



REGISTER

Happy Holidays

Volume XXV, No. 11

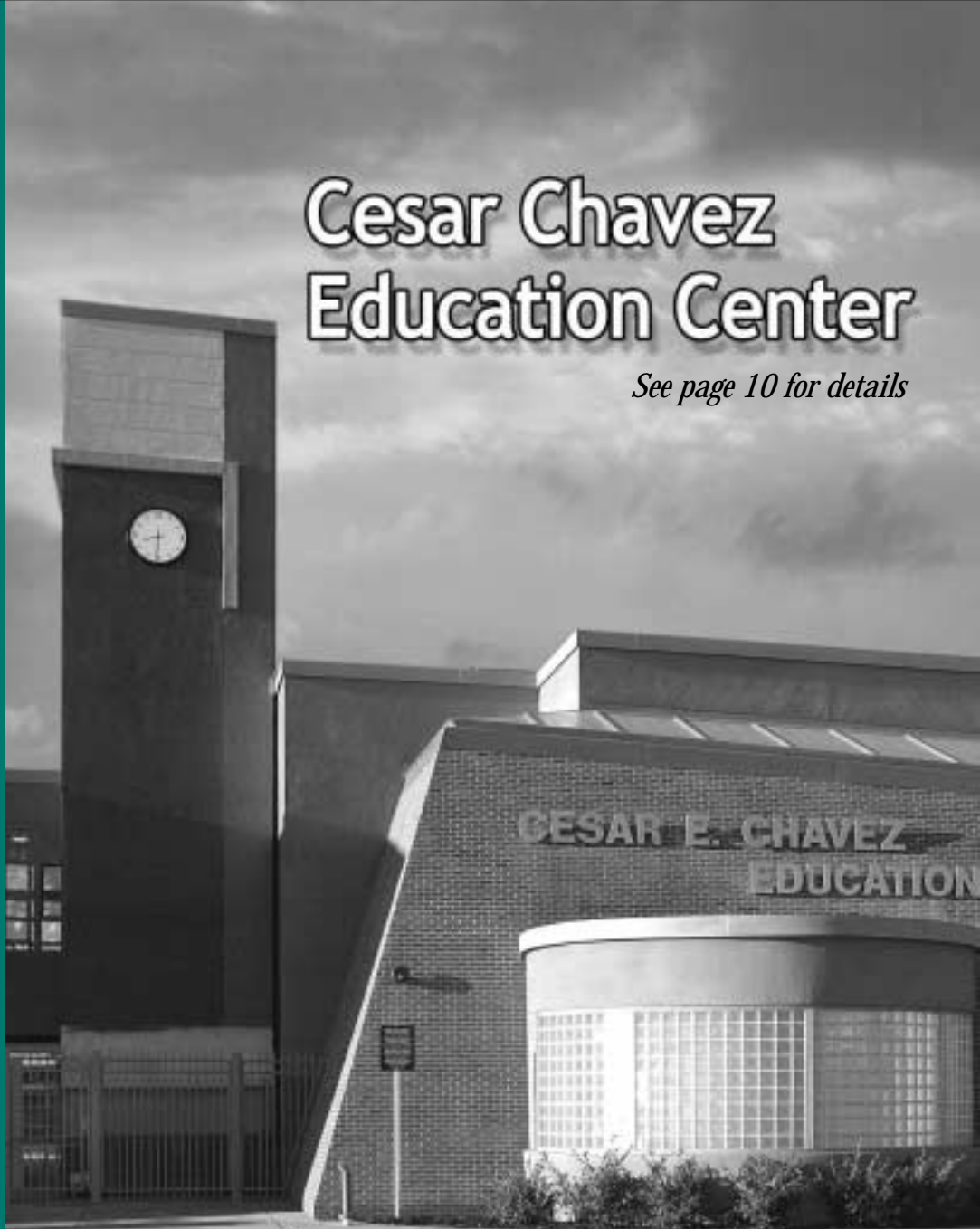
THE NEWSLETTER OF THE COALITION FOR ADEQUATE SCHOOL HOUSING

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Message From The Chair



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

C.A.S.H. Reaching Out


As the premier school facilities organization in California since 1978, C.A.S.H. has helped school districts build and modernize hundreds of K-12 public schools. Since 1982, C.A.S.H. has sponsored over \$45 billion in statewide school bonds, and actively

supported Proposition 39, which makes more funding available at the local level by reducing the vote threshold for approval of local school bonds.

C.A.S.H.'s success was not achieved in a vacuum, however. Much of C.A.S.H.'s success can be attributed to the organization's efforts to reach out to members of the Legislature and appropriate state agencies on issues of mutual interest. Specifically, C.A.S.H. has cultivated long-standing relationships with members of the Legislature and key staff members, as well as key state agencies such as the Office of Public School Construction (OPSC), the CDE School Facilities Planning Division (SFPD), the Division of the State Architect (DSA), and more recently, the Department of Toxic Substances Control (DTSC), the Department of Industrial Relations (DIR), the State Water Resources Control Board (SWRCB), and the California Finance Authority (charter schools). These relationships have proven invaluable to C.A.S.H. achieving its objectives.

Continuing in this tradition, it has been one of my objectives as your President to expand C.A.S.H.'s outreach efforts and explore opportunities to work with other school organizations who are interested in school facility issues. In this spirit, this year myself and other C.A.S.H. Board Members have delivered presentations on school facilities at statewide conferences for the Council for Educational Facility Planners International (CEFPI), the California Association of School Business Officials (CASBO), and the California School Boards Association (CSBA) in an effort to strengthen our relationships with other school organizations.

Through these presentations and other outreach activities, we have provided a brief history and background on the C.A.S.H. organization, a summary of the role of the State Allocation Board and other key state agencies in the project approval and funding process, C.A.S.H.'s policy and legislative priorities, and an examination of the implications of the Williams Settlement for the school construction community, as well as other issues related to school facilities.

