

July 2006



REGISTER

Volume XXVII, No. 7

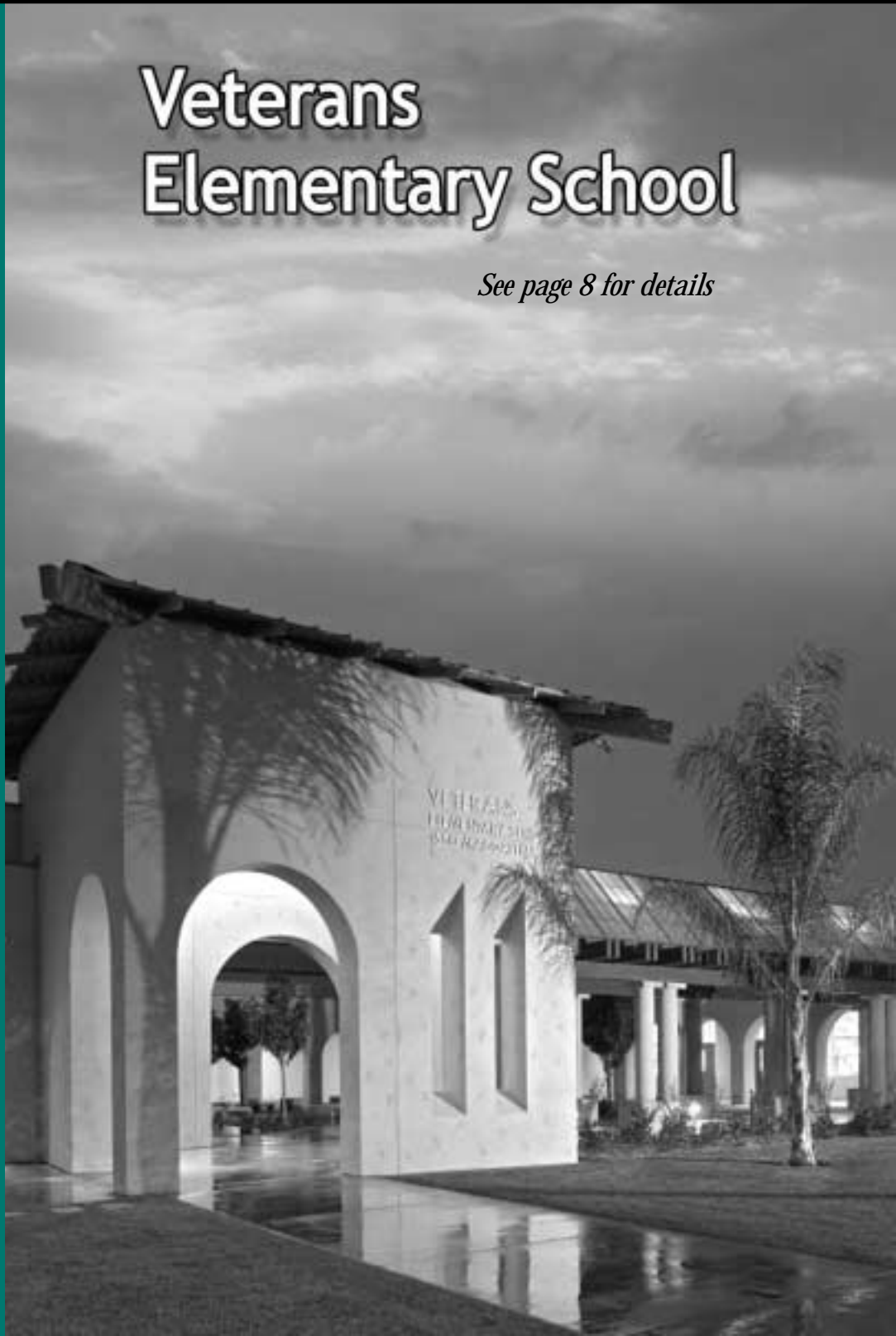
THE NEWSLETTER OF THE COALITION FOR ADEQUATE SCHOOL HOUSING

In This Issue...

- 2 ▶ Message From The Chair
- 3 ▶ SAB's Implementation Committee Prepares for 2006 Bond
- 3 ▶ SAB Implementation Committee Meeting Schedule
- 4 ▶ Contributors to the 2006 Statewide Bond Campaign
- 5 ▶ Court Confirms Legality of Construction Management At-Risk
- 6 ▶ Schools Chief Jack O'Connell Announces Technology Funds Available for Local Schools
- 7 ▶ Why C.A.S.H. Opposes Proposition 90
- 7 ▶ C.A.S.H. Board Seeking Nominations for Directors
- 8 ▶ Veterans Elementary School
- 20 ▶ Upcoming Meetings, Conferences & Workshops

Veterans Elementary School

See page 8 for details



Message From The Chair



Pamela T. Johnson, C.A.S.H. Chair

C.A.S.H. Board Creates Committee to Address Green Schools


including legislation on indoor air quality, energy use, school siting near roads and powerlines, recycled building materials, and Collaborative for High Performance Schools (CHPS) standards. In addition, the Governor's Executive Order S-20-04 signed in December 2004 requires state agencies to ensure that all state building meet "high performance standards".

In light of this focus on green schools, it is likely that some form of "high performance standard" will become reality for school construction and renovation in the near future. In an effort to ensure that C.A.S.H. continues to stay on the forefront of this issue - and to ensure that C.A.S.H.'s concerns such as adequate funding and programmatic simplicity

are considered - the C.A.S.H. Board of Directors has created the C.A.S.H. High Performance Schools Committee which includes representatives from schools, state agencies, architects, sustainable design experts, and advocacy groups. The C.A.S.H. Board chose Board Member Bill Savidge, West Contra Costa Unified School District, to chair the Committee in light of his extensive experience with high performance renovations in the West Contra Costa Unified School District.

The Committee's mission is to encourage sustainable design and energy conservation through development and implementation of high performance schools standards in school construction and to ensure seamless integration of high performance standards into the school design process. The Committee's core concern is to ensure adequate funding for any mandated additional costs associated with green building and to ensure that the already complicated state review processes are not made more complicated as a result of high performance standards.

