



REGISTER

Volume XXVII, No. 10

THE NEWSLETTER OF THE COALITION FOR ADEQUATE SCHOOL HOUSING

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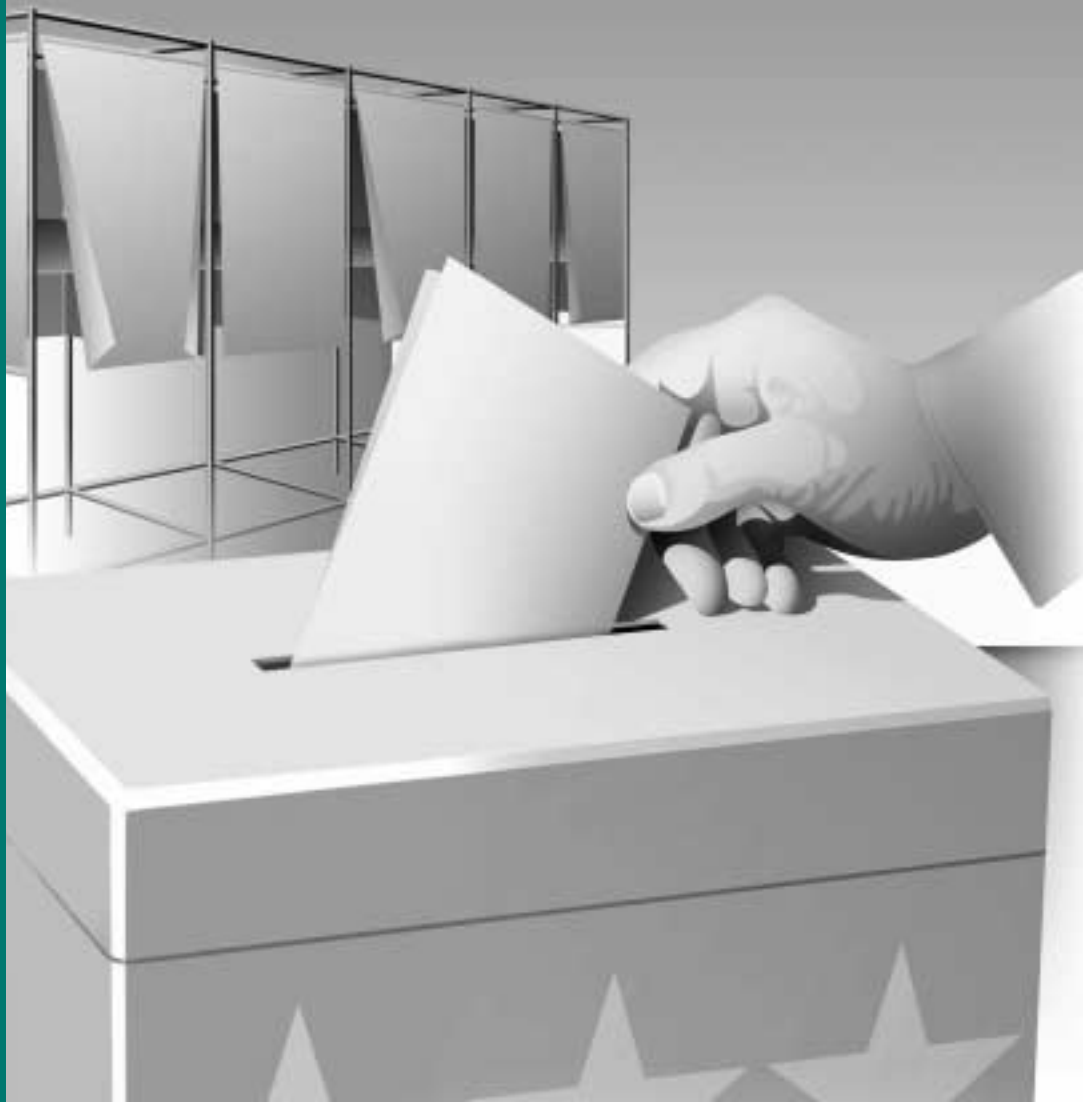
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Proposition 1D Passes!