By reaching out to other organizations and giving them an appreciation for the issues and challenges that C.A.S.H. has faced in the past and will face again in the future, as well as gaining a similar appreciation for the issues and challenges of other organizations, the C.A.S.H. organization will benefit in the long run. I believe that continuing to cultivate these relationships with other organizations will benefit the C.A.S.H. organization for the next 26 years. 



REGISTER

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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.

School Funding Increases Too Good To Be True

Now is the time when we make our projections for next year's (2005-06) estimated state funding for public education. Once again, this estimate is not based upon any inside information from the Department of Finance (DOF) or the Governor's office, but simply based upon information that is part of the public record. Specifically, this estimate is based upon the revenue and expenditure estimates made by the Legislative Analyst's Office (LAO) and the current year revenue documented by DOF.

As always, school finance is a combination of the prior year, current year, and budget year funding. By this time of the fiscal year, we are able to complete the prior year actual Proposition 98 funding obligations for schools under Proposition 98 in 2003-04. Additionally, in the middle of the current year, we are able to make projections on the obligations for Proposition 98 for the current year, 2004-05. Finally, based upon both prior year actual and current year-to-date, we can make projections for 2005-06. The estimates take into account the state General Fund obligations that were part of the deal made between the Education Coalition and Governor Schwarzenegger. This projection will be based upon the presumption that Governor Schwarzenegger will not attempt to modify the deal, nor will the Legislature attempt to modify the deal as enacted by the 2004-05 budget.

2003-04 (Prior Year)

Current data show that approximately \$210 million is still owed to schools for 2003-04. Because of the Education Coalition and Governor Schwarzenegger's deal, these funds will be paid to schools approximately 8 years

from now. Under the deal and follow-up legislation, the \$210 million would be used to pay unfunded mandate claims.

2004-05

For the current year, the LAO estimates that schools are owed approximately \$1.3 billion above what was appropriated in the enacted budget. While the Legislature could underappropriate this amount (in essence not fund schools this amount for a number of years), we presume the deal will not be modified. Based on this, K-14 schools are eligible for \$1.3 billion as part of one-time funding for 2005-06.

We believe that the LAO has underestimated the amount of funds that will be due to schools in 2004-05, and instead we estimate a slightly higher figure of \$1.6 billion based on the DOF monthly revenue reports. It is our estimate that there will be a more significant increase in state revenues due to capital gains and stock options than in the LAO projection.

have \$300 million remaining that could be used for other one-time purposes.

2005-06

The ongoing K-12 funds (\$3.8 billion) are more than enough to fully fund COLA for revenue limit and categorical aid programs at the LAO estimate of 3.4 percent and full enrollment growth (0.7%) funding.

(We have assumed the historical split of Proposition 98 between K-12 and community colleges. Under this split, community colleges would have slightly less than \$400 million new ongoing Proposition 98 funds and K-12 would have slightly more than \$3.8 billion of new ongoing Proposition 98 funds).

After full funding COLA and Growth (\$2.2 billion), ongoing uncommitted Proposition 98 funds would still be approximately \$1.6 billion. This is more than sufficient to pay the remaining \$650 million in the revenue limit deficit reduction factor, while leaving the remaining \$950 million available for other one-time or ongoing purposes.

Proposition 98 Projected Increase K-14	
2004-05 Budget Appropriation	\$47.0 billion
Proposition 98 Ongoing Base Estimate for 2005-06	\$51.2 billion
Difference between 2004-05 Budget and 2005-06	\$4.2 billion
Ongoing K-14 Proposition 98	(\$3.8 billion K-12 \$0.4 billion CC's)
One-Time 2004-05 K-14 Proposition 98 Funds	\$1.6 billion
Total New Proposition 98 Funds for 2005-06	\$5.8 billion

One billion six hundred thousand in one-time 2004-05 funds would be sufficient to fully fund the K-14 revenue limit and categorical aid program deferrals (\$1.3 billion) and still

Proposition 98 Projection - Too Good to Be True?

We believe that although the technical requirement for Proposition 98 for

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**School Funding Increases
Too Good To Be True**

Continued from page 3

2004-05 and 2005-06 is \$1.6 billion in one-time funds and \$4.2 billion in ongoing funds, we also believe that the state will not provide this level of funding. We believe the state will attempt to reduce the obligation through another billion-dollar-plus suspension or just “underappropriate” Proposition 98 by multibillion dollars during the next year.

**COLA Table for 2005-06 based upon a
3% COLA and the LAO Projected 3.4% COLA**

Per ADA Revenue Limit Increase	3.0%	3.4%
Elementary	\$142	\$161
High School	\$171	\$194
Unified	\$148	\$168

While either of the two options defers paying until a later date, both would provide short-term state General Fund relief. A continuing \$7 billion to

\$8 billion state structural budget deficit means K-14 funding will stay as a state budget target. 

~David Walrath

Attorney General Approves Payment of Staff Salaries Out of Proposition 39 Funds

Background

Prior to the passage of Proposition 39, the California Constitution limited the use of bonds to the “...acquisition or improvement of real property.” Most experts in the field believe that this provision allowed administrative expenses directly related to the bond program or the facilities construction program.

The approval of Proposition 39 changed this. Specifically, Proposition 39 contains a provision which requires, “...that the proceeds from the sale of the bond be used only for the purposes specified in Article XIII A, Section 1(b)(3), and not for any other purpose, including teacher salaries and other school operating expenses.” (Italics added)

Consequently, experts in the field have concluded that a school district may not use Proposition 39 school bond proceeds to pay the salaries of district employees who perform administrative oversight work on construction projects. C.A.S.H.’s “Proposition 39 Best Practices Manual” states that, “Proposition 39 specifically prohibits the expenditure of bond funds for administrator or teacher salaries. Therefore, for a Proposition 39 bond issue, all such costs must be funded

from another source.” Nevertheless, many in the field continued to believe that those who oversee school construction projects are an integral part of the construction process, and so should be eligible to be paid from bond funds.