More immediately, the Committee's focus will be on assisting the Implementation Committee to develop the High Performance School Grant program contained in AB 127.

We are enthusiastic about the work of the C.A.S.H. High Performance Schools Committee, which, we believe, will help building green schools in California become a reality. 

Over the past few years the concept of "sustainable" or "green" schools has become a key issue for the school facilities community. In response to the growing interest in green schools, environmental advocates have worked with their legislative representatives to sponsor legislation intended to improve aspects of sustainability in schools,



REGISTER

Volume XXVII, Number 7
July 2006

ISSN: 1081-9088

© 2006 The Coalition for Adequate School Housing

Publisher: Coalition for Adequate School Housing • Editor: Greg Golik

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.

SAB's Implementation Committee Prepares for 2006 Bond

Earlier this summer the State Allocation Board's Implementation Committee poised itself to prepare for and discuss policy issues derived from the 2006 school facilities bond slated for the November statewide ballot. As a result, the Implementation Committee established additional meetings to vet the issues and to allow for public input. On the agenda for discussion are:

- High Performance School Grant
- Smaller Learning Environments
- Charter Schools Program
- Supplemental Grant for Seismic Safety, Retrofit and Replacement
- Career-Technical Facilities
- Overcrowding Relief Grants

At the time of this publication, the Committee had initiated policy discussions on all but the Career-Technical Facilities and the Overcrowding Relief Grants. Below is a summary of the policy discussions.

High Performance School Grant (HPSG)

The school bond provides up to \$100 million for additional New Construction and Modernization grants for school districts to design and build high performance schools, including the efficient use of energy, water, lighting, and recycled materials. The discussion during the Implementation Committee centered on three main issues: the actual costs associated with meeting minimal high performance objectives; the greater difficulty in achieving high performance goals when modernizing existing buildings; and the policy intent of the distribution of high performance grants, which will ultimately impact the development of implementing regulations. On the last issue, some speculated and argued that the intent of the grants is to widen the aperture of school districts eligible to receive high performance school grants, thus broadening the base for more districts to participate

in the program and achieve a minimum level of high performance. Others countered that the funds should be used to allow districts to achieve higher sustainability standards than they are already achieving. The Implementation Committee, in an effort to fully review the program and policy impact, has established a working group. The C.A.S.H. Board of Directors recently established the High Performance Schools Committee; among its tasks is to monitor and provide input in the policy development of the High Performance School Grant by the Implementation Committee.

Smaller Learning Environments

The bond bill provides up to an additional \$200 million from New

Construction and Modernization funding for the design and construction of smaller learning environments mirroring the existing program established by AB 1465 (Chan). No significant programmatic or policy changes are expected.

Charter Schools Program

The school bond includes an additional \$500 million to fund charter school facilities. Notably, the bond bill establishes a "rehabilitation" program in which charter schools can receive state funding for the rehabilitation of existing district-owned buildings that are at least 15 years old. OPSC reported that the rehabilitation program will be "substantially identical" to the

Continued on page 9

SAB Implementation Committee Meeting Schedule

In order to be prepared to properly address the provisions of the November 7, 2006, Statewide School Facilities Bond, the State Allocation Board Implementation Committee meeting schedule was augmented. Following are the 2006 August through December meeting dates, including the originally scheduled meeting dates and the dates that were added to address AB 127.

All of the following meetings are scheduled to be held at the Legislative Office Building, 1020 N Street,

Room 100, Sacramento. The meetings are scheduled from 9:30 a.m. to 3:30 p.m., with a 1-hour lunch break. Meeting times, dates, and locations are subject to change. The meetings are open to the public, and the audience members are allowed to provide their comments, suggestions, and concerns regarding the topics being discussed by the committee. The goal of the committee is to take the proposed regulations implementing the provisions of AB 127 to the September 27, 2006, SAB meeting.

Remaining Meeting Schedule

- Thursday, August 3 & Friday, August 4
- Friday, August 18
- Thursday, September 7 & Friday, September 8
- Friday, October 6
- Friday, November 3
- Friday, December 1

Contributors to the 2006 Statewide Bond Campaign

(As of July 31, 2006)

The C.A.S.H. Board of Directors thanks the following members who have made generous contributions to our fundraising efforts for the 2006 Statewide School Bond Campaign. The Board encourages all members to make a generous contribution to our efforts. If you or your firm would like to make a contribution, please visit the C.A.S.H. website for a printable form or to contribute online.

Double Diamond Level

\$25,000 +

Architects

- HMC Architects
- KPI Architects
- LPA, Inc.
- NTDSTICHLER Architects
- PJHM Architects, Inc.
- Ruhnau Ruhnau Clarke & Associates
- WLC Architects, Inc.

Construction Managers

- barnhart, inc.
- Bernards

Consultants & Planners

- California Financial Services
- Murdoch Walrath & Holmes
- School Facility Consultants

Financial Consultants/Institutions

- RBC Capital Markets
- Stone & Youngberg
- UBS Securities, LLC

Furniture & Equipment Dealers & Suppliers

- Virco Mfg. Corp.

Modular Building Manufacturers/Dealers/Suppliers

- Meehleis Modular Buildings

Diamond Level

\$20,000 - \$24,999

Construction Managers

- Neff Construction

Platinum Level

\$15,000 to \$19,999

Architects

- Perkins + Will Architects

Financial Consultants/Institutions

- Bank of America

Gold Level

\$10,000 to \$14,999

Architects

- AEDIS Architecture & Planning
- Frick, Frick & Jette Architects, Inc.
- Harley Ellis Devereaux
- Kruger Bensen Ziemer Architects
- Trittipio Architecture & Planning
- Westberg + White Architects

Construction Managers

- 3D/International
- C.W. Driver
- PCM3, Inc.

Financial Consultants/Institutions

- Citigroup Global Markets Inc.

Modular Building Manufacturers/Dealers/Suppliers

- Current Enterprises Modular
- Saramark, Inc.

