



REGISTER

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THE NEWSLETTER OF THE COALITION FOR ADEQUATE SCHOOL HOUSING

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See page 12 for details



Message From The Chair



Kathleen Moore Baratta, C.A.S.H. Chair

New Year's Greetings! C.A.S.H. has begun 2002 with a flurry of activities that I'd like to highlight.

November 2002 Statewide Bond

On January 23, the School Facilities Conference Committee met to review the committee's work to date, the governor's bond proposal and to hear from interested parties. C.A.S.H. testified that a \$24.64 billion K-12 State funded need exists for the next five years for modernization, new construction and the critically over-

crowded and low performing schools proposal. C.A.S.H., who was represented before the committee by Tom Duffy, emphasized our objectives to eliminate priority points, fully fund the backlog, and make program improvements especially in the area of grant adequacy and toxic mitigation. The Committee recognized our support for the need of the critically overcrowded and under performing schools. C.A.S.H. promotes a balanced bond package that equitably represents our members' interests.

C.A.S.H. Lawsuit

On November 21, 2001, C.A.S.H. Co-Plaintiffs filed an appeal to the November 15 Los Angeles Superior Court decision to deny the Motion for a Writ of Mandate and Declaratory Relief in the *Corona-Norco v. State Allocation Board* case. While we are aware that a majority of appeals are not successful in California, the C.A.S.H. organization believes strongly that priority points were prematurely implemented causing harm to many school districts throughout the State, therefore an appeal of that decision is pending.


Senate Bill 575 Task Force Representation

The C.A.S.H. Board has appointed board member Sherry Gongaware to represent this organization on the State Fire Marshal's task force to develop regulations to implement Senate Bill 575, the fire sprinkler legislation signed by the Governor last year. This legislation will impact every new construction project filed with the Division of State Architect after July 1, 2002.

Proposition 39 Regulations

C.A.S.H. continues to play a strong role in the development of Proposition 39 regulations concerning charter schools due to the efforts of our lobbyist Ernie Silva. The outstanding issue at this time is an appropriate dispute resolution process between a charter school and a school district when disagreements arise concerning facilities.

C.A.S.H. 23rd Annual Conference

"Downtown, Everything's Waiting for You" is the perfect conference theme this year. The C.A.S.H. Annual Conference debuts at the Sacramento Convention Center, February 25 through 28. The Annual Conference Planning Committee, led by C.A.S.H. Vice Chair Eric Hall, has planned an outstanding educational event on school facilities. I encourage each of you to arrive a little early and acquaint yourself with the conference layout. General sessions and meals will be in the Grand Ballroom of the Hyatt, while workshops will take place across the street in the Convention Center. C.A.S.H. staff and the Planning Committee deserve our recognition for all their extra efforts to bring the conference downtown. I'm looking forward to a successful conference and to the opportunity to talk to many of you. By then each of the issues highlighted above will have progressed to a new stage and will be hot topics for the conference. 



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The CASH Register is published eleven times a year (January through November) by the Coalition for Adequate School Housing (C.A.S.H.) and distributed to C.A.S.H. members. Over 1,000 rapidly growing school districts, county offices of education, architects, attorneys, bond counsel, financial institutions, developers, contractors, consultants, inspectors, licensed professionals, manufacturers of portable classrooms, maintenance suppliers and others who are concerned about school construction issues hold C.A.S.H. memberships.


The CASH Register solicits articles on school facility-related topics from the membership. If you are interested in submitting an article, please send it or a letter of inquiry to: Editor, CASH Register editorial office, 1130 K Street - Suite 210, Sacramento, CA 95814. Sorry, we are unable to return or acknowledge unpublished manuscripts. The views expressed herein are those of the authors and not necessarily those of the Coalition for Adequate School Housing, its board, staff or general membership.

Discussions Begin on 2002 Statewide School Bond

In the space of a few days Governor Davis has indicated his support for \$30 billion in statewide school bonds over the next six years and the School Facility Conference Committee has resumed its deliberation on the issue.

Many programmatic details remain to be solved. However, prospects are encouraging that a major bond package will be developed in the near future and will appear on the November 2002 ballot.

Members of the School Facility Conference Committee include co-chairs Senator Dede Alpert and Assembly Member Virginia Strom-Martin, Assembly Members Jackie Goldberg and Bill Leonard and Senators Wes Chesbro and Charles Poochigian.

For additional information about the Conference Committee's deliberations and the C.A.S.H. proposal, see website updates from the Latest News in the Members Only section dated January 23 and January 24. 

— Jim Murdoch

Thank You C.A.S.H. Member Contributors to the 2002 Bond Campaign (As of 1/31/02)

Platinum Level – \$10,000 or more

California Financial Services
HMC Group
Jones Hall
Murdoch Walrath & Holmes
Nacht & Lewis
Solomon Smith Barney, Inc.
School Facility Consultants
Stone & Youngberg LLC
UBS Paine Webber
Virco Mfg. Corp.
WLC Architects

Gold Level – \$5,000 or more

McCarthy Building Company
Meehleis Modular Buildings
Reynolds and Associates
Thomas Blurock Architects

Silver Level – \$1,000 or more

Constantine Baranoff
EDGE Development
HTI Architects
Rainforth Grau Architects
Weston, Benshoof, Rochefort, et. al.

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COALITION FOR ADEQUATE SCHOOL HOUSING

ISSUES COMMITTEE
FPPC I. D. No. 980-478

Contribution Request Form

Please take a moment and contribute to the Coalition for Adequate School Housing Issues Committee.

