



REGISTER

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THE NEWSLETTER OF THE COALITION FOR ADEQUATE SCHOOL HOUSING

In This Issue...

- 2 ▶ Message From The Chair
- 3 ▶ Tentative Tract Maps: Status Update on the Issue of Enrollment Projection Augmentation and OPSC Audits
- 4 ▶ C.A.S.H. Board Takes Action in Law Suit
- 5 ▶ New Legislative Advisory Committee Members
- 6 ▶ CEQA Pitfalls for the Unwary
- 8 ▶ Determination, Dedication, and Hard Work Are What It Takes
- 10 ▶ C.A.S.H. Maintenance Network Reorganizes to Increase Outreach
- 10 ▶ C.A.S.H. Supports Maintenance Funding in Budget Committee
- 11 ▶ Vintage Hall - St. Helena High School
- 14 ▶ C.A.S.H. Board Member Spotlight - Gary Mekeel, Ph.D.
- 15 ▶ Brian Heyman Leaves DSA and State Service
- 24 ▶ Upcoming Meetings, Conferences & Workshops

Vintage Hall - St. Helena High School

See page 11 for details



Message From The Chair



Eric J. Hall, C.A.S.H. Chair

In my last message to you, I cheered about the successful passage of Proposition 55. The C.A.S.H. Board sends their congratulations to all involved in this accomplishment. Now it is time to get to work to build the projects that we have promised. Luisa Park, the Executive Officer and her staff at OPSC have already outlined for the SAB and received the approvals in March to place the unfunded modernization list on the SAB Board agenda for approval at the

April meeting. The \$370 million in new state bond funds will soon be available for the 62 districts waiting on funding for 237 modernization projects. I am sure that these districts are relieved to be able to get their projects initiated this summer. We appreciate Luisa Park and her staff for their diligence and enthusiasm in getting the school bond money to school districts in a very timely manner.

We in the school facilities community can now keep our promise to the voters by doing all we can do to build “on time and within budget.” While this is the noble goal of all school facility planners, I know from personal experience that this is becoming increasingly more difficult. Our fifth high school, Canyon Crest Academy, is under construction, and just yesterday, we opened bids for the first phase of modernization for the 1937 campus of San Dieguito High School Academy. Our district is challenged to keep these projects and others within the costs estimates and budgeted funds. Many districts are facing the same challenges

of increases in construction budgets and a more lengthy time in the planning stages. What can we do about this problem?

Bertha Calloway, the founder of the Great Plains Black Museum once said, “We cannot direct the wind, but we can adjust the sails.” How can we adjust to the changing school construction environment? The adjustments we can make include value engineering, selecting an alternative delivery method (the topic of the C.A.S.H. May workshops), the development of clear and complete construction drawings and cost estimates, using a constructability review, encouraging our contractors to “stock pile” lumber and steel at today’s prices, and/or using additive or deductive alternatives. Many of these tools and techniques have been discussed with our membership at various C.A.S.H. conferences and workshops.

I followed with interest the debate/discussion over the workers’ compensation reform and applaud the Governor and legislature for their efforts in this area. These reform efforts will help us arrest the soaring costs to our operational budgets and hopefully will have a positive impact on our construction budgets as well. I recently heard from a BIA official that the workers’ compensation rate for some trades equals \$100 of workers’ compensation coverage per \$100 of payroll! And I complain about our district rate of \$2.79 per \$100!

Another way that we can “adjust our sails” and respond to the soaring workers’ compensation costs is to implement an Owner Controlled Insurance Program or OCIP for our construction projects. This allows the district to “self insure” and cover the workers’ compensation needs on the project and not pay for high insurance premiums through the trades or contractor. Our district recently

Continued on page 3



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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.

Tentative Tract Maps

Status Update on the Issue of Enrollment Projection Augmentation and OPSC Audits

In June 2003 C.A.S.H. began to receive inquiries from school district representatives who were interested in knowing if there were any changes in law or regulation that dealt with the matter of the use of tentative tract maps in augmenting the cohort survival methodology used by the Office of Public School Construction (OPSC) in making enrollment projections. Our answer was simple and direct: no change in statute or regulation had occurred regarding enrollment projections and tentative tract maps. A change, however, had occurred in statute addressing the issue of "self-certification" of information provided by districts to OPSC and the accuracy of that information.


The new statute provides that districts may be sanctioned by the State Allocation Board (SAB) if the Board finds that a district official has provided self-certified information to OPSC to support an application for funding, which is thereafter found to be "materially inaccurate." The Beaumont Unified School District was charged last year by OPSC with filing materially inaccurate information in order to receive new construction funding and was taken before the SAB; the Board, after hearing the charges and the District's response, found that Beaumont had provided inaccurate information to the State which was material and which gave the District a funding advantage which it should not have had

based upon the "accurate" information available at the time the District received an apportionment. Beaumont's eligibility was recalculated and reduced to reflect accurate, substantiated data. Furthermore, the District lost its ability to self-certify information to the State for an extended period involving several years. The public hearing on the material inaccuracy charge was in itself a punishment that the District had to endure although the District Superintendent's direct and open testimony and professionalism were a model for anyone finding themselves before the Board.