Thank you to our Campaign Co-Chairs

Steven Ladd, Superintendent, Elk Grove Unified School District

Edward Velasquez, Superintendent, Montebello Unified School District



Message From The Chair



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

A Major Win for California School Facilities! Voters Approve Proposition 1D

In a victory for school children across California, voters approved Proposition 1D by a margin of 56.6% to 43.4%. As a result, \$10.4 billion will now be available to build and renovate schools and community colleges across the state, of which \$7.329 billion is available specifically for K-12 facilities. Compared to Proposition 55, the previous statewide bond measure that was approved by the voters in 2004 by a razor thin margin of 0.7%, Proposition 1D's 13.2% margin of victory is significant. Proposition 1A (transportation fund protection), Proposition 1B (transportation), Proposition 1C (housing), and Proposition 1E (flood) were all approved by wide margins as well.

In a somewhat typical pattern for statewide school bonds, coastal counties

voted in favor of Proposition 1D. Specifically, in addition to the counties which traditionally support bonds such as San Francisco and Los Angeles, non-Los Angeles Southern California counties such as San Diego, Riverside and San Bernardino, and Central Valley counties such as Fresno and San Joaquin, supported Proposition 1D.

We believe that several factors were key to the passage of Proposition 1D. First, the efforts of C.A.S.H. and all those involved in funding and developing the bond campaign were pivotal to Proposition 1D's success. Second, Proposition 1D did not have an organized opposition. Third, voter turnout, estimated to be in the mid-50s, was very high, particularly for a non-presidential election. Fourth, "undecided" voters broke late for the "Yes" side, which is a departure from conventional wisdom as late undecided voters generally break for the "No" side. Finally, because Governor Schwarzenegger had a wide lead over his challenger weeks before the election, he was able to focus his efforts on gaining support for the package of infrastructure bonds in the last weeks before the election.

It is also worth mentioning that C.A.S.H.'s preliminary tally of the 67 local school bonds indicates that 50 were approved and 15 failed. This is clearly a high rate of approval and illustrative of the fact that, even in light of concerns about the economy, voters continue to view school facilities as a high priority.

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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.

Voters Pass Infrastructure Proposals

On Tuesday, November 7 California voters passed Propositions 1A – 1E, with passage margins higher than previous polling had indicated. Proposition 1D received 56.6% of the vote. Proposition 1D carried in 29 counties while losing in 29 counties.

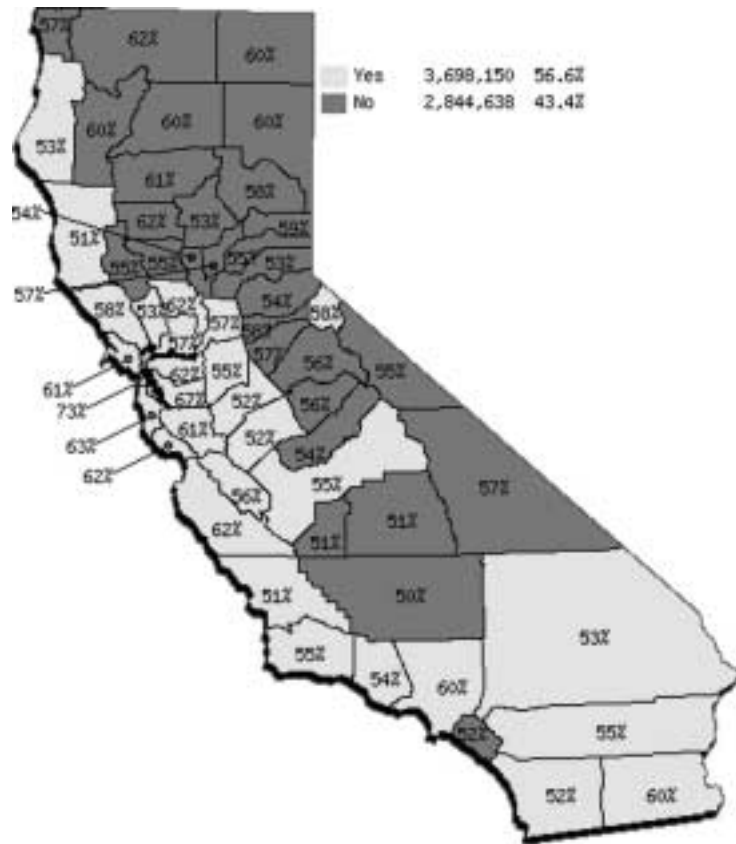
Proposition 1D had the highest support percentage (73.7%) from San Francisco County and the lowest (37.8%) from Glenn County.