The Attorney General’s opinion (Opinion No. 04-110) was requested by Assemblyman Manny Diaz (D-San Jose) on behalf of the San Jose Unified School District by the firm of Miller Brown & Dannis. The Attorney General released its opinion on November 9, 2004 and is available for your reference on the C.A.S.H. website at www.cashnet.org in the November 15 latest news article.

Attorney General Opinion

The Attorney General was asked to determine, “...whether the prohibition against using Proposition 39 school bond proceeds for ‘teacher and administrator salaries and other school operating expenses’...applies to the payment of salaries of school district employees who perform administrative oversight work on construction projects authorized by a voter approved bond measure.”

The Attorney General concluded that, “We believe that the phrase ‘the construction, reconstruction, rehabilita-

tion, or replacement of school facilities’ embraces project funding, overseeing construction processes, and performing overall project management and accounting that facilitates timely completion of the construction project.” The Attorney General reasoned that, “...these kinds of project administration costs, because they relate directly to the bond projects and are an integral part of the construction process...”

The Attorney General bases its argument on a distinction it makes, “...between routine, everyday school operating expenses and the narrow category of costs and salaries of concern here – costs that arise only in connection with, and are incurred only for the duration of, construction projects authorized by a voter approved school bond measure.”

Finally, on the strength of this distinction, the Attorney General concludes that, “...Proposition 39’s prohibition against the use of school bond proceeds for ‘school operating expenses’ does not bar use of the proceeds for the payment of salaries of school district employees performing oversight work on construction projects

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Marina Case Update

By Mark Kelley, Miller Brown and Dannis

Soon the California Supreme Court will be hearing oral argument on a case that could have significant financial impacts upon school districts throughout California. The California Court of Appeal decision *City of Marina v. Board of Trustees of the California State University* (June 17, 2003) 109 Cal.App.4th 1179, which is being appealed to the California Supreme Court, determined that public education entities are prohibited from paying regional traffic impact fees, even on a voluntary basis. The appellate court affirmed that these public education entities may spend public funds only for those capital facility charges that are specifically authorized by law. The appellate court also held that public educational agencies may not spend funds for mitigation measures unless they forward their public education purpose. This case potentially affects all California school districts, community colleges and universities that construct school facilities.

C.A.S.H. submitted an amicus brief to the California Supreme Court since school districts have corresponding interests with respect to the issues raised in this case. In April, on behalf of C.A.S.H., Miller Brown and Dannis filed an amicus brief with the California Supreme Court. A date for oral argument has not yet been set.

The following is a summary of the facts of the underlying case, the trial court decision and the appellate court decision.

Factual Background

In order to remedy local economic difficulties created by the closure of the Fort Ord military base in Monterey County (the "Property"), the State Legislature created the Fort Ord Reuse Authority (the "Authority") to plan and

contract for the reuse of the Property. Pursuant to the plan adopted by the Authority composed of Monterey County and several cities adjacent to Fort Ord, CSU agreed to establish a Monterey campus on a portion of the former base. The Authority also adopted a plan for the construction of improvements for handling traffic, fire protection, water and sewage for the entire base, and proposed that all developers, including CSU, fund these improvements based on their fair share of the impacts.

CSU completed a campus master plan (CMP) and an Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (Public Resources Code section 21000, et seq., CEQA), which noted that the new campus would create significant off-campus traffic, water, sewage and fire safety protection impacts. The EIR noted that some of these impacts would remain unavoidably significant because the Authority, and not CSU, was responsible for the implementation of certain mitigation measures. CSU approved the EIR for the project by adopting a Statement of Overriding Considerations pursuant to Public Resources Code section 21081. The statement was based on CSU's

findings that overriding social, cultural and economic reasons supported approving the project notwithstanding its significant effects on the environment. The City of Marina challenged CSU's approval of the CMP and its certification of the EIR as a violation of CEQA.

The trial court ordered CSU either to adopt sufficient mitigation measures and/or to adopt findings that committed CSU to pay for its fair share of the expenses associated with off-campus infrastructure improvements necessary to mitigate the environmental impacts of the new campus.

Appellate Court's Decision

The appellate court reversed the trial court's decision, holding that CSU was not responsible for mitigating the regional traffic impacts or other impacts created by the new campus. The court also held that existing California law prohibits CSU from expending funds to mitigate those impacts.

In concluding that the EIR findings and CSU's adoption of a Statement of Overriding Consideration were supported by the evidence, the court relied on the 1986 Supreme Court decision *San Marcos Water Dist. v. San Marcos*

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Marina Case Update

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Unified School District (1986) 42 Cal.3d 154 and subsequently enacted legislation. In San Marcos, the California Supreme Court held that a water district could not impose capital improvement fees on a school district on the basis that one tax-supported entity may not siphon revenues from another tax-supported entity. The Legislature codified this rule in Government Code section 54999 et seq., but created an exception for public utility facilities. Under that exception, the Legislature allowed public entities to assess public entities, including school districts, capital improvement charges for the provision of water, light, heat, communications, power, or garbage service, for flood control, drainage, or sanitary purposes. (Gov. Code, 54999.1)

Because Government Code section 54999.1 does not specifically enumerate traffic costs or fire safety improvements, the court held that CSU was not obligated to fund those improvements. Moreover, the court found that CSU could not voluntarily agree to pay for traffic and fire safety off-campus infrastructure since those payments would amount to a gift of public funds in contravention of the California Constitution. (Cal. Const., art. XVI, 6.) The court found that the City was responsible for providing and funding off-site traffic improvements and fire safety infrastructure necessary to handle the loads caused by a public university. The court also held that CSU was not responsible for providing these mitigation measures in order to comply with CEQA.

In San Marcos, the California Supreme Court held that a water district could not impose capital improvement fees on a school district on the basis that one tax-supported entity may not siphon revenues from another tax-supported entity.