The subject of the Beaumont material inaccuracy was the matter of the maps certified to by the District in projecting enrollment. State law allows that tentative and final tract maps may be used to augment the cohort survival method of projecting student enrollment. Specific plans may not be used; Beaumont, at least in part, certified to information based upon one or more specific plans.

During the investigation of the Beaumont matter, OPSC began to audit the information provided and certified to by other districts. C.A.S.H. was contacted by a number of districts concerned about these audits. We met with OPSC in the summer of 2003 and discussed the matter in depth. Based upon our review of the matter with OPSC at that time, and more recently, we advise districts who are notified that

an audit will be conducted to prepare carefully in advance and to have an open dialogue with OPSC personnel.


District staff must know the difference between the various approvals made by cities and counties as developments are planned. It is important for district personnel to communicate with city and county planning agency staff and learn the procedures common in those jurisdictions. The various counties and cities do not have identical procedures. Many cities and counties will notify districts of proposed developments, however some do not. Upon action by the governing bodies to approve residential development some jurisdictions may actually stamp tentative tract maps approved and others may approve them by resolution instead. Districts are advised to seek, obtain, and keep on file, as required by state regulation, the tentative and final tract maps approved upon which the district intends to base enrollment projections. We advise also that districts have other supporting information, such as resolutions and minutes of actions taken by counties and cities in the tract map approval process. 

— Tom Duffy

Message From The Chair

Continued from page 2

experienced an up front savings of \$700,000 on our Canyon Crest Academy project as we put in place an OCIP program. If we have a good safety record on this project, we will see a rebate back to our construction fund for as much as approximately \$800,000 in additional savings. This totals about 3% savings to our project. C.A.S.H. members can expect to hear more about this form of insurance coverage for construction projects.

Take advantage of the resources available to you within the C.A.S.H. organization to help keep our promise to build on time and within budget. Keep up the good work and best wishes to you in your work as you "adjust the sails" to keep your ship on course. 

C.A.S.H. Board Takes Action in Lawsuit

By Steve Hartsell

The C.A.S.H. Board has authorized the filing with the California Supreme Court of an amicus brief requesting that it uphold the court of appeals decision in the case *City of Marina v. Bd. of Trustees of the California State Univ.*

[link to <http://login.findlaw.com/scripts/callaw?dest=ca/caapp4th/109/1179.html>] The

C.A.S.H. member law firm of Miller Brown & Dannis has been retained to prepare this amicus brief.

In *City of Marina*, a city argued that the California State University (CSU) was required to pay for off-site traffic and fire safety improvements that were necessary to mitigate the negative

environmental impacts of the new CSU campus at Monterey. CSU argued that Government Code section 54999 et. seq. limited the types of improvements that public schools could pay for and that to pay for off-site traffic and fire safety improvements would amount to a gift of public funds. CSU adopted an EIR with a Statement of Overriding Considerations that stated that Government Code section 54999 et. seq. prohibited CSU from paying for off-site traffic and safety improvements.

The court of appeals in *City of Marina* agreed with CSU and concluded that Government Code section 54999 et. seq. prohibits a fee assessment against public schools for off-site capital improvements beyond public utility facilities which are defined as "a facility for the provision of water, light, heat, communications, power, or garbage service, for flood control, drainage or sanitary purposes, or for sewage collection, treatment, or disposal."

Many school districts within California have been requested by cities, towns and counties to pay for regional traffic facilities that cost from \$350,000 to well over \$1,000,000. In the past, many school attorneys have interpreted Government Code section 54999 et.

seq. to prohibit these demands from cities, towns and counties, and the *City of Marina* case makes it clear that these agencies do not have the authority to make these demands upon school districts. This is why the C.A.S.H. Board considers it important for the Supreme Court to uphold the court of appeals decision.

Following is a more detailed analysis of the case prepared by Miller Brown & Dannis:

Case: *City of Marina v. Bd. of Trustees of the California State Univ.*
(2003) 109 Cal.App.4th 1179

Summary:

A public entity does not have to pay for off-site traffic and fire safety improvements necessary to mitigate the negative environmental impacts of its project. The California Supreme Court, however, has granted review of this case. While this case is pending before the California Supreme Court, the appellate decision cannot be cited as valid law.

Facts:

In 1998, the California State University ("University") completed a campus master plan ("CMP") to guide the physical growth and development of its new Monterey campus, situated on the

former grounds of the military base at Fort Ord. In accordance with CEQA, the University prepared an EIR concerning the CMP, which noted that significant off-campus traffic, water and sewage, and fire safety impacts would occur as a result of the development. The University acknowledged that it was statutorily required to pay its share of the costs of water and sewage utilities, but refused to help pay for off-campus traffic and fire safety improvements. It contended that, under the law, it could not pay for those improvements and that the Fort Ord Reuse Authority ("FORA"), made up of the county and five cities surrounding Fort Ord, was the agency responsible for these improvements.

The University approved the EIR for the CMP because the social, cultural, and economic benefits of the plan outweighed the significant off-campus impacts that the University claimed it could not pay to reduce and over which it therefore had no control.

FORA is charged with managing the transition of Fort Ord to civilian use. FORA challenged the University's EIR and argued that the University was required under a base reuse plan to pay its fair share of the costs of off-campus traffic and fire safety improvements.

Decision:

The court of appeal reversed the lower court's decision and ruled that the off-campus improvements were not the responsibility of the University.