Contributor Name: _____

Contributor Contact Name: _____

Street Address: _____

City, State Zip: _____

Phone Number: _____

Fax Number: _____

If Contributor is an individual, please include:

Occupation: _____

Employer: _____

To contribute by credit card, please provide the following information:

Cardholder: _____

Card Number: _____

Visa MasterCard Signature: _____

Expiration Date: _____

Otherwise, please include a check to be deposited and mail or messenger to:

Coalition for Adequate School Housing Issues Committee
Steven S. Lucas, Treasurer
591 Redwood Highway, No. 4000
Mill Valley, CA 94941
(415) 389-6800

Contributions to the Coalition for Adequate School Housing Issues Committee are not deductible as charitable contributions for federal income tax purposes. Moreover, contributions are for the purpose of influencing voters on ballot measures and are regarded as payments for "grassroots lobbying" which are not deductible as a business expense (IRS

Federal Renovation Program Regulations Approved at the January 23, 2002 State Allocation Board Meeting – OPSC to Hold Program Workshops

Congratulations! The State Allocation Board approved regulations for the Federal School Renovation Program.

The Office of Public School Construction will submit them to the Office of Administrative Law for final review and approval. The OPSC is currently working with the Office of Administrative Law (OAL) to determine eligibility of the regulations to be processed on an emergency basis. This would greatly advance the timeline for implementation of the Program. It is expected that applications will be available mid to late Spring 2002.

Members should begin planning for the implementation of this program immediately. Attached is a brief summary of the main points of the Program and pertinent timelines to be aware of. **The OPSC has scheduled workshops in support of this program and we strongly urge you to attend. Please visit their website to view the regulations and to determine time and location of their workshops.**

It should be noted that the Implementation Committee members, Office of Public School Construction and California Department of Education worked extremely hard to finalize this Program and address very complex issues. The entire staff, Board of Directors and membership of Cal-Fed greatly appreciate their hard

work and commitment. In addition, Cal-Fed thanks their members for their continued input and support during the development of this program.

However, Cal-Fed's work is not over. We need continued support to pursue reauthorization of this program in the future. Please let your Congressional members know how important this program is to your District or contact Cal-Fed to find out how you can help!

The Program will provide grant funds for the emergency renovation and/or repair of facilities for Local Education Agencies (LEAs) including public school districts and county superintendent of schools. These funds are also available to Charter Schools and qualifying non-profit private schools (poverty level of 40% or higher)

applying through a qualifying LEA.

Permissible uses of funds include projects to ensure the health and safety of students and staff including roofs, wiring, plumbing, ADA compliance, fire/safety code compliance and asbestos abatement (this list is not inclusive) with additional uses for Charter Schools.

Reimbursement is allowable prior to apportionment of the application by the SAB for planning costs. Construc-

tion costs are only reimbursable after approval of the regulations by the SAB.

No matching share is required!

The maximum a LEA can request will be based on a per pupil formula as follows:

\$75,000 plus \$20 per pupils that attend a classroom for at least 50 percent of the school day. This includes enrollment in a qualified charter school or non-profit private school not included in the CBEDS reported and requesting program funds as part of the LEAs application.

The OPSC will require a **ONE-PAGE APPLICATION** identifying the enrollment generating the maximum grant amount, the grant amount request, funding criteria information and if the work is in conjunction with other State funded programs. No plans, specifications or cost estimates are required at the time of application.

It is extremely important to be aware of the certifications districts will be required to make. These include District notification of all charter schools and eligible private schools within their boundaries, certification that funds will be distributed to participating charter schools/private schools appropriately and the district and charter schools/private schools will comply with all laws pertaining to the repair and/or renovation of its public school buildings. Due to concern over liability issues, the OPSC will consider including in the certifications that participating charter schools/private schools will certify to

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It is expected that applications will be available mid to late Spring 2002. Members should begin planning for the implementation of this program immediately.

Federal Renovation Program Regulations

Continued from page 5

the sponsoring school district that they have met laws as indicated above.

The Federal Renovation Program requires distribution of funds under the three categories: Category A, high poverty; Category B, rural; Category C, all other LEAs, including LEAs that did not receive funding. **The OPSC has posted a list of school districts and their qualifications for the funding categories on their website (<http://www.opsc.dgs.ca.gov/>).**

Applications will be processed according to category. If there are not enough funds in Category A or Category B to cover the application requests, the unfunded applications can be considered under Category C.

As a requirement of the program, a competition within each category was established. The proposed regulations include a ranking system based on points for each application including the following:

- Points for poverty level (one point per percent of poverty or one point for every 330 poverty pupils up to 50 points, whichever is higher)
- Points for current outstanding bonded indebtedness not to exceed 100 (25 points for Counties with capital facility COP debt service)
- Points for the inclusion of charter schools (one point for each percent of grant funds dedicated to charter schools, not to exceed 50 points)
- 20 points for each year in the past five years district contributions amounted to at least 95 percent of the deferred maintenance match requirement
- 25 points for non-high poverty districts


Funds will be released in two phases once a District can certify that at least 50 percent of the grant amount has been expended and DSA/CDE approved plans and specifications are complete if required. This must be

completed within one year from the grant apportionment.

Districts can include work currently in a SFP unfunded modernization, Critical Hardship, or Deferred Maintenance project or projects on the OPSC workload list under certain circumstances prior to the release of federal renovation program grants

The above summary is a brief overview of the proposed program

regulations and is provided for information and reference only.

The OPSC has scheduled workshops in support of this program and we strongly urge you to attend. Please visit their website to view the regulations and to determine time and location of their workshops. Please call Emily Kozak, Executive Director of Cal-Fed at (916) 441-5063 with questions regarding Cal-Fed opportunities. 

Cal-Fed Membership Application

Cal-Fed is a coalition of California school districts and business groups lobbying for federal assistance for school construction. Formed in 1997, Cal-Fed hired a highly regarded Washington lobbying firm, Federal Management Strategies, for representation.