The Proposition 1D margin of victory and the Proposition 90 margin of loss are such that there is no reasonable expectation that the absentee and provisional ballots will affect that outcome.

Governor Schwarzenegger's landslide reelection provides him with much more political capital for working with the Legislature. The C.A.S.H. Legislative Advisory Committee is meeting on November 8 to develop proposals for the C.A.S.H. Board regarding a legislative platform for 2007-08. After the C.A.S.H. Board of Directors adopts the legislative platform, it will be communicated to the membership by posting on the web and included in the *CASH Register*. 

Proposition 1D: School Facility Bond

100.0% (25080 of 25090) precincts reporting as of Nov 8, 2006 at 7:45 am



Thank You Double Diamond Contributors



(clockwise from top left) Steven Riggs, Bernards; Jim Di Camillo, WLC Architects, Inc.; David Ruhнау, Ruhнау, Ruhнау, Clark & Associates; John Baracy, RBC Capital; Cheryl Bravo, School Facility Consultants; Ernest Silva, Murdoch Walrath & Holmes; Jay Tittle, NTDSTICHLER Architects; Kevin Wilkerson, HMC Architects; Nina Santo, California Financial Services; Jim Kisel, LPA, Inc.

Contributors to the Proposition 1D Bond Campaign

(As of November 8, 2006)

The C.A.S.H. Board of Directors thanks the following members who have made generous contributions to our fundraising efforts for the Proposition 1D Bond Campaign. Through your support, Proposition 1D was able to pass.

Double Diamond

\$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

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- School Facility Consultants

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- PreFast Concrete Wall Systems, Inc.
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Program Managers

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\$5,000 to \$9,999

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- Darden Architects
- DC Architects
- DLM Architects
- DLR Group
- Dougherty & Dougherty Architects, LLP

- Higginson + Cartozian Architects, Inc.
- Lionakis-Beaumont Design Group, Inc.
- Murray & Downs AIA Architects, Inc.
- MVE Institutional, Inc.
- Nacht & Lewis Architects
- PCH Architects
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- Rainforth Grau Architects
- Tom Blurock Architects

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- Hancock & Gonos, Inc.

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Other

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- Total School Solutions

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\$1,000 - \$4,999

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- ATI Architects and Engineers
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- Baker & Vilar Architects
- BCA Architects
- Beverly Prior Architects
- Corlett, Skaer & DeVoto Architects, Inc.
- Flewelling & Moody
- Gonzalez Architects
- Hamilton + Aitken Architects
- Henry Woo Architects

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- Jubany Architecture
- Kasavan Architects
- LMA/Lentz Morrissey Architecture
- Martinez Architects
- Ordiz-Melby Architects, Inc.
- Quattrocchi and Kwok Architects
- RJM Design Group, Inc.
- SCArchitects, Inc.
- TDM Architects, Inc.
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- Kinsell, Newcomb and DeDios, Inc.