The court determined that the California Government Code allows a public school to be assessed the costs of only the following: specified utilities; namely water, light, heat, communications, power, garbage, flood control, drainage or sanitary purposes, and sewage collection, treatment and disposal. But the California constitution, as interpreted by the California


Many school districts within California have been requested by cities, towns and counties to pay for regional traffic facilities which cost from \$350,000 to well over \$1,000,000.

Supreme Court in *San Marcos Water Dist. v. San Marcos Unified School Dist.* (1986) 42 Cal.3d 154, prohibits a fee assessment against a public school for off-site capital improvements beyond those specified in the Government Code. The University was therefore correct in determining that it was unable to pay for off-campus traffic and fire safety improvements.

The court also ruled that CEQA permitted the University to approve the EIR, despite the significant unmitigated impacts, if the University made a statement of overriding considerations concluding that the benefits to the community required approval of the EIR for the CMP.

The California Supreme Court has granted review of this case.

Impact:

While this case is pending before the California Supreme Court, the decision in this case cannot be cited as valid law. Should the California Supreme Court uphold this case, a district need not and, in fact, may not be able to pay for off-site capital improvements unless those improvements are utilities specifically listed in the Government Code. However, since Education Code section 17569 authorizes school districts to pay for street improvements immediately adjacent to a school site, the case may not apply to traffic improvements on immediately adjacent streets. Accordingly, if a school district project will cause significant impacts with respect to off-site impacts other than those identified in the Government Code or on streets in immediate proximity to a school site, a school district should consider adopting an EIR with a statement of overriding consideration in lieu of a negative declaration. 

Steve Hartsell is the Legal Advisor for C.A.S.H. and Co-Chair of the C.A.S.H. Legal Advisory Committee

New Legislative Advisory Committee Members


The C.A.S.H. Board of Directors, upon the recommendation of the Nominating Committee, appointed two new members to serve on the C.A.S.H. Legislative Advisory Committee: William Flory of Fremont Union High School District and Elizabeth Robinson of Lakeport Unified School District. The Committee is comprised of 15 members from both public and private entities, a Chair, and an Assistant Chair. The Legislative Advisory Committee is charged with the task of developing and recommending the C.A.S.H.'s annual legislative platform. Specifically, the Committee reviews legislation and recommends positions to the C.A.S.H. Board and legislative staff on legislation it deems significant to the interests of C.A.S.H. and its members.

Because administrative politics, alongside modernizing and building public schools in California, is complex, members of the Legislative Advisory Committee are astute individuals who bring a plethora of knowledge and experience to the table. The two newest members of the Legislative Advisory Committee undoubtedly will bring significant contributions to both the Committee and the organization at large.

William Flory has served public education for 17 years as a Director of Maintenance & Operations and as a Director of Facilities and Planning. He currently serves as the Director of Facilities Modernization at the Fremont Union High School District. Mr. Flory has extensive experience in planning, building and modernizing schools. He has run successful local bond elections, collected developer fees, and created and managed a variety of school financing vehicles. Mr. Flory participated in the crafting of SB 50, which created the School Facility Program.

Like Mr. Flory, Elizabeth Robinson brings to C.A.S.H. and the Legislative Advisory Committee an impressive 29-year career in serving public education. Her vast experience includes the construction and modernization of schools, many of which are located in urban areas with high growth populations. She understands the complexities of designing and operating YRE systems. Ms. Robinson has run successful local bond campaigns, raising over \$254 million dollars for facilities in two school districts. Ms. Robinson is currently the Superintendent of the Lakeport Unified School District.

Other members of the Legislative Advisory Committee are:

- Stephanie Gonos, School Advisory Services, *Chair*
- Nina Young, Orange County Office of Education, *Assistant Chair*
- Margaret Brown, Santa Ana Unified School District
- Rob Corley, Rob Corley Consultant
- Janet Dixon, Riverside Unified School District
- Earle Ipsen, HTI Architects
- Gordon Itow, Anaheim City School District
- David Jones, Natomas Unified School District
- Paul Letson, Inglewood Unified School District
- James Patton, Patton & Associates
- Dan Santo, California Financial Services
- Lyle Smoot, Los Angeles Unified School District
- Kathy Tanner, San Diego County Office of Education
- Paul Woods, Economic & Planning Systems
- Katy Wright, Sweetwater Union High School District 

CEQA Pitfalls for the Unwary

By Peter W. Sturges of Miller Brown & Dannis

A hiker's view of a beautiful reservoir; a college's decision to move a firing range off campus; a citizen group's concern over unseen geologic barriers and leaky piping. In three recent cases California appellate courts addressed challenges to public projects for compliance with the California Environmental Quality Act (CEQA). Similar challenges can arise on school projects.

Ocean View Estates Homeowners Association, Inc. v. Montecito Water Dist. (2004) 116 Cal.App.4th 396 (*Montecito*) upholds the need for evaluation of the aesthetic impacts of a project that involved covering a reservoir that resembled a scenic lake. In *Association for a Cleaner Environment v. Yosemite Community College District* (2004) 116 Cal.App.4th 629 (*Yosemite*), the court concluded that moving a firing range from one location to another constituted a project that was not exempt from CEQA. In *Santa Teresa Citizen Action Group, et al. v. City of San Jose, et al.* (2003) 114 Cal.App.4th 689 (*Santa Teresa*), the court upheld an environmental impact report (EIR) in spite of a challenge to the adequacy of its evaluation of impacts from installation of a recycled water system.