Cal-Fed's Goal: To help California schools get their fair share of federal school construction dollars and advocate for more reasonable federal regulations affecting school facilities. If California is not at the table, we cannot complain about unfair formulas.

We request that you participate as a member of the federal facilities effort by contributing to the Cal-Fed School Infrastructure Coalition. If you are interested, please complete the application information below.

Name: _____

Entity: _____

Address: _____

City _____ State _____ Zip: _____

Phone: _____

Fax: _____

Email: _____

Funding Commitment: _____

- \$5,000 for Organizations
- \$2,500 for School Districts with 5,000 or more students
- \$1,000 for County Offices of Education
- \$1,000 for School District with 4,999 to 1,000 students
- \$1,000 for Associate Members
- \$250 for School Districts with 999 or less students
- \$250 for Governmental Agencies

Complete, and return with a check or purchase order made payable to:

Cal-Fed - 1130 K Street, Suite 210 - Sacramento, CA 95814

Fax: (916) 441-3893

Questions? Please call Lisa Church at (916) 441-3300.

New Faces And Assignments At CDE

The School Facilities Planning Division (SFPD) of the California Department of Education (CDE) recently welcomed to its staff several people ready to hit the ground running regarding school planning issues. All are knowledgeable and experienced in helping districts with their facility needs.

Bedelia Honeycutt is the Field Representative for Orange County and southern Los Angeles (LA) County. Four days each week she is based in Signal Hill, where she was a city planner for 12 years. Districts needing assistance can reach Bedelia at 562-597-0099, or bhoneycu@cde.ca.gov.

Before coming to SFPD Bedelia was the facilities coordinator in the Business Advisory section of the LA County Office of Education where she provided facilities and maintenance and operations (M&O) assistance to local school districts. Currently she assists CASH in planning for its annual conference and serves on the state facilities committee for the California Association of School Business Officials (CASBO).

Bedelia enjoys great satisfaction in helping districts evaluate and acquire sites for new schools as well as improving their facilities. She finds the SFPD staff truly has the children's best interests at heart.

Dave Hawke worked eleven years as Director of M&O and facilities for three local school districts. He also did facility work for the University of California, Davis. He acquired many transferable skills during his 21-year career in the Air Force dealing with contracts and facilities. Dave is the Field Representative for nine counties in northern California: Colusa, Lake, Yolo, Napa, Sonoma, Marin, Solano, Contra Costa and major portions of Alameda. Additionally he consults on power plant issues.


Dave enjoys traveling to different school districts and welcomes the opportunity to serve people in a different capacity. He is impressed by the professionalism of the SFPD staff.

Steve Newsom is the new architect for SFPD. Prior to coming to CDE in November Steve worked six years for two California architecture firms specializing in school design. He also worked for the state parks system on projects such as restoration of the Stanford Mansion. Steve managed an architectural office in Colorado for several years before returning to California.

In addition to being the architectural resource person helping school districts, architects, and the SFPD staff, Steve is developing the guidelines for AB1402 Design-Build, due out June 30. Steve can also provide assistance with noise/acoustics, playground safety, restrooms, maintenance and seismic issues.

Steve notes the sincere concern of the knowledgeable SFPD staff to provide the best environment where students can learn and be safe.

Dr. Louie Joseph is the most recent addition to SFPD. As Field Consultant/Visiting Educator he will be assisting LAUSD. Louie has both private and public sector education experience. Most recently he retired from Chapman University's LA Academic Center where he coordinated the education program for eight years. Prior to Chapman, Louie was superintendent for six years at South Pasadena USD, retiring in 1993. He opened Canyon High School when he was the principal in Orange USD. Later he became an area Superintendent for Orange. When Louie worked for Antelope Valley HSD he came to grips with the growth requiring new schools. He and his family have resided in Anaheim for 26 years.

Michael O'Neill's new assignment is to serve as the environmental coordinator and primary liaison with the Department of Toxic Substances Control (DTSC). As such he maintains information and provides districts with technical advice and bill analysis on many environmental issues, including the California Environmental Quality Act (CEQA), land use planning, pipelines, railroads, flooding and storm water runoff. Michael was previously a Field Representative for local school districts in three counties. 

The Urban School Site Acquisition Process:

From Initial Search Through Approved Project

By Jerry Suich and
Michael J. O'Neill

Summary

Acquiring land for a new or expanded public school site in an urban school district is a complex process. While heavily regulated by the State, it is, however, a process that can be broken down into easily understandable tasks. Each of these tasks can be tracked separately and simultaneously to achieve efficiencies in cost and time schedule.

The approach to targeting land for a school site should be based on common sense. Preferably look for underdeveloped land – in parcels to be assembled if necessary – within the intended attendance area of the new school. Check with all available sources to identify possible sites. Once your universe of sites is completed, consider putting together a *preliminary* report which you can take to your Board.

Note that the site approval processes must be completed before close of escrow on the property (when title to the property transfers to the school district). There are at least five different processing tracks for public school site acquisition: ordinary due diligence requirements; CDE requirements; DTSC requirements; CEQA requirements; and, notice and coordination with other local agencies as necessary (such as, local city/county Planning Commission).

In the case of a district acquiring a commercial or residential property, the district must pay for the fair market value of the real estate acquired. In

addition, in the case of a commercial property owner or tenant, the district must pay certain relocation costs.

It is acceptable and politically prudent for a public school district to acquire property on a voluntary basis rather than by eminent domain. An offer to purchase voluntarily can be made by a school district whether the property is on the market or not. It is best for a district to keep its power of eminent domain in reserve and not waive its possible use. This is likely to ensure that a property owner will agree to sell to the district on a voluntary basis.