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- Buehler & Buehler Associates
- Capital Engineering Consultants
- DCGA Engineers
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- John P. Byerly, Inc.
- Kanda and Tso Associates
- Lawrence Nye Andersen Associates
- LP Consulting Engineering
- O-J-B Engineering
- RHA Engineering, Inc.
- Thornton Tomasetti, Inc.
- Warren Consulting Engineers

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- Mobile Modular
- Modular Technology

Other

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- Henrikson Owen & Associates
- Keenan & Associates
- Konsortum 1
- KPFF Consulting Engineers

Technology/Telecommunications Consultants

- Johnson Consulting Engineers
- Time and Alarm Systems

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- Lee George Structural Engineers
- MSL Engineering Inc.
- OMB Electrical Engineers, Inc.
- PBS Engineers, Inc.
- Smith Electric Service

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- Kathy Tanner
- Carl Thorsted
- Mike Vail
- David Walrath
- Nancy White
- Widom Wein Cohen O'Leary Terasawa
- Paul Woods
- Kenn Young
- ZFA Structural Engineers

Proposition 1D Resolutions

C.A.S.H. would like to thank the following school districts and county offices of education for passing resolutions in support of Proposition 1D:

- Alexander Valley Un. SD
- Alhambra USD
- Alvord USD
- Anaheim City SD
- Apple Valley USD
- Atwater Elem. SD
- Banning USD
- Banta Elem. SD
- Beaumont USD
- Bonita USD
- Cajon Valley Un. SD
- Calaveras COE
- Carlsbad USD
- Center USD
- Centinela Valley Un. HSD
- Central USD
- Chaffey Jt. Un. HSD
- Chino Valley USD
- Clovis USD
- Coast USD
- Colton USD
- Corona-Norco USD
- Del Mar Un. SD
- Elk Grove USD
- Fairfield-Suisun USD
- Feather River Jt. USD
- Fort Bragg USD
- Franklin McKinley SD
- Glendora USD
- Hanford Elem. SD
- Irvine USD
- Lake Elsinore USD
- Lakeside SD
- Lemon Grove SD
- Los Alamitos USD
- Los Angeles USD
- Merced City SD
- Merced Un. HSD
- Norwalk-La Mirada USD
- Ontario Montclair SD
- Orange COE
- Orange USD
- Orcutt Un. SD
- Oxnard SD
- Petaluma City Elem. and Jt. Un. HSD
- Placer Un. HSD
- Porterville USD
- Poway USD
- Ripon USD
- Riverside USD
- Rocklin USD
- Saddleback Valley USD
- San Jacinto USD
- San Luis Costal USD
- Santa Rita Un. SD
- Santa Rosa HSD and Santa Rosa City Elem. SD
- Tulare City SD
- Tulare COE
- Vacaville USD
- Visalia USD
- Waterford USD
- West Contra Costa USD
- Western Placer USD
- Yucaipa Calimesa Jt. USD

Proposition 90 Fails

Proposition 90 on eminent domain, which was opposed by C.A.S.H., failed by a comfortable margin. Only 47.5% of California voters supported Proposition 90. While 35 counties supported Proposition 90 the more populated 23 coastal counties opposed it.