1. Visual Or Aesthetic Impacts Must Be Addressed

Montecito involves visual impacts arising from a water district's proposal to cover over a reservoir that "looks very like a large swimming pool trying to pass as a lake." In *Montecito*, a water district proposed covering the scenic Ortega Reservoir in order to minimize water loss due to evaporation. Although the water district considered a number of environmental factors, its mitigated negative declaration (MND) was overturned because the water

district did not take into account the aesthetic impacts of the proposed cover for the reservoir.

As the lead agency, the water district commissioned an initial study of the project's environmental impacts. The study found that flooding could be a potentially significant impact because the proposed cover over the four-acre reservoir would increase impervious surface area and create potential run-off problems. The study did not find, however, that the construction of the roof would create any significant aesthetic impacts. The water district decided the project did not require an EIR and issued a MND. *Ocean View Estates*, a local homeowners association representing eleven homeowners living near to the reservoir, objected to the MND because it felt that the MND failed to take aesthetic factors into account.

Under CEQA guidelines, a lead agency must consider the following in making a determination as to whether a project creates significant aesthetic impacts: (a) Will the project have a substantial adverse effect on a scenic vista? (b) Will the project substantially damage scenic resources including, but not limited to, trees, rocks, outcroppings, historic buildings or State scenic highways? (c) Will the project substantially degrade the existing visual character or quality of the site in its surroundings? and (d) Will the project create a new source of substantial light or glare which would adversely affect night-time views in the area? (Title 14, Cal. Code Regs., § 15387.)

Ortega Reservoir is a pool of clear blue water lying in a hilly, densely vegetated area. The court noted that it "provided a striking and unique visual feature" of the landscape, albeit artificial. The proposed pitched aluminum

cover would extend over four acres and be fifteen feet tall at its highest point. Over time, it would corrode to a dull gray finish. Although the water district planned to install landscaping to shield the view of the roof from adjacent homes, it conceded that two homes would still be able to see the roof. In addition, the county planning department commented that users of trails near the reservoir would also be able to see the roof. It recommended better landscaping to screen the roof and painting the roof to better resemble the surrounding terrain as mitigation for the aesthetic impacts. Individuals also objected to the aesthetic impacts of the proposed roof.

In its defense, the water district claimed that private views are not environmentally significant under CEQA and that one has no right to an unobstructed view under the common law. The court disagreed, holding that nothing in CEQA relieves a lead agency from considering project impacts on private views. The water district also contended that private expressions of concern or aesthetic objections do not constitute substantial evidence of a significant adverse environmental impact under CEQA. The court again disagreed, stating that such concerns could be taken into account, particularly about aesthetic impacts which, by their nature, are subjective. Opinions that the reservoir cover would not be aesthetically pleasing are not reserved for experts only. If the expressions of concern had come from only one or two people, the court noted, it could conclude that there was not substantial evidence of a significant impact. In the *Ortega Reservoir* case, however, several individuals as well as a county agency had objected to the project and urged the water district to adopt stronger

mitigation measures. On the basis of these concerns, the court ordered that the water district's MND be vacated.

2. Firing Range Relocation Constitutes a Project

In *Yosemite*, Yosemite Community College District wanted to move a firing range off college property. It concluded that it did not have to comply with CEQA because the proposed action was not a "project" for CEQA purposes. The court disagreed, holding that the district should have taken a broader view of what it proposed to do.

The firing range had been built in 1975. Since that time, it had been used for firearms courses as well as by local law enforcement agencies and community service classes. The district proposed to move the firing range to a different location off district property. In addition to concern about the impacts of use of the firing range at the new site, the plaintiff raised concerns about levels of lead contamination at the old site which exceeded permissible levels. It also alleged escaping and fragmented bullets raised a safety issue.

The district determined that moving the firing range was not a "project" under CEQA. The only action was a decision to close the firing range and not to demolish it or clean up the former site. Plaintiff, the Association for a Cleaner Environment, challenged that decision. It contended that the project should actually have included closing the facility, demolishing the firing range, cleaning up the former site, and transferring the firing range activities to another site.

The court held that the district could not avoid CEQA by taking too narrow or piecemeal an approach to what constitutes a project. The court held that the district should have considered all of its proposed action with respect to the firing range.

3. An EIR Provided Sufficient Analysis of Impacts and Mitigation Measures

The third recent case involves a challenge to a city's decision to expand an existing recycled water system. In *Santa Teresa*, a citizen group attempted to challenge the City of San Jose's EIR on the grounds that the city had not taken into account all the necessary environmental factors.

The citizen group had two main concerns: (1) that the expanded recycled water system would transport recycled water that contained unacceptable levels of contaminants; (2) that, due to geological factors in the area, these contaminants would leach into the ground and contaminate drinking water aquifers.


The recycled water piping was located in a subsurface area that was separated from lower ground water aquifers by a largely impermeable layer referred to as an aquitard. The aquitard helped to prevent upper level water from seeping down into lower drinking water aquifers. According to the citizen group, the aquitard did not extend across the entire area where the expanded recycled water system would be located. The group contended that because of this, contaminants in the recycled water could escape and leach into drinking water aquifers.