Program Managers

- PinnacleOne

Silver Level

\$5,000 to \$9,999

Architects

- BFGC Architects Planners
- Carmichael-Kemp Architects
- Darden Architects
- DLR Group
- Dougherty & Dougherty Architects LLP
- Higginson + Cartozian Architects, Inc.
- Lionakis-Beaumont Design Group, Inc.
- Murray & Downs AIA Architects, Inc.
- MVE Institutional, Inc.
- PCH Architects
- PSWC Group Architects
- Rainforth Grau Architects

Attorneys

- Best, Best & Krieger
- Miller Brown & Dannis

Construction Managers

- Cumming LLC
- Erickson-Hall Construction Co.
- Sundt Construction

Consultants & Planners

- Colbi Technologies, Inc.

Environmental/Toxics Consultants

- Earth System Services, Inc.

Financial Consultants/Institutions

- George K. Baum & Company
- Piper Jaffray & Co.

Program Managers

- Capital Program Management

Bronze Level

\$1,000 - \$4,999

Architects

- Akol & Yoshii Architects & Engineers
- ATI Architects and Engineers
- Arthur Tam & Associates, Inc.
- BCA Architects
- Beverly Prior Architects
- Corlett, Skaer & DeVoto Architects, Inc.
- Henry Woo Architects
- Imageworks Architecture
- Kasavan Architects
- LMA/Lentz Morrissey Architecture

- Ordiz-Melby Architects, Inc.
- Quattrocchi and Kwok Architects
- TDM Architects, Inc.

Attorneys

- Parker & Covert LLP

Consultants & Planners

- Hancock & Gonos, Inc.
- Muni Financial
- Richard Gonzalez & Associates Inc.
- School Site Solutions, Inc.
- The Planning Center
- Vose Properties, Inc.

Construction Managers

- Construction Controls Group
- Kitchell CEM
- Kramer Project Development Company
- Sierra West Group
- TBI & Associates
- TBI Construction & Construction Management, Inc.

Contractors & Developers

- Modular Technologies, Inc.

Environmental/Geotechnical Consultants

- Converse Consultants
- LFR, Inc.

Financial Consultants/Institutions

- Kelling Northcross Nobriga

Labor Compliance Consultants

- CS & Associates
- WCS/Ca, Inc.

Licensed Professionals/Engineers

- Armstrong and Brooks Engineers
- Blair, Church & Flynn Consulting Engineers
- Buehler & Buehler Associates
- Kanda and Tso Associates
- Lawrence Nye Andersen Associates
- LP Consulting Engineering
- Warren Consulting Engineers

Modular Building Manufacturers/Dealers/Suppliers

- Modular Technology

Other

- Davillier-Sloan, Inc.
- Henrikson Owen & Associates
- Konsortum 1
- KPFF Consulting Engineers
- Time and Alarm Systems

Technology/Telecommunications Consultants

- Johnson Consulting Engineers

Nonmembers

- BP & Associates
- Lee George Structural Engineers
- OMB Electrical Engineers Inc.

Court Confirms Legality of Construction Management At-Risk

By Sean Thompson and Will Lichtig

In a long awaited decision, the Sacramento Superior Court recently confirmed that school districts may employ the "Construction Management At-Risk" delivery model. In the recent past, school districts and other public entities have struggled to find a project delivery model that would overcome some of the shortcomings of the traditional "design-bid-build" model, yet still comply with the statutory limitations that govern public construction. Starting about five years ago, several public entities began using CM At-Risk in an effort to achieve these objectives. Until this year, however, no court case had expressly confirmed the validity of this delivery model. As a result of this decision, the propriety of this delivery model has now been vetted.

Construction Management At-Risk

While the details of how CM At-Risk is implemented may vary from project to project, certain characteristics are fairly uniform. The CM is selected through a qualification-based selection process, where qualifications are paramount and price is secondary. The CM will provide preconstruction services throughout project design, assuring through constructability reviews, value analysis, and value engineering that the plans are constructible and that the project can be delivered on time, within budget, and without significant claims resulting from alleged lack of coordination. Typically, the CM, through one or more contractual provisions, will financially guarantee the quality of its preconstruction services by assuming some risk for cost overruns and untimely completion of the project. These preconstruction services and the financial assurance that the plans are

"constructible" help bridge the gap between design and construction that is frequently present on the traditional "design-bid-build" delivery method and to help avoid many of the expensive claims that have historically plagued public construction projects.

Construction Management At-Risk Contract Between the Folsom Cordova Unified School District and Roebbelen Construction Management Services, Inc.

In 2001, the Folsom Cordova Unified School District (the "District"), located in Sacramento County, contracted with Roebbelen Construction Management Services, Inc. ("Roebbelen") for the provision of construction management at-risk services on District projects. Roebbelen is a full-service building and construction management firm licensed as a general engineering contractor and a general building contractor. Roebbelen has provided construction services throughout northern California since 1959.

On a typical project, Roebbelen performs extensive pre-construction services for the District, including advice on construction scheduling, budgeting, and the drafting and packaging of the construction or "trade" contracts for different scopes of work (i.e., concrete, electrical, mechanical, etc...). The District then conducts competitive bidding and awards the trade contracts to the lowest responsive bidder in accordance with all applicable competitive bidding requirements. After the trade contracts are awarded, the District assigns them to Roebbelen. Roebbelen becomes responsible for administering, supervising, and enforcing the trade contracts. Additionally,

the Construction Management Agreement also provides for liquidated damages in the District's favor in the event of inexcusable, untimely completion of projects.

Legal Challenge to the Construction Management Agreement

In late 2003, the Construction Management Agreement came under legal challenge when a local general contractor filed suit against the District and Roebbelen in Sacramento County Superior Court. The plaintiff contended that because Roebbelen administered the trade contracts and assumed financial responsibility in connection with the projects, Roebbelen was in essence acting as a prime construction contractor and that its contract, therefore, must be competitively bid.