Practical Implications for School Districts, Community College Districts and Universities

If the City of Marina case is upheld by the California Supreme Court, it should clarify that California law does not require or allow public school districts, community college districts and universities to pay for capital improvement facilities that are not specifically authorized by law including facilities to mitigate regional off-site traffic and fire safety impacts caused by the school facilities. While the appellate court concluded that CSU was prohibited from paying for off-site traffic improvements, the same conclusion may not be drawn for school districts. Education Code section

17569 specifically provides authority for school districts to pay for street improvements immediately adjacent to school district-owned property. Accordingly, the *City of Marina* case, if upheld, together with existing California law provides that school districts are not responsible for traffic infrastructure that is beyond immediately adjacent streets.

This case also addresses an issue relating to the CEQA process. Can a public education entity proceed with a project if it prepares and EIR and adopts a Statement of Overriding Considerations as to impacts for which the mitigation measures are the responsibility of another agency? CSU determined that CSU could not mitigate regional traffic impacts and fire safety impacts because that responsibility fell to the local municipality. Therefore, CSU adopted a Statement of Overriding Considerations. Accordingly, if the Supreme Court upholds the

decision of the court of appeal, a project for which an EIR has been prepared and a Statement of Overriding Considerations adopted may not be subject to challenge because some mitigation measures are outside the lead agency's jurisdiction. Public education entities with projects that may create significant impacts may be able to save money by preparing an EIR and adopting a Statement of Overriding Consideration.

In the last legislative term, AB 2902 would have limited portions of the appellate court decision, but did not pass. Most likely, cities and counties will introduce similar legislation next term if the California Supreme Court upholds the *City of Marina* appellate court decision. 


Attorney General Approves Payment of Staff Salaries Out of Proposition 39 Funds

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authorized by a voter approved bond measure."

Implications

As a result of the prohibitions against using school bond funds to pay "teacher and administrator salaries and other school operating expenses" contained in Proposition 39, many school district have not used school bond funds to pay any school district employee. The Attorney General's opinion makes significant changes to this understanding.

Specifically, according to well-established case law, "While the Attorney General's views do not bind us, they are entitled to considerable weight" (*Unger v. Superior Court 1980 and Meyer v. Board of Trustees 1961*). Consequently, it is widely expected that courts will pay significant deference to this opinion when facing similar issues, and so the opinion establishes a legitimate legal basis for using bond funds to pay staff who perform oversight and administrative work on bond-funded projects. 

- Ian Padilla

A Successful Labor Compliance Program

By Ted Rozzi, Superintendent, Corona-Norco Unified School District, and Sam Staley, Labor Compliance Officer, Advocates for Labor Compliance, LLC

Eighteen months ago, California school districts were faced with implementing and enforcing a Labor Compliance Program (LCP) under Assembly Bill 1506.

The initial reaction by school districts was apprehension, to say the least. After being educated through a series of C.A.S.H. workshops and continuous briefings at C.A.S.H. meetings, facilities departments faced several choices: Either completely ignore the new regulation; adopt a LCP and run the program themselves; or hire a third-party Administrator to run their program.

On one hand, ignoring the new regulations altogether was not an option since that would jeopardize the allocation of funding from Proposition 47. On the other, implementation and enforcement of an LCP meant additional expense to an already tight construction budget. Each option presented its own set of less than positive expectations. After a year and a half of construction with an LCP in place, however, Corona-Norco Unified School District has found many of those dire predictions to be unwarranted.

District expectations for running an LCP were essentially three-fold. They anticipated a negative impact on the bidding process, the construction process, and an overall negative fiscal impact.

- **Bidders would avoid projects with LCPs in place in an effort to avoid the additional paperwork and expense required under these programs.** If contractors did choose to bid, districts expected to see additional administrative costs factored into bids to

compensate for the LCP's requirements. Ultimately, districts would be left with a smaller pool of bidders and inflated bids.

- **Enforcement of the LCP would lead to a chaotic construction process prone to litigation and delay.** Districts expected relationships with contractors to become more hostile as they policed prevailing wage issues. As the construction environment became more tense, delays and disruptions to projects were anticipated due to withholdings and penalties requested under the LCP. If actual obstructions to the project did not take place prior to completion, the LCP would result in an increase in change orders and delay claims.
- **Inflated bids and prolonged projects are detriments to both the construction schedule and the construction budget, yielding a significant fiscal impact on districts.** At the very least, the (not-so) simple task of running the LCP added 1 – 2 percent to the cost of any project. With fewer bidders and drawn-out litigation, the additional costs incurred by an LCP were indefinite.

In practice, the implementation and enforcement of an LCP was far less painful when carefully planned. After careful consideration, Corona-Norco Unified School District chose to hire a third-party Administrator to manage its LCP. The third-party offered the district a balance between cost and effort. After a year and a half, Corona-Norco completed construction on a \$15M elementary school and is completing a \$20M modernization project under its LCP.

- **The bidding process has changed, but not in accordance with our expectations.** The same

bidders remain involved in public works, as well as new bidders. Newer bidders have expressed optimism that enforcement of an LCP will level the playing field and rid the public-works sector of less reputable firms.

- **The actual construction process has not suffered under the LCP.** By proactively integrating the LCP into the construction process in a partnering manner, Corona-Norco avoided any delay to the construction process due to enforcement of its LCP.
- **Building schools has become more expensive during the last 18 months, but the increase cannot be directly attributed to an LCP.** Availability of funds, the abundance of public school construction work and shortages of supply have driven bid amounts up; however, there has been no clear evidence of a bid increase related to LCPs. Corona-Norco spent significantly less on its LCP than the State Allocation Board's LCP grant amount. It is believed that this occurred because of careful selection of a third-party by the District and the third-party's active, positive approach to LCP management.