The court disagreed with the plaintiffs, holding that the EIR had taken these potential problems into account and included appropriate mitigation measures. The EIR proposed a process by which the recycled water would be tested for levels of contaminants and use of the recycled water system would be modified if high levels of contaminants leached into the drinking water aquifer. The court concluded that these operational safeguards, together with the aquitard that extended over most of the area in question, were sufficient to deal with any potential contamination.

It concluded that neither the proposed project nor future non-potable water projects would contribute significantly to ground water contamination.

In rejecting the challenge to the city's EIR, the court held that the record contained substantial evidence supporting the conclusion that the environmental impacts of the recycled water expansion system were not substantially greater than impacts considered in previous studies.

Each of these cases involved environmental concerns that were not immediately apparent. In *Yosemite*, a public entity was making the decision to initiate a process to move a firing range off-campus. Nonetheless, the college district should have taken a broad view of its process and complied with CEQA requirements. In *Montecito*, a public entity did not fully take into account the aesthetic impacts that a roof over a beautiful reservoir would cause. The court held that the water district should have taken individual, subjective opinions into account, and should have imposed greater mitigation measures. Finally, in *Santa Teresa*, a citizen's group attempted to challenge the expansion of a recycled water system on grounds of alleged future ground water contamination. In that case, the lead agency prevailed because it had taken these concerns into account and had proposed reasonable mitigation measures.

In each of these cases, the public entity assumed that its CEQA process was sufficient. Only one case upheld the public entity's process, a full EIR. As can be seen from these challenges, problems in the CEQA process can arise from a variety of factors. School districts need to be aware of the definition of a project, evaluate all impacts, including aesthetic impacts, of a project, and be sure mitigation measures are sufficient. 

Mr. Sturges is a partner with the law firm of Miller Brown and Dannis. His practice includes school district business, property, and construction litigation.

Determination, Dedication, and Hard Work Are What It Takes



The key to becoming a leader in C.A.S.H. is involvement. Every one of our current and past Executive Committee and Board members spent many years being involved in C.A.S.H. before being appointed to a leadership position. Often times it takes more than one nomination to achieve a leadership position. If you have been nominated and not appointed, don't be discouraged and keep trying. Your level of determination, dedication and hard

work is strongly considered each time a nomination is made.

Background

The bylaws that govern C.A.S.H. state that there must be an eleven-member board, not including the Chair, Vice Chair and Treasurer. And, of those eleven, at least six must be from the public sector. The bylaws also state that the Chair and Vice Chair must be public sector members.

Terms on the board are for two years (expiring in February) and there is an eight-year term limit.

Each year, the Chair of C.A.S.H. appoints a Nominating Committee made up of three people, at least two of whom are past chairs of the organization. The Immediate Past Chair is the Chair of this Committee. If there are board positions open, nominations are solicited through the organization's web site and newsletter. Typically, these nominations are sought in the Fall of each year. Positions available depend on how many members are leaving the board and the public/private balance at that time.

The Nominating Committee considers all nominations received. There are several key factors that come into play when nominations are being considered:

- Service to the organization, i.e., years served on committees, participated in workshops and conferences, etc.
- Years as a member
- Position at current job
- Need for members in certain geographic locations or type of firm represented
- Support of the district administration/board or company support

Again, if you have been nominated and not appointed, don't be discouraged and keep trying. Determination, dedication, and hard work are what it takes.

The Nominating Committee also makes recommendations to the Board for positions on the Legislative Advisory Committee when positions become open.

Getting Involved in C.A.S.H.

C.A.S.H. has several committees that meet on a regular basis covering school facility topics from legal issues to urban issues which affect school districts and businesses alike. Following is a list of C.A.S.H. committees and their purpose.

Annual Conference Planning, Pamela Johnson, Chair

The Annual Conference Planning Committee's main purpose is to develop

and coordinate topics, speakers and activities for the annual conference. The Committee also plans all other aspects of the conference such as Key-note Speaker, Golf Tournament, School Tour, Quality Control for Workshops, etc. The Committee meets 7 times a year in the following months: March through August and January. Membership is open to all C.A.S.H. members.

For more information, please contact Greg Golik at ggolik@m-w-h.com or Lisa Church at lchurch@m-w-h.com.

Architects, Dennis Dunston, Chair

The C.A.S.H. Architects meet at the Spring, Fall and Annual Conferences to discuss issues of interest to school architects. Membership is open to C.A.S.H. Architect firms.

For more information, please contact Ian Padilla at ipadilla@m-w-h.com or Gretchen Kocinsky at gkocinsky@m-w-h.com.

Legal Advisory, Steve Hartsell and Alex Bowie, Co-Chairs

The C.A.S.H. Legal Advisory Committee consists of attorneys whose law firms or offices belong to C.A.S.H. and focus on school facility issues. The Legal Advisory Committee (1) provides informal advice and other assistance to the C.A.S.H. Board of Directors on issues upon request; (2) exchanges information on emerging trends in school facility construction law; and (3) serves as a resource for ideas and speakers available for C.A.S.H. programs. The Committee meets 6 times a year. Membership is open to all C.A.S.H. attorneys.

For more information, please contact Cheryl MacElvie at cmacelvie@m-w-h.com.

