction and use either the state's credit rating (opt in), or use their own credit rating (opt out). Academic facilities are those that are considered core to the role and mission of the institution (e.g. classrooms, student services, libraries), while auxiliary facilities are those that are not considered core to the role and mission and exist for some other purpose (e.g. residence halls, recreation centers, parking facilities).

Table 2: Cash Funded Project Types

| | Academic | Auxiliary | Total |
|---------------|----------|-----------|-------|
| Intercept | 0 | 0 | 0 |
| Non-Intercept | 0 | 1 | 1 |
| Total | 0 | 1 | 1 |

Per the statutory amendments of SB09-290, academic facilities constructed under the new capital procedures will be eligible for state Controlled Maintenance Funds. Also due to new statutory provisions, any Non-Intercept projects will only have their cost projections reviewed in the Two-Year list, while Intercept projects require approval in the Two-Year list as well as program review. In accordance with the two step approval process for cash funded projects, the Department (acting with the power delegated by the Commission [CCHE Policy III.J]) will review all budget documents submitted for Intercept Act cash projects and submit all forms to the General Assembly's Capital Development Committee as they are approved.

The Two-Year List involves the inclusion of:

"Athletics Complex - Phase I" - The project constructs tennis courts on the west side of the Auraria Higher Education Center campus. It also will relocate certain utilities and make additional site improvement necessary for subsequent athletics complex phases. The college has held tennis practices offsite since January 2011, which negatively impacts recruitment efforts and the ability to host tournaments. The long term goal is to relocate campus athletic fields to

the west side of campus to accommodate future development of academic facilities along Speer Boulevard. Additionally, because of the excessive use of the fields, MSUD has decided to go from natural to synthetic turf to increase use and availability throughout the year. The funding for this project is a mix of cash funds and fundraising. Private donations will account for approximately half of this project, and additional phasing may be considered if MSUD is unable to raise sufficient private donations.

IV. STAFF RECOMMENDATION

That the Commission approve the Two-Year Cash Funded Capital Program for the Metropolitan State University of Denver and forward it to the Governor, the Office of State Planning and Budgeting, and the Capital Development Committee.

V. STATUTORY AUTHORITY

C.R.S. 23-1-106 (7)

- (c) (I) The commission annually shall prepare a unified, two-year capital improvements report for projects to be constructed or acquired pursuant to subsection (9) or (10) of this section and estimated to require total project expenditures exceeding two million dollars, coordinated with education plans. The commission shall transmit the report to the office of state planning and budgeting, the governor, and the general assembly, consistent with the executive budget timetable.
- (II) (A) Commencing in the 2010 regular legislative session, and in each regular legislative session thereafter, the commission shall submit the two-year projections prepared by each state institution of higher education for the 2010-11 and 2011-12 fiscal years, and for each two-year period thereafter as applicable, to the office of state planning and budgeting and the capital development committee. Beginning in the 2010 regular legislative session and in each regular legislative session thereafter, the capital development committee shall conduct a hearing on the projections and either approve the projections or return the projections to the institution for modification. The commission and the office of state planning and budgeting shall provide the capital development committee with comments concerning each projection.
- (B) A state institution of higher education may submit to the staff of the capital development committee, the commission, and the office of state planning and budgeting an amendment to its approved two-year projection. The capital development committee shall conduct a hearing on the amendment within thirty days after submission during a regular legislative session of the general assembly or within forty-five days after submission during any period that the general assembly is not in regular legislative session. The capital development committee shall either approve the projections or return the projections to the institution for modification. The commission and the office of state planning and budgeting shall provide the capital development committee with comments concerning each amendment.

Colorado Commission on Higher Education (CCHE) May 4,2012

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Consent Item

ATTACHMENT A: Two-Year Cash Funded Capital Program