Proposition 90: Eminent Domain

100.0% (25080 of 25090) precincts reporting as of Nov 8, 2006 at 7:45 am



Proposition 1D County by County Results

County	Yes Votes	% Yes	No Votes	% No	Y/N
Alameda	195,078	67.30%	94,859	32.70%	Y
Alpine	297	57.60%	219	42.40%	Y
Amador	5,564	42.20%	7,597	57.80%	N
Butte	24,350	46.80%	27,623	53.20%	N
Calaveras	6,408	43.10%	8,428	56.90%	N
Colusa	1,964	44.90%	2,402	55.10%	N
Contra Costa	152,975	62.10%	93,544	37.90%	Y
Del Norte	2,556	43.40%	3,330	56.60%	N
El Dorado	22,633	45.70%	26,870	54.30%	N
Fresno	68,158	54.90%	56,099	45.10%	Y
Glenn	2,741	37.80%	4,497	62.20%	N
Humboldt	20,962	53.30%	18,416	46.70%	Y
Imperial	9,995	59.50%	6,814	40.50%	Y
Inyo	2,244	43.10%	2,959	56.90%	N
Kern	63,474	49.80%	63,871	50.20%	N
Kings	10,028	49.20%	10,318	50.80%	N
Lake	6,837	44.80%	8,421	55.20%	N
Lassen	2,939	39.60%	4,474	60.40%	N
Los Angeles	986,775	60.40%	647,312	39.60%	Y
Madera	11,552	46.20%	13,411	53.80%	N
Marin	43,755	61.30%	27,649	38.70%	Y
Mariposa	3,048	43.70%	3,922	56.30%	N
Mendocino	7,329	50.70%	7,134	49.30%	Y
Merced	19,177	52.30%	17,536	47.70%	Y
Modoc	1,446	40.20%	2,151	59.80%	N
Mono	1,629	44.80%	2,006	55.20%	N
Monterey	37,511	62.10%	22,976	37.90%	Y
Napa	15,421	53.00%	13,726	47.00%	Y
Nevada	13,839	45.00%	16,914	55.00%	N
Orange	246,148	48.00%	266,519	52.00%	N
Placer	41,463	46.60%	47,487	53.40%	N
Plumas	3,399	41.80%	4,715	58.20%	N
Riverside	138,855	55.10%	113,157	44.90%	Y
Sacramento	138,114	56.80%	105,305	43.20%	Y
San Benito	5,334	56.00%	4,200	44.00%	Y
San Bernardino	140,852	52.80%	126,412	47.20%	Y
San Diego	297,852	52.20%	273,725	47.80%	Y
San Francisco	118,190	73.40%	42,937	26.60%	Y
San Joaquin	58,880	54.90%	48,459	45.10%	Y
San Luis Obispo	38,218	50.70%	37,217	49.30%	Y
San Mateo	95,711	62.70%	57,063	37.30%	Y
Santa Barbara	49,362	54.60%	41,168	45.40%	Y
Santa Clara	211,798	60.90%	136,056	39.10%	Y
Santa Cruz	42,388	62.50%	25,538	37.50%	Y
Shasta	18,272	40.20%	27,126	59.80%	N
Sierra	637	41.10%	910	58.90%	N
Siskiyou	4,936	38.20%	7,964	61.80%	N
Solano	36,253	57.30%	27,035	42.70%	Y
Sonoma	75,327	57.50%	55,742	42.50%	Y
Stanislaus	40,699	52.30%	37,267	47.70%	Y
Sutter	7,927	46.40%	9,145	53.60%	N
Tehama	5,583	38.80%	8,805	61.20%	N
Trinity	2,087	39.80%	3,156	60.20%	N
Tulare	24,739	49.10%	25,634	50.90%	N
Tuolumne	7,754	43.70%	9,960	56.30%	N
Ventura	74,156	54.00%	63,192	46.00%	Y
Yolo	27,994	61.90%	17,295	38.10%	Y
Yuba	4,537	43.10%	5,971	56.90%	N
Statewide	3,698,150	56.60%	2,844,638	43.40%	Y

As of November 8, 2006 • Subject to change because of absentee ballots dropped off at polling places and provisional ballots.

2006 Signed-Vetoed Legislation Report

Funding and Eligibility

AB 607 (Goldberg), Emergency Repair Program (ERP)