Legislative Advisory, Stephanie Gonos, Chair

The Committee is advisory in nature. Its purpose is to provide the C.A.S.H. Board of Directors with an annual draft legislative platform and recommendations on action/positions

to be taken by C.A.S.H. on existing or pending legislation. This committee meets 6 times a year. Membership on this committee is by nomination and appointment by the C.A.S.H. Board of Directors Nominating Committee.

For more information, please contact Patti Herrera at pherrera@m-w-h.com.

Maintenance Network, Kenn Young and Joe Dixon, Co-Chairs

The C.A.S.H. Maintenance Network was formed to address the needs of the school maintenance community. Activities of the C.A.S.H. Maintenance Network include (1) providing timely updates on legislation and budget proposals of interest to the school maintenance community; (2) conducting regional meetings and workshops to address maintenance specific issues; and (3) assisting in the development of the maintenance strand of workshops and roundtables at the C.A.S.H. Annual Conference. There is an additional fee for membership in the Maintenance Network. Workshops are held annually (usually in the Fall) in the Northern, Central, and Southern parts of the state.

For more information, please contact Gretchen Kocinsky at gkocinsky@m-w-h.com.

Small School District, Gary Mekeel, Chair

The purpose of the C.A.S.H. Small School District Committee is to provide outreach on school facility issues to small/rural districts. The Committee plans 3-4 workshops per year in small/rural counties. This committee does not meet.

For more information, please contact Greg Golik at ggolik@m-w-h.com.

Storm Water, Nina Young, Chair

The C.A.S.H. Storm Water Committee was formed to respond to the State Water Resources Control Board's (SWRCB) most recent requirements regulating storm water management. The Storm Water Committee's primary objective is to work with the SWRCB

to implement policy, as well as to develop information and make it available to assist C.A.S.H. members comply with the requirements of the Municipal, Industrial and Construction Permits. The Committee will meet on a monthly basis.

For more information, please contact Ian Padilla at ipadilla@m-w-h.com or Gretchen Kocinsky at gkocinsky@m-w-h.com.

Urban School District, Lettie Boggs and Mike Vail, Co-Chairs

The C.A.S.H. Urban School District Committee is comprised of urban school districts and others who are interested in urban school facility issues and are members of C.A.S.H. The Committee's mission is to (1) be a resource of informal advice and information to the C.A.S.H. Leadership on urban school facility issues; (2) to facilitate a forum for urban school facility professionals to discuss ideas and share information of common interest; and (3) to provide outreach to urban school facility professionals who are not members of C.A.S.H. This committee meets monthly, usually on C.A.S.H./SAB meeting day.

For more information, please contact Gretchen Kocinsky at gkocinsky@m-w-h.com.

Working Group on Labor Compliance, William Savidge, Chair

The C.A.S.H. Board Working Group on Labor Compliance is comprised of C.A.S.H. members representing school districts, attorneys, construction managers, architects, facility planners and labor compliance consultants, who work to ensure that C.A.S.H. provides accurate information and resources to school districts in order to meet the mandate of AB 1506. This committee meets monthly, usually on the C.A.S.H./SAB meeting day.

For more information, please contact Patti Herrera at pherrera@m-w-h.com.



- Greg Golik

C.A.S.H. Maintenance Network Reorganizes to Increase Outreach

During the past few years, issues affecting school maintenance departments have increased dramatically. These issues include a reduction in deferred maintenance funding, integrated pest management and indoor air quality requirements, storm water regulations, and restroom cleanliness requirements.

To meet these new challenges, the C.A.S.H. Maintenance Network has appointed two new co-chairs, Kenn Young (Lake Elsinore) and Joe Dixon (Capistrano USD), and we are in the process of forming a steering committee made up of representatives of maintenance departments across the state. The CASH Maintenance Network steering committee will meet for the first time on Wednesday April 28th in Sacramento.

To provide increased outreach to previously underserved parts of the state, the CASH Maintenance Network will use existing county offices of education to help provide timely information updates concerning budget funding and legislation affecting school maintenance departments, information on implementation of new requirements, and an opportunity to have a voice in state policy affecting maintenance professionals.

The C.A.S.H. Maintenance Network will continue its programs and activities at the C.A.S.H. Annual Conference, its annual series of fall workshops on the most significant developments for the year on school maintenance issues, and provide more in-depth information to

C.A.S.H. Supports Maintenance Funding in Budget Committee


The Assembly Budget Subcommittee No. 2 on Education Finance met on Tuesday April 20th to review the various proposals to reform categorical programs proposed by the Governor, the Legislative Analyst's Office and others. One of the many issues on the agenda was a discussion of deferred maintenance funding and proposed reforms to the program.

Concerning funding, in January the Governor proposed to fully-fund the deferred maintenance program at \$250 million; however, the Administration subsequently reduced this amount by \$173 million, leaving \$77 million. This is the same as last year's amount, which represents approximately thirty cents on the dollar. This reduction, along with the reduction of funding for other specified programs, was made to fund COLA and growth.

Concerning proposed changes to the deferred maintenance program, the Legislative Analyst's Office has proposed rolling the program into the revenue limit or a consolidated block grant, arguing that changes to the state's facilities program provide enough incentive for districts to maintain the buildings on an ongoing basis, and so do not need a designed pot of funding for deferred maintenance. The Legislative Analyst's Office pointed out that under SB 50 (Greene), the required maintenance reserve was raised from 2% to 3%.