In December 2005 the Court conducted a trial on the plaintiff's challenge, considering evidence and legal arguments submitted by the parties. The Court unambiguously upheld the validity of the Construction Management Agreement and found in favor of the District and Roebbelen. Two main themes ran through the Court's decision. First, the Court was persuaded that the District's practice of competitively bidding the trade contracts satisfied the public's need for construction work to be performed by the lowest responsible bidder. The Court noted that "the dominant public policy objective running through the statutes, to award actual construction work to the lowest bidder, was met here."

Just as importantly, the Court determined that Roebbelen's services were consistent with those that the Legislature envisioned being performed by a construction manager: "the

Continued on page 9

Schools Chief Jack O'Connell Announces Technology Funds Available for Local Schools

Settlement of Microsoft Lawsuit Provides Millions for Education Technology

SACRAMENTO – State Superintendent of Public Instruction Jack O'Connell announced that hundreds of millions of dollars will soon be available for California schools to purchase technology, including computer hardware and software.

The technology funds, which will be distributed to schools through the California Department of Education's Education Technology K-12 Voucher Program, are available as a result of a settlement agreement in an antitrust case against Microsoft Corporation.

"Technology in the classroom can be used strategically to improve student achievement and help prepare our students for success in the competitive global economy of the 21st century," O'Connell said. "This settlement agreement provides a wonderful opportunity to close the digital divide in many of our schools. I encourage all eligible schools to work with their district offices as they apply for these funds."

Per the settlement agreement, a fund was established, called a "cy pres fund," to offer vouchers to public schools that can be used to purchase computer hardware, software, or for technology maintenance, professional development or other related services. Although the exact amount available in the cy pres fund is not yet known, it is estimated to be from \$400 million to \$600 million. The vouchers also can be used to purchase equipment needed for computer networks and technology infrastructure.

"California's businesses and consumers had the option to claim their settlement benefits for themselves or donate two thirds of their benefits to the public schools by simply declining to file a claim," said Richard Grossman, co-lead attorney for the consumer class,

and partner in the San Francisco office of Townsend & Townsend and Crew that was appointed by the California Superior Court to oversee the antitrust case against Microsoft on behalf of California's businesses and consumers.

"Because of their extraordinary generosity,

hundreds of millions of dollars will go to our public schools. We are proud to have led the legal battle that achieved such a fabulous result."


Public school districts that have state-approved technology plans may apply on behalf of eligible schools. Eligible schools include all public kindergarten through grade twelve schools, county offices of education, charter schools, and State Special Schools in which at least 40 percent of the attending students are eligible to receive free or reduced-price meals through the National School Lunch Program (NSLP). Public high schools that serve students from public elementary, middle, and junior high schools in California at which at least 40 percent of the attending students are eligible to receive free or reduced-price meals through NSLP are also eligible to apply for the technology funds.

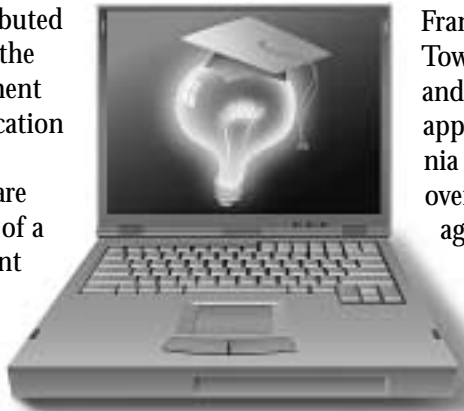
"We're very pleased that this agreement will directly benefit disadvantaged

students in California who otherwise have limited access to technology in their schools," said Tom Burt, corporate vice president and deputy general counsel for Microsoft. "This settlement not only will equip California schools with hundreds of millions of dollars of hardware, software and services, it also will equip students with the skills they'll need to succeed in a world that increasingly places a premium on technological literacy."

The vouchers must be redeemed by schools within six years of issuance of the voucher. The total dollar amount to be distributed to eligible schools via the vouchers will be derived from a formula that is based on the cy pres fund amount and the number of completed applications from eligible entities. The per-pupil voucher amount is estimated to be between \$98 and \$159 per pupil, depending on the total amount of funding and the total amount of completed applications.

The California Department of Education (CDE) will issue the request for application (RFA) to districts, and all districts that successfully complete the application will be funded. The RFA will be available in mid-September 2006. In recognition of district staffing and time constraints, the CDE has streamlined the application process to maximize district and school participation and benefit. As a result, the RFA is very simple and designed to take only about 15 minutes to complete.

For more information, please visit Education Technology K-12 Voucher Program - State Technology Programs on the CDE website at <http://www.cde.ca.gov/ls/et/st/voucherltr72606.asp>. 



Why C.A.S.H. Opposes Proposition 90

Proposition 90, which relates to eminent domain proceedings, is on the November 2006 General Election ballot. The Proposition 90 initiative signature gathering was funded by a New York developer who is funding campaigns in multiple states. Proposition 90 is opposed by C.A.S.H. because of its provisions dealing with payment of damages from a governmental action.

Proposition 90 goes well beyond just eminent domain. It also includes provisions where school districts could be sued because of attendance boundary changes, actions taken by charter schools, and school siting decisions.

Currently, school districts face a lengthy and complicated school siting process that includes a review by the CDE, DTSC, the Dept. of Transportation regarding siting near airports, as well as numerous other state agencies. School districts also must comply with CEQA and the requirements for environmental impact mitigation. All of these requirements make school siting a complex and difficult process.

Proposition 90 would add even more complexity.

Under Proposition 90 a school district could be sued for purchasing a school site even if they did not use eminent domain. If a school district bought property from a willing seller without using eminent domain and a homeowner or business close to the property believed that they had lost property value because of the school siting, that homeowner or business could sue the school district because of the possible lost property value. If the suit were successful, the school district would have to pay the homeowner the estimated loss of property value.

Many citizens do not want high schools located close to their property. C.A.S.H. believes Proposition 90 would provide an avenue for these individuals to litigate against school districts or apply pressure on school districts under


threat of litigation. Proposition 90 would increase not only the time for completing the site acquisition but also the cost for completing a site acquisition.