Considering the Corona-Norco expansion of LCP implementation, all school districts should be able to incorporate LCP compliance into their State funded construction and modernization projects efficiently and effectively. School district officials should consult with their architects, construction managers and/or neighboring school districts to determine local LCP compliance options. If a hiring an outside LCP administrator is

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More on Presentation at CEFPI

By C.A.S.H. Staff

In the last issue of the CASH Register we gave you an overview of the C.A.S.H. workshop on Challenges and Opportunities of Building Schools in California at the CEFPI Conference. Following are more detailed excerpts from Pamela Johnson's presentation on the roles of state and federal agencies in the building process:

When California public school districts acquire land for new schools, construct new schools or modernize existing schools, we receive assistance and oversight from as many as 30 entities. CASH, representing its school district members, its architects and all the other consultants that assist in providing adequate school facilities, have choices when dealing with all of these players. While we must comply with laws and regulations, we have chosen to be proactive, politically, and to approach the agencies as partners in delivering safe and educationally sound facilities for all of our students.

Because of the focus of the organization on school facilities issues, our mission remains clear going into our 27th year. Bolstered with a reputation for resolving issues in the best interest of all of California's public school students – not just a particular segment or special interest – we have been able to respond to legislative and regulatory processes defensively to lessen the blows and to influence those processes offensively to enhance the educational environment and redirect scarce resources to the classroom. In dealing with state agencies on behalf of our CASH membership, we educate, we collaborate; and if necessary, we litigate

to ensure adequate school facilities for all students.

Accessing state money to pay for part of school projects launches districts into a convoluted process that requires skill, perseverance, commitment, good timing, and at times, a sense of humor to navigate. Part of the complexity of building schools in California is not just the breadth of agency oversight but the interface among the agencies. The agencies that are most often involved in providing school facilities are the big six.

The first of the big six is the Division of the State Architect (DSA) which is always involved in school projects, irrespective of the funding source. The primary role of DSA is to review plans and specifications to ensure compliance with California's building codes, with an emphasis on structural and seismic safety. Before a district can apply for state funding, DSA must have approved the project. Once the project begins, DSA continues its review through continuous on-site inspection by a DSA - approved inspector, approval of any change order on the project, and approval of specific submittals. DSA's final review consists of collecting all the verifications of testing lab results, certification from the inspector of record, and certification from the architect that the project has been constructed in compliance with the approved plans and specifications.

The 10-member State Allocation Board (SAB), comprised of state agency representatives and legislators, allocates state resources for new construction and

modernization of public schools, and administers several other facilities related programs. With this composition of state agencies and legislative members, and with the responsibility of allocating billions of dollars, members are subjected to significant political pressure.

The Office of Public School Construction (OPSC) acts as staff to the SAB and decides who is eligible for funds, authorizes fund releases after the SAB approves the projects and audits the expenditures. OPSC staff has discretion in policy recommendation and interpretation that impact school districts in this very competitive environment.

The California Department of Education (CDE) is the agency that ensures a school project meets the educational needs of the school community. CDE's site approval includes looking at environmental hazards and proximity to airports, freeways

and power transmission lines, always with an eye on the safety of children and the educational adequacy of the proposed facility. School districts must have CDE's approval of school sites and plans, which includes resolution of all the environmental issues, as well as DSA's approval, before applying for state funding. CDE's actions reflect advocacy for the school community and that includes not only students, staff and parents, but school administrators as well. With a seat on the SAB, CDE publicly displays its advocacy for school

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Accessing state money to pay for part of school projects launches districts into a convoluted process that requires skill, perseverance, commitment, good timing, and at times, a sense of humor to navigate.

C.A.S.H. 26th Annual Conference on School Facilities

February 28 - March 3, 2005

Sacramento Convention Center/Hyatt Regency Hotel

CONFERENCE REGISTRATION FORM

NAME: _____ TITLE: _____

(As you want it to appear on your name badge) Note: For additional registrations, please copy this form.

DISTRICT/COMPANY: _____

(As you want it to appear on your name badge)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ FAX: _____ EMAIL: _____

EMERGENCY CONTACT: _____ EMERGENCY PHONE #: _____

Conference Registration Fees

C.A.S.H. Member Fees:

Full Conference:

School District or County Office of
Education Member \$750
Associate Member \$860

One Day Conference:

School District or County Office of
Education Member \$399
Associate Member \$525

Non-Member Fees:

Full Conference:

School District or County Office of
Education Non-Member \$855
Associate Non-Member \$974

One Day Conference:

School District or County Office of
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Associate Non-Member \$644

Registration Fee \$ _____

School Tour Fee (\$75) \$ _____

Total \$ _____

One day attendees, please indicate
which day you will attend:

Check here if this is your first time attending

Check here if you request vegetarian meals

* C.A.S.H. Membership is by school district, county office, or company; not by individual. Any employee of a member school district, county office or company may attend at the member rate.

Cancellation Policy

- On or Before February 4 Full Refund
- Between February 5-11 \$100 Fee
- After February 11 No Refund

Cancellation must be written and faxed to (916) 448-7495 or mailed to C.A.S.H. Annual Conference Cancellations, 1130 K Street, Suite 210, Sacramento, CA 95814. You may also email your cancellation to ltaber@m-w-h.com

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Please mail or fax registration and payment [check, Visa, MasterCard, American Express or purchase orders acceptable] to: C.A.S.H. 26th Annual Conference, 1130 K Street, Suite 210, Sacramento, CA 95814. Fax: (916) 448-7495

Questions? Call the C.A.S.H. office at (916) 448-8577.

register online at:
cashnet.org

Cesar Chavez Education Center Opens as Model of Sustainability

In January 2004, the Oakland Unified School District opened the Cesar Chavez Education Center, the city's first school to be built from the ground up in more than 30 years. Spanning 95,000 sq.ft., the education center contains two elementary schools, housing 350 students per school. The \$39 million state-of-the-art school was designed by VBN Architects, using the Collaboration High Performance School's (CHPS) best practices manual.

Based on numerous studies confirming the relationship between a school's physical conditions and improved attendance and test scores, the CHPS model was created by the California Energy Commission, the Division of State Architect and local utilities to improve school planning and energy

efficiency through incentive programs and training.