The primary intent of AB 607 is to authorize the conversion of the *Williams* Emergency Repair Program from a reimbursement-based to a grant-based program administered by the State Allocation Board and Office of Public School Construction. The concept of converting it to a grant-based program was born of discussions between the American Civil Liberties Union (ACLU), key staff to the Administration, and was ultimately proposed by the Legislative Analyst's Office. The bill includes a provision for a permanent evaluation instrument to replace the Interim Evaluation Instrument (IEI) and a schedule to update every three years the base API upon which eligible deciles 1-3 schools are identified. C.A.S.H. fully supported the effort and ultimately requested that Governor Schwarzenegger sign the bill. AB 607 was amended by Assembly Member Goldberg on the Senate Floor to include authorization for the State Allocation Board to develop a repayment plan with interest, not to exceed five years, when a district is found through an SFP audit not to have expended funds from any project apportionment by the SAB, including but not limited to funds from the Emergency Repair Program, New Construction, Modernization, and Joint-Use programs, pursuant to the program requirements and when the requirement to repay the funds within the current 60-day limit will cause severe financial hardship to the district. *Status: Chapter 704, Statutes of 2006*

AB 2148 (McCarthy), Supplemental Apportionment for Small School Districts, Project Management

AB 2148 would have authorized a school district with 2,500 ADA or less to request supplemental funding to pay for project management costs for New Construction or Modernization projects. The bill would have required the State Allocation Board to adopt regulations relative to the supplemental apportionment and restricted the apportionment to 5% of the total state grant and local contribution. Only projects approved by the Board after January 1, 2007 would have been eligible for such funding. *Status: Vetoed*

AB 2947 (Goldberg), Existing Building Capacity

AB 2947, sponsored by the County School Facilities Consortia (CSFC), requires a recalculation of the New Construction ongoing eligibility of school districts and county offices of education affected by a SELPA transfer where the title for facilities was relinquished. *Status: Chapter 585, Statutes of 2006*

SB 1677 (Torlakson), Joint-Use Program

SB 1677 would have expanded allowable types of projects that can be funded under the Joint-Use Program to include:

- Child Wellness Centers
- Career Technical Buildings or Shops
- Science and Technology Laboratories
- Science Centers with Exhibits
- Historical/Cultural Centers with Exhibits

- Performing Arts Centers
- Physical Education and Outdoor Recreational Spaces

SB 1677, perhaps more importantly than its provision on allowable facilities, would have made specific changes to the local contribution provisions required under the Joint-Use Program. Specifically, the bill would have allowed a school district or county office of education to count toward the required local contribution match the value of the land upon which the facility would be constructed *if the land was not acquired with School Facility Program funds*. Also of note is that the bill specifies that a joint-use partner's contribution, which under the bill can include equipment, consumable materials, and personnel, can be less than 25% if the contribution is specified in the joint-use agreement. C.A.S.H. supported this bill and requested a signature from Governor Schwarzenegger. *Status: Vetoed*

Contracting and Labor

AB 573 (Wolk), Design Professionals, Indemnity

AB 573 will protect architects, landscape architects, engineers, and land surveyors from indemnification claims by public agencies except for claims resulting from negligence, willful misconduct, or recklessness of the design professional. *Status: Chapter 455, Statutes of 2006*

AB 1967 (Committee on Education), Piggyback Contracts

AB 1967 is the perennial Education Omnibus bill for technical cleanup. Included in the provisions of AB 1967 is clarification that school districts and other public agencies may contract directly with a vendor for products acquired under Public Contract Code Section 20118 (piggyback contracts). C.A.S.H. supports AB 1967 and

requested that Governor Schwarzenegger sign the bill.

Status: Chapter 730, Statutes of 2006

**AB 2362 (Horton),
Job Order Contracting**

AB 2362 extends the sunset date of the provision authorizing the Los Angeles Unified School District to use and report on job order contracting as a delivery method to December 1, 2012. As introduced, the bill would have lifted the legislative moratorium on job order contracting by school districts; however, as expected it met resistance from labor groups and thus the bill was amended to its current form.

Status: Chapter 570, Statutes of 2006

**AB 2372 (Pavley),
Non-Compliance with the
Uniform Public Construction
Cost Accounting Act**

AB 2372 provides that a public agency, which has been found by the California Uniform Construction Cost Accounting Commission to have violated the bidding procedures allowable under the California Uniform Public Construction Cost Accounting Act on three occasions within a ten-year period, be prohibited from participating in the California Uniform Public Construction Cost Accounting Act for a period of five years.