Finally, other types of school district decisions could be subject to the Proposition 90 damages provision. For example, a homeowner buys a house in an attendance area of a school with a very high Academic Performance Index. Because of demographic changes, school districts might need to rearrange attendance boundaries and that homeowner may find themselves in an attendance area of a much lower Academic Performance Index school. The homeowner could argue a loss of value and damage because of being in an attendance area that is not as attractive as the attendance area of the

school where they initially purchased the property.

C.A.S.H. believes Proposition 90 would allow such a homeowner to sue the school district because of boundary changes.

Additionally, charter school actions could affect the value of property adjacent to the charter school. Because the school district is the chartering entity, and the charter school is simply another public school, C.A.S.H. believes the school district would become legally liable under Proposition 90 for potential actions taken by charter schools or the pupil population served by the charter school.

For all of these reasons, C.A.S.H. has adopted an oppose position on Proposition 90. For more information, please visit www.cashnet.org. 

C.A.S.H. Board Seeking Nominations for Directors

The C.A.S.H. Board of Directors Nominating Committee is now accepting nominations for two public sector positions on the Board.

Terms are for two years (eight-year term limit) and will begin in February 2007. Self-nominations are encouraged.

Nominees should be active in C.A.S.H. and highly experienced in K-12 school facilities and maintenance programs.

Candidates must possess the following qualities:

- ability to speak publicly on the needs of C.A.S.H.
- ability to take position on issues
- ability to provide leadership to the C.A.S.H. membership
- experience with C.A.S.H. by attending meetings and participating on committees
- ability to provide the time commitment

Board positions require a significant time commitment. Such commitments will include, but are not limited to, the following:

- attendance at C.A.S.H. monthly meetings in Sacramento
- attendance and participation at the three-day C.A.S.H. Annual Conference in February
- attendance and participation at the two-day Spring and Fall Conferences
- attendance and participation at day-and-a-half quarterly Board meetings
- various workshop and committee assignments
- other special meetings or subcommittees as assigned

Please send a letter of nomination outlining your qualifications to:

C.A.S.H. Board of Directors Nominating Committee
1130 K Street - Suite 210
Sacramento, CA 95814
Attention: Greg Golik
Fax to: (916) 448-7495
Email to: ggolik@m-w-h.com

Nominations should be received no later than Friday, September 8, 2006.


Veterans Elementary School

Serving the Otay Ranch community of Chula Vista, Veterans Elementary School sprawls across 30,000 square feet and includes six separate buildings and 40 classrooms. Situated around a central and open courtyard, the buildings are connected by arched covered and trellised walkways, allowing direct sunlight to create natural lighting and enhance the intimate “village” feel of the school.

curriculum and class work. Local Area Networks are installed at every school site. More than 2,000 computers are installed in classrooms district wide. Under teacher supervision, students in every school can access the Internet. Computer hardware and software used by the District augment student learning, enhance communication and promote staff productivity. The school also features a campus-wide technology

learning environment and energy savings realized by the District.

Veterans Elementary School exceeds the standard requirements of the State Energy Code by more than 37%. Additional environmentally friendly elements include outdoor turf areas designed to use recycled water for irrigation. The HVAC system has an electronic management system to manage the temperature in the classrooms. The state-of-the-art system draws cool outside air and when necessary, uses mechanical cooling to maintain the desired environment. In addition, the classrooms feature operable windows to allow the use of natural ventilation.

Barnhart, Inc. provided construction management services and the project was designed by Ruhnuu Ruhnuu Clarke. Veterans Elementary, the 43rd school for the Chula Vista Elementary School District, is located on Magdalena Avenue. The ground-breaking was held in October 2004. Dedication ceremonies were held on January 20, 2006. 



All of the classrooms are arranged around a central courtyard in “neighborhoods” with an emphasis on the library. The library is the “center of knowledge” or focal point of the “Village of Learning.” A daylit central core and small study rooms within each classroom building serve instructional purposes from project learning and small group instruction to vital teacher workroom space. The central core fosters teamwork among teachers and students.

Each classroom includes a large display screen which allows teachers to project Internet information,

infrastructure with tomorrow’s needs in mind.

Other project features include staff and visitor parking, a bus drop-off area, lunch courts, kindergarten and elementary play equipment areas, hard courts and grass play fields. The school also includes a copy center and child care center which are open to the community.

Natural daylight, which enhances the learning environment and saves energy, is maximized throughout the school by the use of celestory windows, translucent roof panels and skylights. Benefits to students include a more open



**SAB's Implementation Committee
Prepares for 2006 Bond**


Continued from page 3

definition of Modernization. Staff also reported that the existing application process and timeline will be used for approval and funding of new projects. Legislative Advocate Ernest Silva requested that staff review its proposed regulations and the statutory language concerning eligible 15-year-old buildings, as well as the application submittal and approval process to ensure that the intent of the legislation is achieved with regard to mitigating Proposition 39 litigation between charter schools and districts.

Major discussion concerning the program centered on eligibility criteria, particularly if a school district needed to have eligibility in order for the charter school to apply for and receive funding independent of the district. OPSC staff's initial proposal would have required the district to have unhoused pupils in order for the charter school to apply for funding independently of the district; however, at the request of stakeholders, the Committee is reviewing eligibility and adjustments and will discuss them at a future meeting.

**Supplemental Grant for Seismic Safety Retrofit
and Replacement**

The school bond provides nearly \$200 million from New Construction and Modernization funding to retrofit or replace the most vulnerable buildings identified as Category 2 buildings in DSA's *Seismic Safety Inventory of California Public Schools* published in November 2002, often referred to as the AB 300 report. The Implementation Committee was presented with a report and policy proposals. OPSC is proposing that applications be processed and approved on a first-come, first-served basis until the funding is exhausted. Staff also proposes that replacement costs be based on a per-square-foot basis and to be funded at \$472/sf for toilet areas and \$262/sf for other areas and adjusted annually by the construction inflationary factor. The Division of the State Architect currently is analyzing data ultimately to define the most vulnerable Category 2 buildings. Finally, OPSC will be putting forth a regulation to ensure that a district's Modernization eligibility is adjusted when an eligible building receives seismic retrofit or replacement funding.