To be a CHPS-certified school, a score of 28 points or more must be achieved. The Cesar Chavez Education Center earned a score of 36 points for high-performance design – including 10 for indoor environmental quality, 11 for energy efficiency and 11 for site selection.

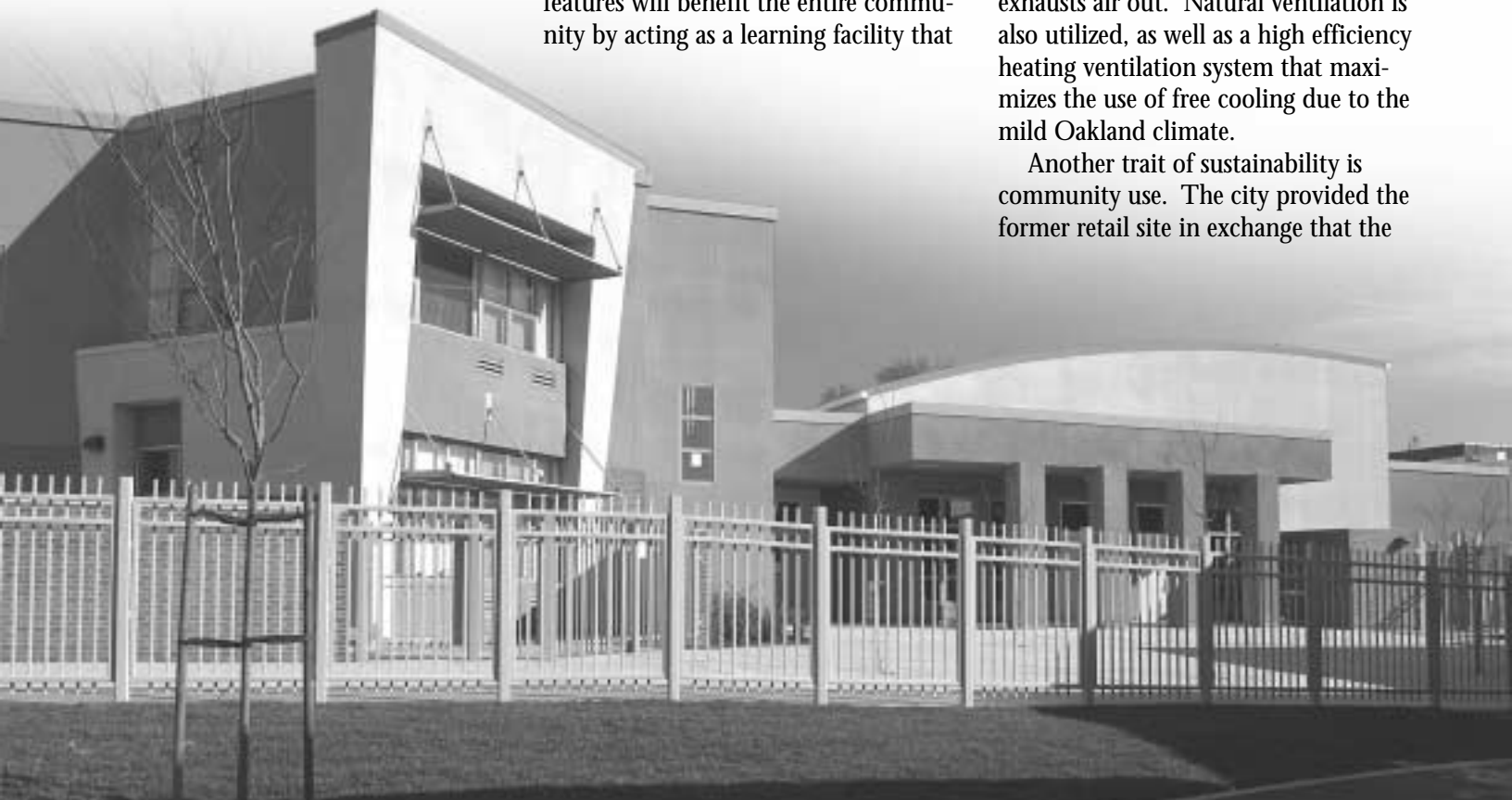
The Cesar Chavez Education Center, a recipient of a \$250,000 grant from the California Energy Commission, is one of the agency's first high performance school demonstration sites and will be used as a learning tool for school officials and designers throughout the state in an effort to build others like it.

The school goes beyond the addition of classrooms. The state-of-the-art amenities and high performance features will benefit the entire community by acting as a learning facility that

can teach the importance of environmentalism and civic mindedness, such as energy conservation, to its students. To assist in this endeavor, Pacific Gas & Electric (PG&E), the local investor-owned utility, provided \$55,000 to hire a commissioning agent, who instructs users and staff in maximizing the facility's sustainable systems.


PG&E also supplied a one-time incentive of \$20,000 for exceeding Title 24's energy efficiency requirements by 20 percent. A feat accomplished with the use of bay windows oriented north and south and skylights, as well as photo sensor cells and motion sensors to adjust artificial light automatically. The motion sensors also control the mechanical ventilators in the classrooms, which have individual fan coil units that bring in outside air and exhausts air out. Natural ventilation is also utilized, as well as a high efficiency heating ventilation system that maximizes the use of free cooling due to the mild Oakland climate.

Another trait of sustainability is community use. The city provided the former retail site in exchange that the





promoting healthy indoor air quality, building materials that emit chemicals were avoided. Instead, non-toxic, ecologically friendly materials like linoleum and natural cork were used.

With its use of “green” components such as adjustable lighting, high efficiency heating and ventilation systems, non-toxic materials and recycled products, the Cesar Chavez Education Center is a model for the future. As K-12 construction continues to grow in the state, CHPS is growing in prominence and the Oakland Unified School District is leading the way. 

