

## Chapter TCS 5

### FACILITY DEVELOPMENT PROCEDURES

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**Note:** Chapter A-V 5 was renumbered chapter VTAE 5, Register, September, 1985, No. 357, eff. 10-1-85. Chapter VTAE 5 was renumbered Chapter TCS 5 under s. 13.93 (2m) (b) 1., Stats., Register, June, 1994, No. 462.

**TCS 5.01 Purpose.** The purpose of this chapter is to set forth procedures for board approval of requests by district boards for land acquisition, additional or new facilities, rentals and remodeling of existing facilities under s. 38.04 (10), Stats.

**History:** Cr. Register, November, 1983, No. 335, eff. 12-1-83.

**TCS 5.02 Definitions.** In this chapter:

(1) "Additional or new facilities" means construction of new facilities or elevated walkways or the completion of a shell from prior construction.

(2) "Board" means the technical college system board.

(3) "Director" means the person appointed by the board under s. 38.04 (2), Stats.

(4) "District" means a technical college district established under ch. 38, Stats.

(5) "District board" means the district board in charge of the technical colleges of a district.

(6) "HVAC system" means heating, ventilation and air-conditioning system.

(7) "Land acquisition" means the acquisition of real property by purchase, lease/purchase, gift or trade.

(8) "Remodeling of existing facilities" means the reconstruction of an existing structure, or a major portion thereof, for the purpose of making permanent improvements.

(9) "Rentals" means the acquisition of a parcel of land or site, together with the structures, equipment and improvements on or appurtenant to the land or site by lease agreement.

**History:** Cr. Register, November, 1983, No. 335, eff. 12-1-83; am. (9), Register, July, 1986, No. 367, eff. 8-1-86; correction in (2), (4) and (5) made under s. 13.93 (2m) (b) 6., Stats., Register, June, 1994, No. 462.

**TCS 5.03 Submission of request.** Requests for board approval of proposals for land acquisition, additional or new facilities, rentals or remodeling of existing facilities shall be submitted by the district board to the director no less than 45 days prior to the board meeting at which the proposal will be reviewed.

**History:** Cr. Register, November, 1983, No. 335, eff. 12-1-83.

**TCS 5.04 Contents of submittal.** (1) **LAND ACQUISITION.** A district board shall submit the following information relative to proposals for land acquisition for evaluation by the board:

(a) A resolution of the district board approving the land acquisition contingent upon board approval.

(c) Evidence of compliance with s. 1.11, Stats.

(d) A copy of a certified land survey indicating the boundaries and legal description of the land to be acquired.

(e) A report relating programmatic and student requirements, and the needs of business and industry, to the need for land acquisition. The report shall include data indicating the need for land acquisition based upon:

1. An analysis of the needs of business and industry for persons with new skills and persons with updated skills.

3. An analysis of available student stations, and the need for additional student stations, including consideration of the needs of persons with handicaps.

4. Relevant program trend data for the district, including enrollment and placement data as available.

(f) A statement of the costs to be incurred for the land acquisition, including survey and legal fees.

(g) A statement indicating the availability and specific source of funds for the land acquisition.

(2) **ADDITIONAL AND NEW FACILITIES.** A district board shall submit the following information relative to proposal for additional or new facilities for evaluation by the board:

(a) A resolution of the district board approving the additional or new facilities.

(c) Evidence of compliance with s. 1.11, Stats.

(d) A report relating programmatic and student station requirements, and the needs of business and industry, to the need for additional or new facilities. The report shall include data indicating the need for additional or new facilities based upon:

1. An analysis that considers the joint use of facilities as required under s. 20.901 (4), Stats.

2. An analysis of needs of business and industry for persons with new skills and persons with updated skills.

4. An analysis of available student stations, and the need for additional student stations, including a consideration of the needs of persons with handicaps.

5. Relevant program trend data for the district, including enrollment and placement data as available.

(e) Educational specifications relating specific space requirements for approved programs to the need for additional or new facilities.

(f) An analysis of the fiscal impact of additional or new facilities on the district's operating budget, including availability and specific source of funds as required under s. TCS 5.05.

(g) A conceptual sketch of the proposed additional or new facilities.

(h) The estimated project cost by the following categories:

1. General construction

2. Heating, ventilating and air-conditioning

3. Electrical

4. Plumbing

5. Other contracts

6. Equipment, both fixed and movable

7. Miscellaneous costs

8. Fees

(i) A copy of the district energy study analysis indicating compliance with s. 1.12, Stats.

(3) **RENTALS.** Except as provided under s. TCS 5.09 (2), a district board shall submit the following information relative to proposals for rentals for evaluation by the board:

(a) A resolution of the district board approving the lease contingent upon board approval.

(c) A copy of the proposed lease as reviewed by the district's legal counsel.

(d) A report relating programmatic and student requirements, and the needs of business and industry, to the need for the rental. The report shall include data indicating the need for the rental based upon:

1. An analysis of the needs of business and industry for persons with new skills and persons with updated skills.

3. An analysis of available student stations, and the need for additional student stations, including a consideration of the needs of persons with handicaps.

4. Relevant program trend data for the district, including enrollment and placement data as available.

(e) An analysis of the fiscal impact of the rental on the district's budget, including the availability and specific source of funds as required under s. TCS 5.05.