The Implementation Committee will meet to discuss policy development related to the bond on August 3 and 4 and again on September 7 and 8. C.A.S.H. will continue to monitor and provide input when necessary through our representative on the Committee and through public participation. 

**Court Confirms Legality of
Construction Management At-Risk**

Continued from page 5

construction management services detailed in the Agreement are the kind of services in which a construction manager would engage and ... the Agreement has the operational elements of a construction management agreement as opposed to a general contractor arrangement."

Implications of Ruling

This ruling shows that a carefully planned and properly drafted Construction Management At-Risk Contract can comply with California law. Also, the strength of the Construction Management At-Risk Contract is highly dependent on the particular details of the contract, including the tasks the construction manager is obligated to perform and the manner in which the delivery method is structured. A misstep in this process could result in the agreement being invalid. Therefore, it is advisable for a public entity to contract with a construction manager experienced in these types of transactions and consult legal counsel familiar with these issues.

*Sean Thompson and Will Lichtig are with
McDonough, Holland & Allen PC, Attorneys at Law.*



ORRICK

**The XYZs of California
School District Debt Financing**

We are proud to present *The XYZs of California School District Debt Financing, Third Edition*.

The XYZs has been revised to reflect the many changes that have taken place in the world of school district debt finance since the publication of the second edition in 1996.

To obtain your free copy, please contact publicfinance@orrick.com.

For more information, visit www.orrick.com/public_finance.

ORRICK, HERRINGTON & SUTCLIFFE LLP publicfinance@orrick.com WWW.ORRICK.COM

HONG KONG LONDON LOS ANGELES MILAN MOSCOW NEW YORK
ORANGE COUNTY PACIFIC NORTHWEST PARIS ROME SACRAMENTO
SAN FRANCISCO SILICON VALLEY TAIPEI TOKYO WASHINGTON DC

BUILDING BLOCKS FOR THE FUTURE



LOS ANGELES • CENTRAL VALLEY • INLAND EMPIRE

Managing construction
programs through trust,
teamwork & leadership.

**LM LUNDGREN
MANAGEMENT**
Construction Management & Consulting
661.257.1805

dmsi



Building
Tomorrow's
Schools
Today

Over 27 years of experience in innovative designs for school facilities and an excellent track record for outstanding workmanship and customer service is evident in every project we build.

- Classrooms
- Complete Schools
- Restrooms
- Science Classrooms
- Offices
- Daycare Buildings
- Availability to Lease, Purchase or Finance Lease Facilities

Ask About DMSIS
Innovative Project
Management System

CALL TODAY
For More Information
209-892-6298



Request information and floorplans on our
Cooperative Purchasing Contracts.

Excellence. I can do it.

It's in the attitude, the smile, the excitement that comes from a child who is given the chance to succeed and ultimately goes for it. The ongoing drive to achieve excellence is a core value at McCarthy, and we take personal pride in helping to create learning environments where our clients believe "I can."

We're working to build a future
of infinite possibilities.



McCarthy...Keeping Our Promise to California Kids.

Construction Management • General Contracting • Design/Build • www.mccarthy.com

Newport Beach 949-851-8383 • San Diego 858-784-0347

San Francisco 415-397-5151 • Sacramento 916-786-3833

SEWUP is the
SMARTER choice!

Call 1.800.654.8102
or visit us online at
www.sewup.org



Getting Hammered by Inadequate Insurance Protection?

Higher Limits + Broader Coverage =
Exponentially SMARTER Protection
For your school's construction project

Discover what 450 member districts already
know. With over 34 years as school insurance
specialists, SEWUP is the solution to construction
risk hassles!

Schools Demand Smarter Solutions...Keenan Delivers

License No. 0451271

Keenan
Associates

VANIR
CONSTRUCTION
MANAGEMENT, INC.

25 YEARS
OF CONSTRUCTION MANAGEMENT
Excellence

- PROGRAM MANAGEMENT
- PROJECT MANAGEMENT
- CONSTRUCTION MANAGEMENT
- MASTER PLANNING
- CONSTRUCTABILITY REVIEW
- SCHEDULING
- COST ESTIMATING

888.912.1201
www.vanir.com



DLR Group

Adjective • Committed • Dependable • Fun • Imaginative • Intelligent • Positive • Respectful • Smiling
 Alert • Challenge • Cooperative • Energetic • Inspired • Motivated • Reactive • Self-Assured

Do the right thing.
Join us. Give.

Thanks!

I like school bonds!

1931 H Street • Sacramento, CA 95814
916.446.0206 • www.dlrgroup.com

- CEQA/NEPA Compliance
- School Site Selection & Feasibility Studies
- Site Assessment Services
- Mitigation Monitoring
- Safety Assessments
- Facility Master Plans
- Technical Studies
- GIS/GPS Mapping

NEW OFFICES! NEW SERVICES!
 Now serving school facilities clients from three locations: **Costa Mesa** and now **Ontario & Rancho Mirage!**
 We also now provide **Site Assessment Services**. For details, visit
www.schoolplanning.com

THE PLANNING CENTER
 1580 Metro Drive - Costa Mesa, CA 92626
 1757 S. Euclid Avenue - Ontario, CA 91762
 89600 Hwy. 111, #105 - Rancho Mirage, CA 92270

Representing School Districts from Yreka to Chula Vista,
Contractor Compliance and Monitoring, Inc.
 staff has 23 consecutive years of experience in prevailing wage and labor compliance issues.

1200 6th Ave., #200
 Belmont, CA 94002
 Telephone: (650) 551-5583
 Fax: (650) 551-5584

Southern California Office
 Telephone: (619) 472-9065
 Fax: (619) 472-9067

CONTRACTOR COMPLIANCE AND MONITORING, INC.

When you need Labor Compliance assistance, call on our experienced and professional staff.

DELIVER YOUR SCHOOL FACILITY PROMISE!