Cesar Chavez Education Center would become the primary community center. Construction managers GKK/McCarthy, a joint venture between GKK Works and McCarthy Building Companies, Inc., managed the center’s construction that now includes a joint-use library, preschool, gymnasium, and baseball and soccer fields. The general contractor for Cesar Chavez Education Center was West Bay Builders Inc.

The urban project faced other hurdles including acoustical challenges. CHPS guidelines require classrooms to have a minimum occupied noise level and maximum reverberation level; however, the school required more

intensive treatments. The structures were positioned along the north side of the campus to minimize the sound from traveling BART trains, the windows facing the tracks were acoustic laminated glass utilizing a larger air space than is typically used to further contain noise levels. In addition, the ceilings have two layers of gypsum board with acoustic tile.


The trademark sign that the Cesar Chavez Education Center was “green” was the lack of the “new building” smell. Based on the CHPS guidelines

PROJECT TEAM:
Oakland Unified School District
McCarthy Building Companies, Inc.
GKK
VBN Architects
West Bay Builders Inc.



A Successful Labor Compliance Program

Continued from page 7

the best option, the school district should look for an LCP administrator with experience in working with the Department of Industrial Relations ("DIR"), and with an understanding of the School Facilities Program. Hiring a third-party LCP consultant should not be a financial burden to the overall project cost. By effectively managing an LCP program, school districts should be able to administer these new responsibilities at costs consistent with the grants provided by the State Allocation Board. 

More on Presentation at CEFPI

Continued from page 8

children and school districts at every meeting while working tirelessly for schools behind the scenes.

The Department of Toxic Substances Control (DTSC) is a subdivision of California's Environmental Protection Agency. While a toxic free environment is the ideal, beyond the ideal, we face public policy issues. What are acceptable pollution levels? Where are they acceptable? Whom are they acceptable to affect? Whose responsibility is it to take care of pollution once the first three questions are answered; that means, who pays? In California we have recent legislation that has imposed major environmental regulations on all school districts when building new schools or expanding existing schools, which often means it is school districts that pay. In California, before a district can apply to the CDE for site approval for new schools or significant additions to existing schools and apply for state funding, the site involved must receive clearance from the DTSC.

The role of the Department of Industrial Relations (DIR) in the school construction process is to enforce labor laws relating to contractors and employers through a labor compliance pro-

Albert Mensah – Keynote Speaker for the 26th Annual C.A.S.H. Conference


Tuesday, March 1, 2004 • 12:30 p.m. – 1:30 p.m.

Albert Mensah's own life has provided him the deep insight and wealth of experience he shares with his listeners. A child of one of the world's most impoverished nations, Ghana, West Africa, Albert Mensah, grew up within a village of 200 residents without electricity, plumbing or shoes, Mensah was inspired to immigrate to the United States after seeing his first movie. The movie was made in America and full of American privileges, including cars for every driver and shoes for every foot. He saw an opportunity to live a better life if he moved to the United States. Albert found his way to this country through his scholastic ability and a vision he held since childhood – to someday come to America.




Albert Mensah

Distinguishing himself in sales and market penetration upon graduation from Western Maryland College, Albert went on to become a successful business owner. Recognizing that his life story could provide inspiration for others to achieve their goals and face challenges, he began to focus on his current path as a widely sought after and internationally recognized speaker, author and humanitarian.

Today, Albert lives in Dallas with his family and visits Ghana annually, where he supports an orphanage and clothes residents in his home village. He speaks of his journey from Ghana, his first years in the United States and how he has arrived where he is today. You will love his humor and enthusiasm for life. 

gram. While enforcement of labor laws has always been DIR's responsibility, because of recent legislation, the burden of providing a labor compliance program on school projects has shifted from DIR to school districts.

Over the past quarter century, C.A.S.H. has been instrumental in

developing effective partnerships with state agencies by bringing them into our world by giving them information and providing opportunities for them to interact with school districts at monthly meetings, workshops, and our spring, fall, and annual conferences. 

Top 25 School Districts in the US

Following is a list of the 25 largest school districts in the United States based on enrollment number for the 2002-03 school year.

Rank	District	Enrollment, 2002-03	# schools, 2002-03	Total Staff, 2002-03	Per -Pupil Expenditure (\$), 2002-03	Enrollment, 2001-02	Enrollment, 1986-87	1986 Rank	% change 1986-2002
1	New York City	1077381	1429	129953	11314	1049831	938473	1	14.8
2	Los Angeles	746852	677	74454	7526	735058	589099	2	26.7
3	Chicago	436048	608	28911	7651	437418	431298	3	1.1
4	Miami-Dade County, Fla.	373395	370	36539	6565	375836	243537	4	53.3
5	Broward County, Fla.	267925	259	25401	5877	262055	131726	10	103.4
6	Clark County, Nev.	256574	282	21626	5799	245659	95145	18	168.2
7	Houston	212099	308	27917	7033	210950	194389	6	9.1
8	Philadelphia	192683	262	23898	4143	197083	197843	5	-2.6
9	Hawaii	183829	284	20054	7253	184546	161302	8	14.0
10	Hillsborough County, Fla.	175454	229	21059	6064	169789	115242	13	52.2
11	Detroit	173742	273	12105	9108	166675	189269	7	-8.2
12	Palm Beach County, Fla.	164896	208	17974	6346	160223	84680	24	94.7
13	Dallas	163347	228	20205	6565	163562	132389	9	23.4
14	Fairfax County, Va.	162585	202	23413	9200	160584	126183	11	28.9
15	Orange County, Fla.	158718	188	19557	5994	157433	84124	25	88.7
16	San Diego	140753	185	14552	7750	141599	115441	12	21.9
17	Montgomery County, Md.	138983	194	17800	10005	136895	94457	19	47.1
18	Prince George's County, Md.	135439	204	15819	8052	135039	103301	16	31.1
19	Duval County, Fla.	128126	181	11869	5689	127392	102966	17	24.4
20	Gwinnett County, Ga.	122570	89	14539	7025	116339	50906	62	140.8
21	Memphis	118039	178	12881	6747	106312	108300	15	9.0
22	Pinellas County, Fla.	114772	172	13958	6133	114583	88934	22	29.1
23	Charlotte-Mecklenburg County, N.C.	109767	134	14195	7000	106312	73360	30	49.6
24	Baltimore County	108297	170	13422	8459	107212	80259	27	34.9
25	Wake County, N.C.	104836	123	13016	6633	101756	58202	52	80.1