1. Searching for a new site

Searching for a new site is both an art and a science. Be creative in what you are willing to look at and in developing a process to find what you want. First, note that, with certain narrow exceptions, the search for a new or expanded public school site is not constrained by the existing local governmental zoning of the targeted property. The public school district can exempt itself from local general plan designations and zoning ordinances for sites proposed to contain classroom facilities when it follows specific government code provisions.

Lay out the new school attendance area on a map. Within this area use your common sense to scout for undeveloped or underutilized properties. Drive your targeted area and note promising addresses and then request

the assessor's information about these properties through your title company (such as size of property, owner's name and telephone number). Look over aerial photographs of your targeted area (sometimes available in the local planning department). Make yourself aware of all major potential hazards in this area, such as, railroad tracks, power lines, airports, significant earthquake faults, and incompatible uses (noise generators and hazardous air emitters). Move your gossip talent to new levels by: talking to the local planning department; speaking to brokers about available real estate; talking to other agencies that may also be looking for property (e.g., the local redevelopment agency, public housing authority, park and recreation department); asking community groups or community members to keep their ears to the ground for you. It is also important to know if the school district has its own adopted policies and criteria for school site selection (such as, minimum size by school type and distance from other schools).

Check with local agencies to see if a joint use facility might be feasible. (Part of a park could become the new school's play yard during school hours.) Work to an understanding of the absolute minimum size your district's corporate culture will accept for a new school. (For example, some California public school districts are experimenting with building elementary schools on two acres with recreational areas on the

roof.) Make sure that you have a school facilities architect lay out a conceptual school on possible sites to see if access points and building configurations are feasible.

Understand that in an urban district it is likely that a school site will require an assemblage of a number of individual parcels in order to achieve the site size you need. In the case of an assemblage, remember that it is always better to deal with

- a. fewer parcels of a larger size;
- b. several parcels owned by one owner;
- c. unimproved parcels, or improved parcels which are vacant (no relocation costs);
- d. parcels which contain lower-density apartments (fewer families to pay to relocate).

At some point you will need to put a report together describing the preliminary universe of sites that you have found. This report can be called a "Preliminary Site Evaluation Study". It would contain basic site information about each parcel (location, size), an informed "guesstimate" on land cost, and perhaps a matrix which ranks each site according to several important factors (e.g., location on arterial or neighborhood streets, proximity to students it will serve, ready-to-go quality of the site, high or low land costs, high or low relocation costs, likelihood of not having to use eminent domain).

Many district staff persons like to have their Board review this kind of document. This way Board members become invested in the site search and more easily accept the controversial issues that may later arise. (Of course, putting together a preliminary study does not prevent your coming up with another site later on.)

2. The process of site approval

Once a site (or sites) is identified, how do you go about getting approvals for acquisition?

Acquiring land for a new or ex-

panded public school site is heavily regulated by the State. It is a complex process that requires the district to assign a project manager (staff member or independent consultant) to oversee the numerous required tasks. These approvals operate on several different tracks, some of which are interdependent and require a critical path. The process on each track must be completed before close of escrow (when title to the property transfers to the school district). The different processing tracks for school site acquisition may be grouped as follows:

- a. ordinary due diligence investigation requirements;
 - b. California Department of Education requirements;
 - c. Department of Toxic Substances Control requirements;
 - d. California Environmental Quality Act requirements;
 - e. local agency notice and coordination.
- a. **ordinary due diligence investigation requirements.** These "requirements" are simply the investigatory steps that any prudent buyer would undertake when acquiring real property. Under this track make sure that you:
1. check out the feasibility of the site for the use intended (including asking the district's architect to conceptually lay out the school on the site);
 2. create a boundary survey of the property and a topographic map (the latter shows the surface configuration of the site);
 3. order the preliminary title report on the property;
 4. working with the civil engineer, plot the easements of the property shown in the title report on the survey map;
 5. working with the district's attorney, confirm that existing easements on the property do not adversely affect the district's proposed school use;
 6. working with the civil engineer, investigate any extraordinary on-site requirements (e.g., costly grading of hilly areas, water wells to be removed),

and, if there are some, create a preliminary budget for their cost.

7. working with the civil engineer, work with the local city or county to investigate any extraordinary off-site requirements for the development of this property (e.g., traffic signals, sidewalks, road widening), and, if there are some, create a preliminary budget for their cost.

8. working with the district's bio-scientist or CEQA (California Environmental Quality Act) consultant (see below), identify any issues that may fall within the jurisdiction of the California Department of Fish and Game or the U.S. Army Corps of Engineers (e.g., riparian ways or rare or threatened animal or plant species);

9. near close of escrow finalize the district's appraisal of the property if you have not already done so.

b. **California Department of Education requirements.** These requirements are overseen by the Department of Education's School Facilities Planning Division ("SFPD"). Pursuant to Section 17211 *et seq.* of the California Education Code (as well as Sections 14001 through 14012 of the California Code of Regulations), each new or expanded public school site must be evaluated according to certain specific "Site Evaluation Standards" set by the Legislature and the Department of Education.

Some of these Site Evaluation Standards are simply ones that suggest ordinary due diligence in evaluating the site (e.g., the site is not located in a flood plain or has any easements which hinder access or building placement). A geotechnical engineer is required to complete a report on the quality of the soils (with a special emphasis on whether the seismicity of the site is acceptable and whether the site has soils that may be subject to liquefaction). Geological hazards reports are also required by CDE.

Most of the Site Evaluation Standards, however, are designed to analyze

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The Urban School Site Acquisition Process

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the site with an eye towards the unique nature of the public school that will be built there. For example, if the site is within two miles of an airport or 1,500 feet of a railroad track or 1,500 feet of a pipeline carrying hazardous materials (including natural gas), certain additional studies must be carried out. For sites located near high voltage lines, certain set-backs are required. For sites located within two miles of an existing airport runway or potential runway contained in an airport master plan, the district must request California Department of Transportation review through CDE. With certain exceptions, if Cal Trans does not favor the site, the district may not acquire the site.