Representing C.A.S.H., Ian Padilla began his testimony first by informing the Committee that C.A.S.H. much prefers the \$250 million figure over the \$77 million figure for obvious reasons. Furthermore, Mr. Padilla informed the Committee that C.A.S.H. supports the Governor's proposal to retain the deferred maintenance program as a separate categorical program. Mr. Padilla testified that C.A.S.H. respectfully disagrees with the Legislative Analyst's Office's argument that there is sufficient incentive at the local level to maintain buildings, and argued that deferred maintenance funding is among the first programs cut or reduced in difficult fiscal times, so retaining deferred maintenance as a separate program is necessary to protect funding.


Mr. Padilla also informed the Committee that the reason the required maintenance reserve was increased from 2% to 3% under SB 50 is that C.A.S.H. members found that 2% was insufficient to properly maintain school buildings.

C.A.S.H. will continue to advocate for maintaining as much deferred maintenance program funding as possible, as well as to retain the deferred maintenance program as a discrete program. 

- Ian Padilla

members on critical issues such as implementation of SB 892 (Murray) and AB 1124 (Nunez), the school restroom cleanliness requirements.

For more information about joining the C.A.S.H. Maintenance Network,

please contact Kenn Young at (909) 245-8272, Joe Dixon at (949) 489-7293, or Ian Padilla at (916) 448-8577. 

- Ian Padilla



Vintage Hall - St. Helena High School

Vintage Hall was constructed in 1912 as the first permanent building for St. Helena High School, located in the heart of the Napa Valley. It remained as the main school building until the campus was expanded in the 1960's to accommodate increased enrollment. In the 1970's the building's use for students was discontinued due to non-compliance with the California Field Act (for structural and seismic safety). The building, which was partially occupied by the school district until the year 2000, continued to deteriorate due to the great expenses associated with the maintenance of an aging building. In addition to the structural deficiencies, the building's mechanical and plumbing systems were in need of major upgrades and repair, the interior finishes and fixtures were damaged and missing due to water damage and vandalism, and the building's original slate roof, exterior stone veneer and wood trim



were severely weathered, rotted, and damaged.

The planning process was a collaborative effort, involving the St. Helena

Unified School District administration, school board members, and TLCDC Architecture of Santa Rosa, which worked with Kenwood Partners, an architectural firm with an expertise in the restoration of historic structures. (TLCDC Architecture also was responsible for the C.A.S.H. award-winning restoration of the historic Santa Rosa High School). The underlying design concept was to maintain and restore the historic integrity of the building while incorporating the necessary structural and life-safety improvements.

Construction began in September 2001 for the complete renovation of Vintage Hall. ZFA Structural Engineers designed the structural renovation that included the installation of a new steel braced-frame structure and concrete foundation, which brought the building into compliance with the current structural and seismic requirements of the California Building Code. Great care was taken to successfully conceal the new steel structure, so to not compromise the historical character of the original building. The project included replacement of the existing mechanical, electrical and plumbing

Continued on page 14

Name of School:	St. Helena High School – Vintage Hall Renovation
Name of School District:	St. Helena Unified School District
Name of Architect:	TLCD Architecture with Kenwood Partners
Name of Contractor:	Helmer & Sons
Other Acknowledgements:	ZFA Structural Engineers

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February 28-March 3, 2005

Sacramento Convention Center/Hyatt Regency

Workshop Proposal Form

(Please type or print)

Workshop Title / Idea:

Description:

300 characters
maximum, including
spaces and punctuation

Are you interested in moderating this Workshop?

Yes No

If only submitting a workshop idea, the moderator information does not have to be specified. Workshops must consist of a moderator and **not more than two to three panelists**, one of which must be a school district or county office of education C.A.S.H. member. The moderator oversees workshop development, coordinates pre-conference meetings, and acts as facilitator during the actual workshop. **All Moderators and Panelists must be C.A.S.H. members.**

Moderator Information:

Moderator Name _____

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Workshop Format: 2 hour clinic 1.5 hour workshop 1 hour workshop

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Submittal Deadline: Friday, May 28, 2004

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Roundtable Proposal Form

How roundtables work: Roundtable moderators give a two-to-three minute overview on the subject matter and then open up the topic for discussion by attendees. Roundtables are repeated three to four times in 30 minute intervals. **Only one roundtable moderator per topic, please.**

Roundtable Title / Idea:

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Are you interested in moderating this Roundtable?

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If only submitting a roundtable idea, the moderator information does not have to be specified. The moderator oversees roundtable development and acts as facilitator during the actual roundtable discussion.

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C.A.S.H. Board Member Spotlight




Gary Mekeel, Ph.D.

Gary Mekeel has had the privilege of serving on the C.A.S.H. Board of Directors for the past 2 years. Gary has had the opportunity to assist the C.A.S.H. organization on a number of committees but has been most active in representing the interests of the small school districts and their unique needs in finding their way through the state school building programs.

Gary is currently a district superintendent for the Burton Elementary School District, a small school district serving 2,900 students in 5 schools. He has served as Burton's superintendent

for the past 14 years. During Gary's tenure the Burton Elementary School District has added 3 new schools and nearly 32 million dollars in new construction and modernization.