**(4) REMODELING.** Except as provided under s. TCS 5.09 (1), a district board shall submit the following data relative to proposals for remodeling existing facilities for evaluation by the board:

(a) A resolution of the district board approving the remodeling of existing facilities.

(c) Evidence of compliance with s. 1.11, Stats.

(d) A report relating programmatic and student requirements, and the needs of business and industry, to the need for remodeling of existing facilities. The report shall include data indicating the need for remodeling of existing facilities based upon:

1. An analysis of the needs of business and industry for persons with new skills and persons with updated skills.

3. An analysis of available student stations, including a consideration of the needs of persons with handicaps.

4. Relevant program trend data for the district, including enrollment and placement data as available.

(e) Educational specifications relating specific space requirements for approved programs to the need for remodeling of existing facilities.

(f) An analysis of the fiscal impact of the remodeling of existing facilities on the district's budget, including the availability and specific source of funds as required under s. TCS 5.05.

(g) A conceptual sketch of the remodeling.

(h) The estimated project cost by the following categories:

1. General construction
2. Heating, ventilating and air-conditioning
3. Electrical
4. Plumbing
5. Other contracts
6. Equipment, both fixed and movable
7. Miscellaneous costs
8. Fees

(i) A copy of the district energy study analysis indicating compliance with s. 1.12, Stats.

**History:** Cr. Register, November, 1983, No. 335, eff. 12–1–83; am. (2) (f), (3) (e) and (4) (f), Register, September, 1985, No. 357, eff. 10–1–85; am. (3) (intro) and (4) (intro), Register, July, 1986, No. 367, eff. 8–1–86; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1994, No. 462; CR 13–050: r. (1) (b), (e) 2., am. (1) (e) 4., r. (2) (b), (d) 3., am. (2) (d) 5., r. (2) (j), (k), (3) (b), (d) 2., am. (3) (d) 4., r. (4) (b), (d) 2., am. (4) (d) 4., (i), r. (4) (j) Register September 2014 No. 705, eff. 10–1–14.

**TCS 5.05 Fiscal impact.** The analysis of the fiscal impact of additional or new facilities, rentals and remodeling of existing facilities submitted to the board under s. TCS 5.04 (2) (f), (3) (e) and (4) (f) shall include:

**(1)** Data relative to increased instructional costs, increased administrative, maintenance and energy costs and costs for new or replacement equipment resulting from the additional or new facilities, rentals or remodeling of existing facilities.

**(2)** A list of the source of funds in substantially the following form:

- (a) Tax levy – FY \_\_\_\_\_
- (b) Fund transfer or reserve fund \_\_\_\_\_
- (c) Proposed sale of bonds or notes \_\_\_\_\_
- (d) Other funds:
  1. Federal funds \_\_\_\_\_
  2. Gifts or grants \_\_\_\_\_
- (e) Total funds \_\_\_\_\_

**History:** Cr. Register, November, 1983, No. 335, eff. 12–1–83; am. (intro.), Register, September, 1985, No. 357, eff. 10–1–85; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1994, No. 462; CR 13–050: r. (3) Register September 2014 No. 705, eff. 10–1–14.

**TCS 5.06 Notification of review.** The director shall notify the district board at least 7 days prior to board review of the proposals for land acquisition, additional or new facilities, rentals or remodeling of existing facilities of the director's recommendation to the board and the rationale for the recommendation. The district board or its designee may appear before the board to submit any data or information in support of the district board's proposal.

**History:** Cr. Register, November, 1983, No. 335, eff. 12–1–83; CR 13–050: am. Register September 2014 No. 705, eff. 10–1–14.

**TCS 5.07 Notification of board action.** The director shall notify the district board of the board's decision within 10 days of the board meeting where the proposal is reviewed.

**History:** Cr. Register, November, 1983, No. 335, eff. 12–1–83.

**TCS 5.08 Criteria used in review.** **(1)** The board shall review proposals for approval of land acquisitions, additional or new facilities, rentals or remodeling based upon the information and data submitted to it under this chapter.

**(2)** Information and data required under s. TCS 5.04 (1) to (4) shall be reviewed on the basis of acceptable or not acceptable.

**History:** Cr. Register, November, 1983, No. 335, eff. 12–1–83; am. (2), Register, September, 1985, No. 357, eff. 10–1–85; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1994, No. 462.

**TCS 5.09 Exclusion of minor remodeling and minor rentals.** **(1)** Remodeling of existing facilities where project costs for a fiscal year do not exceed \$100,000 per single campus site, as determined by the board under s. TCS 7.07 (6), are considered minor remodeling and are exempt from board review and approval under s. 38.04 (10) (a), Stats., and this chapter.

**(2)** Rentals of \$50,000 or less and where the term of the lease is 3 years or less are considered minor rentals and are exempt from approval under s. 38.04 (10) (a), Stats., and this chapter.

**History:** Cr. Register, July, 1986, No. 367, eff. 8–1–86; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1994, No. 462; CR 13–050: am. Register September 2014 No. 705, eff. 10–1–14; **2015 Wis. Act 329: am. (1) Register April 2016 No. 724, eff. 5–1–16.**