Status: Chapter 192, Statutes of 2006

**SB 1605 (Margett),
Notification of Subsurface Conditions**

SB 1605 requires that contractors on a public works project that requires excavation and trench work deeper than four feet below the surface notify the public agency, before disturbing the conditions, of any "subsurface or latent physical conditions at the site differing from those indicated by information about the site made available to bidders prior to the deadline for submitting bids."

Status: Chapter 183, Statutes of 2006

Environmental

SB 1814 (Torlakson), CEQA

C.A.S.H. sought to streamline the CEQA process for school districts under certain conditions. Senator Torlakson agreed to author SB 1814 on behalf of C.A.S.H. to address issues relating to CEQA, including allowing an environmental master plan to be prepared for school projects. The bill also sought to authorize districts to use SFP funds for environmental mitigation banking; however, it was necessary to amend out of the bill the provision to allay opposition based on the bill's potential pressure on existing and future bond funds. The enactment of SB 1814 is a forward looking approach that C.A.S.H. initiated to assist districts in managing the business of schools.

Status: Chapter 882, Statutes of 2006

**AB 2825 (Ruskin),
Hazardous Air Emissions,
School Siting**

C.A.S.H. worked closely with Assembly Member Ruskin to amend AB 2825 significantly and to rescind our initial opposition to the bill, which would have imposed new requirements on school districts before they could acquire school sites. The bill would have required cities or counties with jurisdiction over a proposed school site to provide school districts with their findings within 30 days after a school district notifies them that it intends to purchase a school site and before the governing board can approve an EIR or negative declaration. As a result of the significant amendments proposed by C.A.S.H. and others, which were adopted by Assembly Member Ruskin, C.A.S.H. removed its opposition on the bill and remained neutral.

Status: Vetoed

**SB 1395 (Ducheny),
Native American Sites**

SB 1395 would have required school districts as lead agencies to notify tribes

identified by the California Native American Heritage Commission as having interest in sites deemed by the district to be exempt from CEQA. The notification must be given in writing within 10 days of the exemption determination and must include the location of the site, the project description, an explanation of the exemption determination, and a single contact person in the district whom the tribe may contact.

Status: Vetoed

AB 2865 (Torrico), Pesticide Use

AB 2865 expands the definition of "schoolsites" relative to the notification and use of pesticides under the Healthy Schools Act of 2000 to include child day care facilities, which include day care centers, employer-sponsored child care centers, and family day care homes.

Status: Chapter 865, Statutes of 2006

Surplus Property

**AB 1895 (Coto),
Oak Grove Elementary School
District Exemption**

AB 1895 will allow the Oak Grove Elementary School District until January 1, 2010 to use the proceeds from the sale of surplus real or personal property for any one-time general fund purpose. This bill is the second iteration of this issue after the Assembly Member's first attempt to pass a similar measure in 2005 failed.

Status: Chapter 269, Statutes of 2006

**SB 1415 (Scott),
Requirements for Use of
Surplus Property Proceeds
for Non-Capital Needs**

SB 1415 was authored by Senate Education Chair Jack Scott in an effort to address the trend of district-specific exemptions allowing for the use of proceeds from capital outlay sales for general fund purposes. Senator Scott expressed last year that the issue needed to be addressed comprehensively rather

Continued on page 10

2006 Signed-Vetoed Legislation Report

Continued from page 9

than on a district-by-district basis. SB 1415 tightens the conditions under which a district can use such proceeds for general fund purposes by requiring both the district and the State Allocation Board (SAB) to certify that the district has no facilities needs for 10 rather than five years. The bill, however, authorizes the Board to reconsider state funding applications for such districts after an initial five-year lock-out period if the district is experiencing enrollment growth, has a need for additional sites, or building construction needs that the district could not have anticipated at the time of the sale of the surplus property. Additionally, the bill requires the SAB to adopt regulations to define *ongoing expenditures* for which the use of such funds is strictly prohibited; Senator Scott expressed particular concern that capital funds not be used for teachers' salaries. C.A.S.H. supports SB 1415 and requested that Governor Schwarzenegger sign the bill.
Status: Chapter 810, Statutes of 2006