Gary graduated with his bachelor's and teaching credential from Sonoma State University, received his master's degree from California Polytechnic State University, San Luis Obispo, and his Doctorate in Education from the University of Santa Barbara.

Gary lives with his wife Jan, daughter Tiffany, 3 dogs, a lamb and a very messy parakeet. 


Vintage Hall - St. Helena High School

Continued from page 11



newly renovated Vintage Hall, with new functions such as a full kitchen and cafeteria, computer lab, student store, and student government conference room. A new exterior dining patio/amphitheater has been added, which adjoins the cafeteria. The St. Helena Unified School District now occupies the second floor of the building, which includes all of the district offices, and a state-of-the-art Boardroom which is now also used for City Council meetings.

This project has re-vitalized this majestic historic building, which is

again a proud part of the school campus now that it is again available for student use. The high school and the community have expressed their appreciation for having one of the oldest stone schoolhouses west of the Mississippi back in top form, prominently standing watch over the southern entrance to St. Helena. In February the renovation of Vintage Hall was recognized with two awards, an award of excellence from C.A.S.H. and a Preservation Design Award from the California Preservation Foundation. 

systems, as well as installation of new fixtures consistent in style to the time period of the original construction. Many original building elements, such as the ventilation grilles and brass thermostats, were restored and re-used in the new construction.

The project also included a complete renovation of the building interiors, new exterior windows matching the original wood windows, and a new slate roof. The exterior stone was cleaned and re-pointed, and the exterior wood trim was repaired, replaced, and painted.


Students are once again using the



Brian Heyman Leaves DSA and State Service

On April 16, 2004, Brian Heyman, DSA's Chief Fire and Life Safety Officer, left DSA and state service to manage Southern California Edison's fire protection program.

As DSA's Chief Fire and Life Safety Officer, Brian was pivotal in the development of the SB 575 regulations, which was enacted in 2002 and required school districts to install automatic fire detection and sprinkler systems under certain conditions. Brian worked closely with the State Fire Marshal's office and with C.A.S.H. to develop regulations to both protect the state's student population and ensure that the regulations were feasible for school districts. In addition, Brian selflessly gave of his time to educate C.A.S.H. and its members about the new requirements and spoke at several related workshops as well as conducted a roundtable discussion at the C.A.S.H. Annual Conference.

C.A.S.H. wishes Brian well at Southern California Edison and commends him for his dedication to fire and life safety in schools. 

-Tom Duffy

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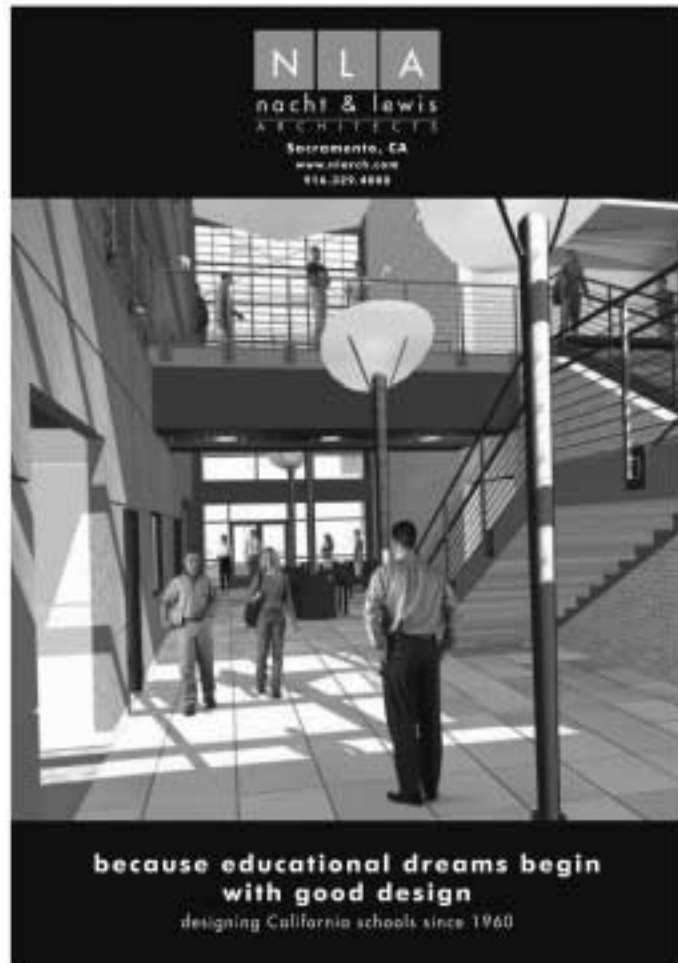
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June 22, 2004

Tuesday

Workshops TBD

Doubletree Hotel, 2001 Point West Way, Sacramento, CA

June 23, 2004

Wednesday
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General Membership Meeting

California Chamber of Commerce
1215 K Street 14th Floor, Sacramento, CA 95814

June 25, 2004

Friday

Workshops TBD

Ontario Airport Marriott, 2200 E. Holt Blvd., Ontario, CA

October 12, 2004

Tuesday

Workshop TBD

Hilton Costa Mesa Hotel, 3050 Bristol Ave., Costa Mesa, CA

October 13-14, 2004

Wednesday-Thursday

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February 28, 2005

Monday

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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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