NEW

DSA PC NUMBER
MODULAR CONCRETE
"TILT-UP" BUILDINGS



- FAST DELIVERY
- BUDGET FRIENDLY
- ATTRACTIVE APPEARANCE
- VERSATILE DESIGN
- LONG LIFE
- LOW MAINTENANCE COST
- REDUCED PROJECT RISK
- QUALITY LEARNING ENVIRONMENT

FOR MORE INFORMATION

Contact Brian Gounce at (650) 375-5840 ext. 123 or info@prefast.com

or visit us on the web at: <http://www.prefast.com/schoolbuildings/index.html>

PreFast
BUILDINGS



Your legal resource in building
the best learning environment for
the current generation ...

and beyond.

Public Facility Attorneys

- Land Acquisition
- CEQA
- Contracts and Construction
- Labor Compliance
- Litigation

ORBACH, HUFF + SUAREZ LLP

OFFICES

Suite 575
1901 Avenue of the Stars
Los Angeles, CA 90067

310 788-9200 • *PHONE*
310 788-9210 • *FAX*

info@ohslegal.com

17th Floor
1212 K Street
Sacramento, CA 95814

916 503-3174 • *PHONE*
916 503-2401 • *FAX*

The Final Piece

CLARK & SULLIVAN

916.338-7707
www.clarksullivan.com

**General Contracting
Design Build
Lease-Leaseback**

Pioneer High School

Offices in
Sacramento
Reno
Las Vegas



SEVILLE GROUP



Over \$6 Billion in CA K-12 Bond Management



- ✓ Program Management
- ✓ Project Management
- ✓ Construction Management
- ✓ Project Labor Agreements
- ✓ Labor Compliance
- ✓ Dispute Avoidance & Resolution
- ✓ Troubled Project Turnaround
- ✓ Staff Augmentation
- ✓ Management Consulting
- ✓ Facility Condition/Needs Assessment
- ✓ Master Planning
- ✓ Bond Program Audits (Performance & Financial)

THE SEVILLE GROUP, INC.
199 South Hudson Ave.
Pasadena, CA 91106
(626) 395 7474

www.sevillegroup.com

INNOVATIVE SOLUTIONS, PROVEN EXPERIENCE



ATI
www.atiae.com

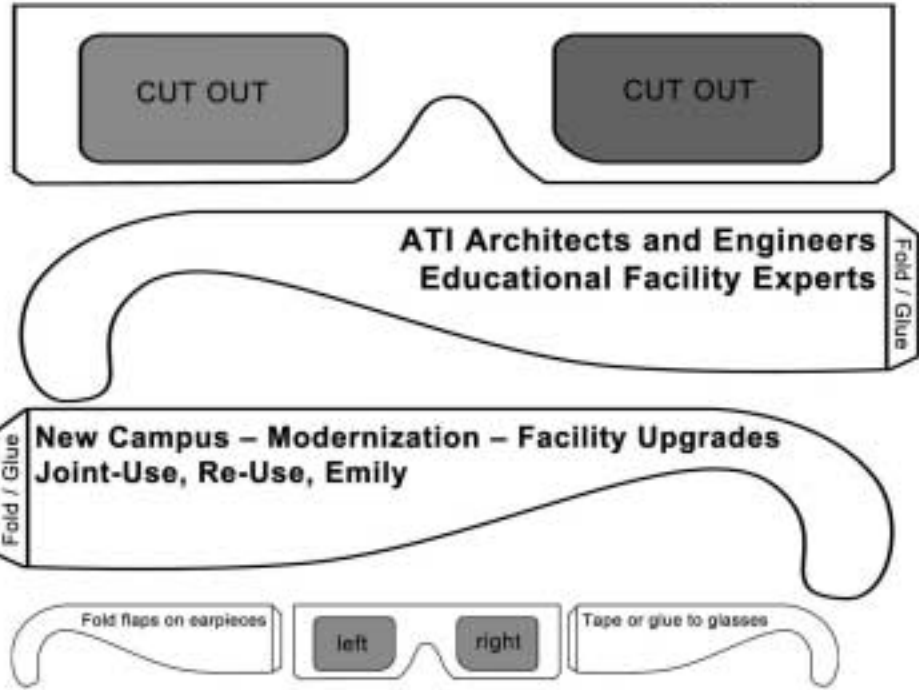
Services
Programming
New School Design
Modernization
Remodeling
Renovation

Disciplines
Architecture
+
Structural Engineering
Mechanical Engineering
Electrical Engineering
Civil Engineering

Motto
Be Creative



3D Glasses – Be sure from every angle



Northern California

pcaires@atiae.com
Central California

Southern California



Can you hear me now?

Yes, they can.

Bard's "Quiet Climate" is 50% quieter than previous models. With noise levels this low, the only sound students hear is the teacher's voice.



Call toll-free or visit our website today and learn how you can improve classroom ventilation and comfort with Bard.

Distributed by **Geary Pacific Supply**

Phone: 800-444-3279 ext. 122 • Fax: 714-279-2940
www.gearypacific.com

Shaping The Future For

SCHOOL DISTRICTS

One Project At A Time



Since 1974, our program managers, construction managers, architects, and engineers have been serving the specialized needs of California School Districts and other public agencies.

- Program Management
- Project/Construction Management
- Facility Condition Assessments
- Labor Compliance Program Implementation
- Value Engineering & Constructability Reviews
- Scheduling
- Bid & Award Management
- Move Management
- Design Oversight



harris-assoc.com
800.827.4901

Come Work *With Us!* Visit harris-assoc.com for a detailed list of career opportunities.

Atkinson, Andelson, Loya, Ruud & Romo

A Professional Law Corporation



Navigating your course



- | | |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contracts and Bids | Contract Preparation • Public Contract Code Compliance • Bid Specification • Breach of Contract • Bid Protests • Claims |
| Constructions Claims | Construction Defects • Builder Liability • Engineering and Design • Failures • Soil Erosion • Stop Notices • Bond Claims • Delay Claims |
| Real Property | Developer Fees • Eminent Domain • Joint Use Facility Agreements • Leases • Sales & Exchanges • Redevelopment Matters • School Site/Real Property Issues • Environmental Regulation • CEQA |
| Construction-Related Labor | Prevailing Wage • Certified Payroll Reports • Apprenticeship • Project Labor Agreements • OSHA • Labor Compliance Programs |

Cerritos
(562) 653-3200

Pleasanton
(925) 227-9200

Riverside
(951) 683-1122

Sacramento
(916) 447-4300

San Diego
(858) 485-9526

Providing legal services to California's school districts for over 26 years

www.aalrr.com

POP QUIZ!