At some time prior to transfer of the selected site to the district, Section 17211 of the Education Code requires that a public hearing before the Board of Education be held. At this Site Evaluation Hearing the District staff shall indicate that the site has been evaluated pursuant to the specific CDE standards and that the site is found to be acceptable. The public is invited to comment at the public hearing.

Districts seeking State School Facilities Program ("SFP") Funding must first obtain CDE Site Approval via a number of submissions listed on SFPD Form 4.01. The first step in the process is field review of preferred and alternative sites. SFPD will evaluate the sites, identify conditions of approvability, and rank the sites via Form 4.0. A Contingent Site Approval is possible for financial hardship districts and for sites requiring toxic clean-up.

Note that, while a locally funded project is not required to obtain CDE approval per se, it still must meet many of the criteria and processes described in Title 5 (Section 14012).

c. Department of Toxic Substances Control Requirements. Pursuant to Section 17213.1, et seq. of the Educa-

tion Code, a Phase 1 Environmental Site Assessment shall be undertaken by a school district on the selected property prior to acquisition. (This process only applies to a district seeking CDE approval or SFP Funding.) A Phase 1 Environmental Assessment analyzes the historical use of the property as well as its current use in terms of whether it is likely that its soils or water are in any way contaminated. This Phase 1 Environmental Assessment includes an identification and evaluation of any hazardous air emissions or hazardous materials users located on or close to the property.

If the Phase 1 Environmental Assessment concludes that further investigation of the site is not warranted, the Department of Toxic Substances Control ("DTSC") (a division of the California Environmental Protection Agency) will confirm that that is the case and give its approval in the form of a "no action" letter. Should further investigation be warranted (that is, a Phase 2 Environmental Assessment, also known as a Preliminary Endangerment Assessment ("PEA")), the DTSC will ask the district to sign an agreement whereby DTSC oversees this additional investigatory process. The end of this oversight process will be a letter from the DTSC to the school district indicating that "no action" is required or that a Response Action (that is, a clean-up) is required. The PEA and the Response Action processes also involve public review periods and coordination with the CEQA process.

d. California Environmental Quality Act requirements. Pursuant to the terms of the California Environmental Quality Act ("CEQA") (Section 21000, et seq. of the Public Resources Code), a public school district (regardless of funding source) is required to analyze the environmental impacts of a new or expanded school development project (including the acquisition of a site therefor). (For an expanded school site there are some narrow exemptions available under CEQA.) If no signifi-

cant environmental impacts are found to occur, the Board of Education of the school district (as lead agency with the right to approve the CEQA document) can adopt a Negative Declaration. If significant environmental impacts are found to occur, the Board of Education of the school district can adopt either a mitigated Negative Declaration or an Environmental Impact Report with mitigations or with a Statement of Overriding Considerations. Public Resources Code Section 21151.8 also requires that school districts make specific determinations and findings regarding waste disposal sites, hazardous substance release sites, pipelines, and facilities within one quarter mile which might be hazardous air emitters or handle hazardous materials.

Most importantly, acquisition of the site by the school district can only occur after the Board of Education has approved the CEQA document on the new or expanded school project.

e. local agency notice and coordination. Pursuant to Public Resources Code 21151.2 and Government Code Section 65402, a public school district, prior to acquisition of a new or expanded school site, shall give notice to the local city or county Planning Commission with a request to determine if the proposed site is approved for a school and if such use of the site conforms to the General Plan designation for the site. Should the Planning Commission not approve the school, the school district has the ability to override the local jurisdiction's determination (Government Code Sections 53094 and 65352.2). However, note that a school district in developing a new school must comply with local ordinances regarding road improvements as well as on-site drainage and grading plans. (If the site is designated or zoned for agricultural production, Education Code 17215.5 also requires specific city/county notification and findings to be made. If the site is within an agricultural preserve, provisions in the Williamson Act must be followed.

Note that review of a new school site may also be required by the California Coastal Commission where appropriate.)

3. Relocation

Pursuant to the requirements of the California Relocation Assistance Act (Government Code Section 7260, et seq.) a school district as a public agency is required to pay specified relocation expenses where the district is acquiring a property that is occupied. This is true regardless of whether the user of an improved property is an owner or a tenant or whether the property is residential or commercial in character.

In the case of a residential tenant the district may be required to pay a substantial relocation payment which represents the difference between the current monthly rent and the monthly rent expected to be paid at another comparable rental property in the neighborhood times forty two months ("Rental Assistance Payment"). In the case of a single family residential owner the district may be required to pay a substantial relocation payment which represents the difference between the existing fair market value of the property and a comparable one in the same community ("Purchase Differential Payment"). In addition, both owners and tenants of residential property are entitled to receive an amount for reasonable moving expenses.

In the case of a commercial tenant or owner, reasonable moving expenses are paid as well as the fair market value of physical assets which are found to be non-moveable. In addition, the school district may be responsible for any loss of the business' goodwill caused directly by the required relocation (i.e., compensation must be paid if the net profit of the business is adversely affected).

4. Voluntary acquisition: offers and appraisals

It is acceptable and politically prudent for a public school district to acquire property on a voluntary basis

rather than by eminent domain. An offer to purchase voluntarily can be made by a school district whether the property is on the market or not. Of course, while your district can make an offer on a parcel of property at any time during the site approval process, the escrow on the property can not close until after the DTSC and the CEQA processes have been completed. As a practical matter this approvals process could take one year, particularly in cases involving parcel assemblages.