Other school districts in California that appeared in the top 100 districts included:

Rank	District	Enrollment, 2002-03	# schools, 2002-03	Total Staff, 2002-03	Per -Pupil Expenditure (\$), 2002-03	Enrollment, 2001-02	Enrollment, 1986-87	1986 Rank	% change 1986-2002
29	Long Beach	97212	89	8993	7018	96488	65052	39	49.4
35	Fresno	81222	103	7475	7410	81058	58969	51	37.7
55	Santa Ana	63610	55	5567	7172	61909	37415	98	70.0
68	San Francisco	58216	114	5361	8308	58566	64786	40	-10.1
70	San Bernardino	56096	65	5143	7380	54166	33454	110	67.7
78	Sacramento	52850	80	4518	7976	53418	45893	71	15.2
79	Oakland	52501	110	55448	8920	53545	51622	60	1.7
81	Elk Grove	52418	55	4593	7078	49970	18222	262	187.7
82	San Juan	52212	84	5061	7519	51383	45791	72	14.0
87	Garden Grove	50066	67	7173	6680	49809	36395	99	37.6
92	Capistrano	48608	51	3914	6506	46756	20588	224	136.1


Information is provided courtesy of the American School and University Magazine, September 2004 issue.

C.A.S.H. Presents at CASBO/ACSA 2004 Chief Business Official Symposium

C.A.S.H. was invited to participate in the CASBO/ACSA 2004 Chief Business Official Symposium held in Monterey on November 17 and 18, 2004. The following individuals made presentations on behalf of C.A.S.H.: Pamela Johnson, C.A.S.H. Vice Chair, Dave Doomey, C.A.S.H. Past Chair, Kenn Young, C.A.S.H. Board Member, Nina Young, C.A.S.H. Board Member and Duwayne Brooks, C.A.S.H. Legislative Advocate.

Pamela provided a brief history and background on the C.A.S.H. organization. Dave explained the role and membership of the State Allocation Board Implementation Committee.

Kenn discussed various aspects of the *Williams* lawsuit. Nina discussed the upcoming C.A.S.H. legislative agenda. The presentation concluded with Duwayne discussing key deadlines and required reports related to the proposed SAB regulations regarding the *Williams* lawsuit. The participants received a lot of good information packed into the shortened 40-minute presentation.

Attendance was the highest CASBO had ever experienced for a CBO Symposium. This was a good forum for C.A.S.H. to provide information to CBO's. We hope to be invited back next year. 

NEW MEMBERS

C.A.S.H. welcomes the following new members:

School Districts

Robert Guillen
Alisal Un. Elem. SD

James Scott
Compton USD

Jack Wood,
San Miguel Jt. Un. Elem. SD

Associate Members

Attorneys

Richard Currier,
Currier & Hudson

Consultants & Planners

Bonnie James
BRJ & Associates

Lyn Gruber,
Koppel & Gruber Public Finance

Energy Consultants

Elliot Jaramillo
3rd Rock Systems &
Technologies Inc.

Financial Consultants

Adam Bauer
Fieldman Rolapp & Associates

Financial Institutions

Maria Raff
Low Income Investment Fund

Licensed Professionals

Sean Pourvakil
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Other

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The following information and much more can be found on the C.A.S.H. website at www.cashnet.org. To find the Facility Resource Center, Click on Resources, then Facility Resource Center, then click on Financial and on Construction.

Funding Committees

- 0.4.13 "Citizens' Oversight Committee – Operational Guidelines," Paul Disario, San Juan Unified School District, September 2002.
- 0.5.2 "Innovative Approaches to Financing School Construction: The Feasibility of Public-Public Partnership," Janet Mueller, William Kadi, Mike White and Phil White, February 2000.
- 0.8.13 "A Team Approach: School District/Developer Creative Solution in Financing and Building Schools," Dave Doomey, Paul Anderson and Gary Gibbs, February 2003

Planning Committees

- 2.2.13 "Developer Built Schools," Mario Contini, Fillmore USD; Richard Niec, Griffin Industries.
- 2.3.8 "Community Partnership Schools," HMC Group, February 2000
- 3.3.12 "Project Management in Cyberspace II," Kimon Onuma AIA, Webscape Digital Architecture, William Schmidt, Palm Springs USD, February 2003.



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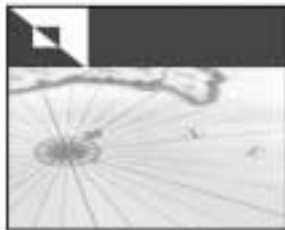
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C.A.S.H. Meetings, Conferences & Workshops

January 26, 2005 Wednesday 11:00 a.m. - Noon	General Membership Meeting The Grand 1215 J Street, Sacramento, CA
January 28, 2005 Friday	TBD Workshop Ontario Airport Marriott 2200 E. Holt Blvd., Ontario, CA
February 1, 2005 Tuesday	TBD Workshop Doubletree Hotel 2001 Point West Way, Sacramento, CA
February 3, 2005 Thursday	TBD Workshop Waterfront Plaza Hotel Jack London Square, 10 Washington Street Oakland, CA
February 28, 2005 Monday	C.A.S.H. Annual Conference Golf Tournament Woodcreek Golf Course
March 1-3, 2005 Tues.-Thurs.	C.A.S.H. 26th Annual Conference Sacramento Convention Center 1301 L Street at 14 th Street, Sacramento, 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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