1. Renting Portable Classrooms makes sense for:

- A. Modernization
- B. Reconstruction
- C. Growth
- D. Budget Constraints
- E. All of the above

2. Mobile Modular has:

- A. Large inventory selection
- B. Immediate delivery
- C. Piggyback bid programs
- D. Qualified technicians to service your building
- E. Project managers who are expert with DSA regulation and code requirements
- F. Buildings customized to your specific needs
- G. All of the above

If you chose "All of the above" for both questions, go to the head of the class!

BONUS QUESTION:

3. Who should you call when you need classroom buildings?
- Mobile Modular



800-944-3442
www.MobileModularRents.com

**Portable Classrooms
 for Rent, Lease or Purchase**

BEVERLY PRIOR ARCHITECTS

championing school design
 since 1986

www.bparch.com

Discover what you've been missing...

It's the PEOPLE

Golden State
 Labor Compliance
 (800) 834-7144



**CONSTRUCTION MANAGEMENT
PROGRAM MANAGEMENT
GENERAL CONTRACTING
DESIGN-BUILD**



LOS ANGELES • ORANGE COUNTY • BAKERSFIELD



FRESNO • SAM BERNARDINO • LICENSE NO. 302007

618 San Fernando Road San Fernando, CA 91340 818.898.1521 T 818.365.0065 F www.bernards.com



**Jack Schreder
& Associates**

Governmental Relations Consultants

"Planning for the Future of California's Public Schools"

- ✓ **School Facility Program**
Construction & Modernization Facilitation
School Facility Program Eligibility Reports
Audit & Close-Out Assistance
- ✓ **Redevelopment Revenue Calculations**
- ✓ **Facility Planning & Demographics**
Developer Fee Justification Studies
& Implementation
Facility Master Plans, Student Yield Studies
Enrollment Projections
Year Round Analysis and Studies
- ✓ **Facility Needs Analysis (Level 2 & 3 Fees)**
- ✓ **Local Facility Funding Options**

<i>Jack Schreder</i>	<i>Cheryl King</i>
<i>Kristen Schreder</i>	<i>Jamie King</i>
<i>Elona Cunningham</i>	<i>Tamara Caspar</i>
<i>Lindsay Keyes</i>	<i>Tom Fehr</i>
<i>Kaisaundra Nootenboom</i>	

2230 K Street
Sacramento, CA 95816

(916) 441-0986
FAX 441-3048

**Work with a Team
That Knows Your Issues**



**MILLER
BROWN
DANNIS
ATTORNEYS**

We represent only owners on construction programs — not contractors, designers, or other consultants — we know how to help you structure your expectations and needs, and how to meet them. We counsel our clients through all phases of planning and building their construction projects, from complying with environmental laws and state requirements, through design and bidding, to project closeout and occupancy. We are ready to defend and pursue claims if they arise and have a particular expertise in mediating multi-million dollar construction disputes.

We were the first education law firm to form a separate construction group. We are uniquely positioned to help you in:

- Pre-Construction Planning
- Construction Projects — from Contracting to Closeout
- Claims, Disputes & Litigation

Put us on your team — contact us today!

www.mbdlaw.com

San Francisco
Tel 415-543-4111

Long Beach
Tel 562-366-8300

San Diego
Tel 619-595-0202



Innovative Solutions For Your Space Needs

“We’re so pleased with our temporary school that we canceled plans to build a permanent structure in another location.”

— Ray Bizjack, Headmaster,
Westerly School of Long Beach



Long term school facility plans can be thwarted by many different situations, such as unpredictable growth, building renovations, and lower student/teacher ratio requirements. For these circumstances and many others, school districts in every state rely on the efficiency and ease of modular classroom and administrative space.

It's no wonder schools across America utilize modular space. It quickly and affordably provides a pleasant, modern learning environment. And, while traditional buildings are being constructed, replaced or renovated, it offers a comfortable and convenient temporary solution.

Williams Scotsman has been providing space to the educational market for over 50 years. A national company with local expertise delivered through a network of 86 offices, the company provides premier quality and service.

- Temporary and permanent classrooms and offices, including DSA-approved units
- Cooperative purchasing and piggyback contracts available
- Variety of floorplans to meet your school's space needs
- Classrooms meet all applicable state and local building codes

SPACE BY

WILLIAMS
SCOTSMAN

800.782.1500
www.willscot.com

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

August 22, 2006

Tuesday
9:00 a.m. – 3:00 p.m.

**Maximizing Developer Fees: Who, What, How,
When, & How Much Workshop**

Doubletree Hotel
2001 Point West Way, Sacramento, CA

August 23, 2006

Wednesday
11:00 a.m. – 12:15 p.m.

C.A.S.H. General Membership Meeting

1215 K Street, 14th Floor
Sacramento, CA

August 25, 2006

Friday
9:00 a.m. – 3:00 p.m.

**Maximizing Developer Fees: Who, What, How,
When, & How Much Workshop**

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

September 26, 2006

Tuesday
9:00 a.m. – 3:00 p.m.

**Planning, Passing and Administering Local Bonds
Workshop**

Doubletree Hotel, 2001 Point West Way
Sacramento, CA

September 27, 2006

Wednesday
11:00 a.m. – 12:15 p.m.

General Membership Meeting

1215 K Street, 14th Floor, Sacramento, CA

September 29, 2006

Friday
9:00 a.m. – 3:00 p.m.

**Planning, Passing and Administering Local Bonds
Workshop**

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



CALIFORNIA'S
COALITION
for ADEQUATE
SCHOOL HOUSINGSM

c/o Murdoch, Walrath & Holmes
1130 K Street, Suite 210
Sacramento, CA 95814

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
SACRAMENTO, CA
PERMIT #949

**POSTMASTER – TIME VALUE
PLEASE DELIVER PROMPTLY**