If the targeted property is on the market, the district does not need to have commissioned an appraisal before it makes an offer. Of course, if it reaches a deal, it must commission an appraisal before it closes escrow in order to assure itself that it is buying the property at or below fair market value.

Any appraisal commissioned by a school district for the purchase of property must be prepared by a Member of the Appraisal Institute ("MAI"). It is always best to first get an appraisal in draft form in order to assure yourself that the appraisal was properly scoped and that the appraiser did not reach any mistaken conclusions that would embarrass your efforts. With the exception of an appraisal undertaken for eminent domain purposes, it is the district's call as to whether it wants to share an appraisal with the property owner. Often, however, if the appraisal sharing is done as part of an orchestrated program of working with the affected owner, it is more likely than not that the acquisition will be a voluntary rather than an involuntary one.

A strategy for a timely appraisal may need to be put together. Generally an appraisal is considered stale if it is more than three months old. Therefore, if you want to commission an appraisal at the beginning of the approvals process in order to understand the likely land cost of the project, understand that you will likely be paying for two appraisals on the affected property. Of course, with a major landowner involved in a

new school project, one way to bring him successfully on board the program is to pay for an early appraisal in order to assure him of the likely range of value at which he will be ultimately looking.

It is always best to avoid eminent domain action for the purchase of a new school site. The use of eminent domain may be controversial. Someone may have a hard luck story to tell the Board, or the district may be characterized as trying to drive long-time residents and businesses out of town. It is best to cut this possibility off at the pass by dealing openly and fairly with prospective sellers and early on in the process laying all cards on the table. For example, hold a community meeting to explain why the district needs to have a new school and that this is only one of the sites at which the district is looking. In this way the process of site approval and acquisition can be explained, and potentially affected property owners can be encouraged to be in touch with the district if they have any questions.

When the time comes to make an offer, the district or its designated consultant should make it in a personal meeting with the property owner. This will avoid any misunderstandings. In the presentation of the offer an owner should never be threatened with eminent domain. Such a tactic may make a voluntarily acquisition difficult to achieve. Simply explain that you want to make it work voluntarily, and "no", you do not know what the Board of Education ultimately intends to do. Tell the property owner you simply know that the Board wants you to make every effort to acquire his property voluntarily. The property owner will soon figure out what your backup option is likely to be if voluntary acquisition efforts fail. In conducting your negotiations, keep in mind that in any relocation, generally speaking, a residential property owner or a tenant receives full compensation while a commercial property owner or a tenant

Continued on page 15



through the campus, all category five data cabling in each building on the site, a centrally controlled video system operating out of the media center, and a dedicated point-to-point T1 line running to the district office, connecting to their WAN. One of the most important design decisions made by the Board of Trustees and the architect was the inclusion of several empty and oversized conduit banks, allowing for easy expansion and upgrades as technology changes.

Situated on over 50 acres in rural El Dorado County, Union Mine High School represents the District's fourth comprehensive high school. The school buildings are centrally located on the site, in a campus style layout, with the Media Center/Counseling office chosen to be the center of the campus, easily accessible and symbolically representing the hub of education. The school site varies substantially in elevation, rising over sixty-five feet from its lowest to highest point. The Media Center/Counseling office sits atop the site, looking out over the rest of the campus in a panoramic view.

Unique to the campus layout is the combination of Counseling and the Media Center. Traditionally, counselors' offices are located in the administration building, but the Board of Trustees felt strongly that the Counseling office should be part of student services, connected to the Media Center and Library. It was expressed that there should not be the negative stigma of "going to the office" when students are in need of counseling services. The



Union Mine High School

El Dorado Union High School District


Phase I Campus opened Fall 1999
Phase II Currently under construction
Total Square Footage: 122,397 (Phase I & II)
Total Construction Cost: \$20,873,401 (Phase I & II)
Architect: Murray and Downs, AIA Architects, Inc.



topography of the site was further utilized in the design of the theater building. The stage is not only used for inside performances, but also for outdoor events where amphitheater style seating is built into the existing hillside. Additionally, the highest area on the site was preserved as oak woodland, with school buildings and parking lots on the north side of the site, and all playfields wrapping around the remaining areas of the site.

The technology included in the construction of Union Mine High School includes a fiber optic multi-mode backbone centrally running

Phase II is currently under construction and will add two new buildings to the site. The Art building and the Music building will increase the square footage of the school by 8,800 square feet. Future phases will incorporate a second gymnasium and the Trades and Industry building.

The school's campus style layout and functional space allocations are well received and appreciated by the administration and staff and the project is considered an overwhelming success by the El Dorado Union High School District and the community. 

Avoiding Child Pedestrian Accidents at FUSD Schools

By Lucille Friedland

Tragically, too often we hear news about a child accidentally being hit by a car in a school drop-off zone.

Vehicles killed 103 Californian child pedestrians during school commute times on official school days over the last five years, according to Doug Snyder of The California Association of School Transportation Officials. These accidents occurred from 6 to 9 a.m. and 2 to 5 p.m. in the 94/95 through 99/00 academic years. One can project that many times more walkers were injured in school-related crashes.

Administrators at California's Fremont Unified School District (FUSD) are taking steps to protect their students.

"School traffic safety problems had cropped up over the years at our various schools," says FUSD's Director of Facilities Management Therese Gain. Parents ranked this issue a top concern in a health and safety survey related to a 2002 bond. So Gain contracted with the civil engineering and surveying firm that serves her school district and 50 others in Northern California: Underwood & Rosenblum, Inc. (U&R). In response, President Frank Rosenblum developed a new "Nine-Step School Traffic Safety Solution" to involve the input of parents, school administrators and city representatives in developing a successful plan.

Causes of Pedestrian Accidents

Typical factors that increase the likelihood of child pedestrian accidents among California schools also impact FUSD:

1. Most FUSD schools were designed and built over 30 years ago, when far fewer students enrolled per school.

2. Schools were originally designed with the 1950's concept that young children will walk to school with their moms, while older children walk alone or with friends.
3. Parents today typically drive their children to school, since most parents work outside the home and are concerned about "stranger danger" crime issues.
4. Parents' busy lives lead them to rush when dropping off and picking up their children.

Challenges in Finding Solutions

"People aren't going to go back to the days of stay-at-home moms and walk-to-school kids," says Gain. "We need to change the school infrastructure to adapt to society."

Parents, school administrators and city representatives want to prevent these school traffic safety problems in the future. Yet each person often proposes different, sometimes even conflicting, solutions. Blueprints/technical drawings explaining proposed solutions can make the process even more confusing for non-engineers and non-architects.


Rosenblum explains, "Quick and easy answers cannot solve school traffic safety issues. Many complex factors need to be considered to create a real solution."

U&R's Nine-Step School Traffic Safety Solution

Underwood & Rosenblum, Inc. developed a nine-step solution for developing school traffic plans that

increase children's safety when arriving at and leaving school. Rosenblum and his team performed background research and made recommendations regarding four FUSD schools with different layouts to serve as a model for plans to revamp the entire district. Summarized below, this solution involves parents, school administrators and city planners by working to meet each group's needs:

1. Observe Situation and Solicit Involvement.
2. Collect School Input.
3. Observe Cars and Children during Peak Traffic Times.
4. Review Observations and Input. Give direction to engineering consultant.
5. Develop Proposed Solutions.
6. Study Team Review and Revisions.
7. Prepare Multi-Color Exhibits with Maps of Traffic Plan.
8. Present to School Interest Groups for Input.
9. Prepare Final Drawing Exhibit and Cost Estimate.

U&R's Nine-Step Traffic Safety Solution is now available to schools throughout Northern California. To obtain more information, please visit www.uandr.com or contact President Frank Rosenblum of Underwood & Rosenblum, Inc. (U&R) civil engineers and surveyors at (408) 453-1222 or frank@uandr.com. 

Lucille Friedland is Principal at Friedland Marketing & Communications in San Jose, California. Underwood & Rosenblum, Inc. is one of her clients.

C.A.S.H. MONTHLY MEETING MINUTES

– January 23, 2002 –

Coalition for Adequate School Housing (C.A.S.H.) Vice Chair Eric J. Hall called the meeting to order at 11:10 a.m. New members and guests were welcomed and introduced.

Eric noted that the Jt. Conference Committee was meeting at the Capitol and that C.A.S.H. staff was in attendance at the meeting.

Luisa Park announced Karen McGagin has joined the staff of OPSC as Deputy Director. Luisa encouraged attendees to contact Karen, Bruce Hancock or herself with any comments or concerns.

LEGISLATIVE REPORT – Eric J. Hall

Eric reported on the progress in crafting a statewide bond. \$30 billion over 3 funding cycles; \$10 billion in 2002, 2004 and 2006. C.A.S.H.'s priorities are to fund the pipeline, eliminate priority points, money for under performing or critically overcrowded schools, and select program enhancements. The C.A.S.H. package includes a bond issue in 2002 and another in 2004, funding for new construction, modernization, additional mandates for grant adequacy and sprinklers, program changes including ADA compliance, toxics mediation, off site mitigation. The total for the package is approximately \$25 billion. Eric encouraged attendees to speak with their legislators regarding the school facilities need.

FUNDRAISING EFFORT FOR 2002 CAMPAIGN – Dave Doomey

Dave reported on the fund raising effort for the upcoming bond campaign and urged members to contribute.

ARCHITECT'S COMMITTEE – Dennis Dunston

Dennis reported on SB 575 regarding fire sprinklers. Workshops are being put together by the State Fire Marshall regarding for input on the implementation of the bill.

The index adjustment factor is a major issue that the architect's committee is trying to get worked into the bond package. Would prefer a quarterly or even monthly adjustment as opposed to the current yearly adjustment.

The architect committee will meet on Tuesday during the Annual Conference in February.

ANNUAL CONFERENCE PLANNING COMMITTEE – Eric J. Hall

Progress on the Annual Conference is moving along very smoothly. Registration is up 20% over last year.

CAL FED – Emily Kozak

Emily reported that the Federal Renovation Program regulations are going to the SAB at today's meeting. Emily thanked OPSC and CDE for their hard work. OPSC will be holding workshops on the program. CDE is still awaiting the QZAB reauthorization. Cal-Fed will meet on Tuesday during the C.A.S.H. Annual Conference. The next Washington DC trip is scheduled for May 6 and 7. Emily encouraged attendees to join Cal-Fed.

CALIFORNIA DEPARTMENT OF EDUCATION – John Dominguez

The QZAB application will be going through some minor changes in anticipation of the QZAB reauthorization. OPSC and CDE are putting together workshops on overcrowded and under performing schools. Steve Newsome is the new SFPD architect.

IMPLEMENTATION COMMITTEE – Dave Zian

Dave reported on the agenda for the upcoming meeting scheduled for February 1 in Sacramento.

OFFICE OF PUBLIC SCHOOL CONSTRUCTION/STATE ALLOCATION BOARD – Audrey Edwards

Audrey gave an overview of the current SAB Agenda. She reported on the status of funds in new construction, modernization and hardship. Audrey also reported on the unfunded and workload list.

Audrey explained the funding process and requirements for the Federal Renovation Program. The application is very easy to complete. Audrey encouraged everyone to apply. Workshops have been scheduled. More information can be found on the OPSC website under "What's New". The regulations are trying to be adopted on an emergency basis.

The meeting was adjourned at Noon.

C.A.S.H. WELCOMES THESE NEW MEMBERS

(As of December 1, 2001)

Construction Managers

O-J-B Engineering Inc.
Otis Clopton

Consultants & Planners
IPA Planning Solutions Inc.
Ineda Adesanya

Contractors & Developers
Beck
Joseph Borowitz

MC Solar Engineering Inc.
Kent Dogey

The Eastridge Companies LLC
Jeff Baize

Energy Consultants
Calif. Daylighting Inc.
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Environmental/Toxics Consultants
Ultrasystems Environmental
Betsy Lindsay

Facility Consultants
Rita Cook - Retired Asst. Supt.
Rita Cook

Inspectors
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Karl Studinger

Flooring
Armstrong World Industries
Todd Borchardt

FloorTec Inc.
Steve Homan

Lighting/Daylight
SNS Technology LLC
Randy Bellamy

Real Estate Consultants
Cushman & Wakefield of California
Jeffrey Woolf

Relocatable Dealers/Suppliers
INTELLALAB
Raymond Youmans

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Progressive Systems
Michael Powell

Protection Service Industries
Bill Romano

Outdoor/Recreation
Equipment Suppliers
Dave Bang Associates Inc.
Pete Stokes

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Brea-Olinda USD
A.J. Roland

Spreckels Un. SD
Harold Kahn

Technology/Telecommunications
Consultants
Meridian Project Systems
Aaron Alhady

SchoolDude.com
Tammy Poole

January 23 Actions of the State Allocation Board

The State Allocation Board at its January 23 meeting took the following actions:

- Approved proposed regulations for the implementation of the Federal Renovation Grant Program for the renovation and repair of school facilities.
- Approved regulations regarding the application of Excessive Cost Hardship Grants for modernization and new construction projects.
- Agreed to transfer funds from the State Relocatable Classroom Program to the Deferred Maintenance Program in order to fund critical hardship projects.
- Authorized adjustment in developer fee from \$2.05 to \$2.14 residential and from \$0.33 to \$0.34 commercial.

The Urban School Site Acquisition Process

Continued from page 11

is not always made whole. However, a business owner tends to be a businessman first. If he recognizes that the new school is likely to be located eventually on his property, he will act in a business-like way by negotiating with you and moving out when the time comes.

5. Eminent Domain

If it is ultimately decided by a school district to acquire a property by eminent domain, the district must have in hand a recent appraisal of the property. It must then make an offer to the affected property owner based on that appraisal. By this time, the district must have also adopted the CEQA document for the new school. Assuming the offer based on the appraisal was not accepted, the Board of Education can move to acquire the property by eminent

domain by making certain findings in a public hearing and then adopting a Resolution of Necessity. This resolution can, however, only be adopted by a two thirds vote of the Board members.

After adoption of the Resolution of Necessity the district can file a lawsuit in eminent domain against the property owner in Superior Court. At this time the appraised value of the property is deposited into court by the district. Upon deposit of the money, the district can move for an Order of Immediate Possession in order to gain an exclusive right to occupy the property. Possession of the property is usually obtained by the district no earlier than ninety days after notice of the order is given.

Note that in eminent domain a public school district obtains occupancy of a site even before title transfers to the district. This is because transfer of title occurs only upon the resolution of a trial on the question of the value of the

property. It is not unusual for this trial – and, hence, the transfer of title – to occur one to two years after occupancy of the property is acquired by the district. Note also that, at the beginning of the eminent domain action, the affected property owner can draw down the amount of money deposited into court by the district while still disputing the amount of the purchase compensation owed.

If SFP funding will be sought for site acquisitions that involve eminent domain or relocation, districts should also consult with the Office of Public School Construction's Property Acquisition Section regarding required procedures and eligible expenses.

Jerry Suich is President of Oxbridge Development, Inc., in San Francisco and Michael J. O'Neill is a Consultant for the School Facilities Planning Division, California Department of Education



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| | plus \$0.13 per ADA |
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| <input type="checkbox"/> 5,000-9,999 | \$352.00 |
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- Licensed Professionals Serving Architects
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- Modular Consultants/Services
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Questions? Call (916) 448-8577.

C.A.S.H. Meetings, Conferences & Workshops

February 25, 2002 Monday	C.A.S.H. Annual Conference Golf Tournament Wood Creek Golf Course, Roseville, CA
February 26-28, 2002 Tuesday – Thursday	C.A.S.H. 23rd Annual Conference Sacramento Convention Center/ Hyatt Regency Hotel, Sacramento, CA
March 27, 2002 Wednesday	C.A.S.H. General Membership Meeting California Chamber of Commerce 1215 K Street 14 th Floor, Sacramento, CA 95814
April 23, 2002 Tuesday	TBD (a.m.) and TBD (p.m.) Workshops Doubletree Hotel 2001 Point West Way, Sacramento, CA
April 24, 2002 Wednesday	C.A.S.H. General Membership Meeting California Chamber of Commerce 1215 K Street 14 th Floor, Sacramento, CA 95814
April 26, 2002 Friday	TBD (a.m.) and TBD (p.m.) Workshops Ontario Airport Marriott 2200 E. Holt Blvd., Ontario, CA
May 16-17, 2002 Thursday – Friday	C.A.S.H. Spring Conference Westin Horton Plaza 910 Broadway Circle, San Diego, CA

Monthly C.A.S.H. meetings are held from 11:00 a.m. to Noon in Sacramento. The monthly meetings are always scheduled to coincide with the monthly meetings of the State Allocation Board on the fourth Wednesday of the month, except in November and December, to enable C.A.S.H. members to attend the SAB's afternoon session. Both SAB meetings and General membership meetings are subject to change.



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