SB 1488 (Hollingsworth), Capistrano USD/Santee USD Exemption Extension

Existing law authorizes the Capistrano Unified School District and the Santee Unified School District to use the proceeds from the sale of surplus property for any one-time general fund purpose until January 1, 2007. SB 1488 extends the sunset date to January 1, 2010.
Status: Chapter 661, Statutes of 2006

Career and Technical Education

AB 2419 (Wyland), Modernization Funding Certification

AB 2419 would require, that as a condition of a school district receiving

State New Construction or Modernization funds, the district's career technical advisory commission submit, along with a funding application, written confirmation that the career technical facilities needs of the district are being met.

Status: Chapter 778, Statutes of 2006

SB 560 (Migden), Modernization Funding

SB 560 would have required school districts offering grades 9-12 to report to the State Department of Education the discontinuation or closure of career-technical programs or facilities during the period of 2002-2006 before it can receive State assistance for career-technical modernization funding from any bond passed by the voters after January 10, 2007.

Status: Vetoed

Charter Schools

AB 2717 (Walters), School Finance Authority Act

AB 2717 would make charter schools eligible to receive assistance under the California School Finance Authority Act, which provides financing to school districts and community college districts for working capital and capital improvements.

Status: Chapter 325, Statutes of 2006

Developer Fees

AB 2751 (Wyland), Developer Fees

AB 2751 codifies case law regarding the use of developer fees. Specifically, the bill codifies the *Bixel Associates v. City of Los Angeles*, *Rohn v. City of Visalia*, and *Shapell Industries, Inc. v. Governing Board* cases relating to and reiterating the requirement to substantiate the reasonable relationship between the amount of a fee and its use and the development project for which the fee was imposed.

Status: Chapter 194, Statutes of 2006

Miscellaneous

AB 162 (Leslie), Collaborative Process for Plan Design, Review and Approval

This bill authorizes DSA to develop a collaborative process between the agency, school districts, and design professionals to help expedite school project designs, review and approval. C.A.S.H. supports AB 162 and requested that Governor Schwarzenegger sign the bill.

Status: Chapter 407, Statutes of 2006

AB 1144 (Harman), Playground Safety Standards

AB 1144, which was amended on the Senate Floor in the final days of the legislative session, supplants current statutory requirements for playground safety standards with a statute that requires all new or modified playgrounds to meet, at the time of construction or modification, current industry safety standards. C.A.S.H. saw this as potentially problematic particularly with modification or playground modernization projects, and as a result requested that Governor Schwarzenegger veto the bill.

Status: Chapter 470, Statutes of 2006

AB 1482 (Canciamilla), Local Bonds

AB 1482 (Canciamilla) was signed by the Governor on September 7 and requires school districts, before selling local bonds, to adopt a board resolution at a public meeting that expresses approval of the method of sale, along with reasons stating its support for the method, and disclose the identities of the bond counsel, the bond underwriter and financial adviser if available at the time of the meeting. The resolution shall also contain cost estimates for the bond issuance. After the bond is sold, the board shall provide the California Debt and Investment Advisory Commission with an itemized summary of cost information.

Status: Chapter 213, Statutes of 2006

**AB 2160 (Lieu),
Life Cycle**

AB 2160 requires the Department of General Services to develop a life cycle cost analysis model from which to evaluate the cost-effectiveness of the design and construction of state buildings. Additionally, the bill requires the State Energy Resources Conservation and Development Commission, the Department of General Services, and the Treasurer's office to develop financing and project delivery methods for energy-efficient state projects, as well as identify obstacles for employing energy-efficient design and construction in the private sector and provide a written report to the Green Action Team by January 1, 2008.

Status: Chapter 742, Statutes of 2006

**AB 2740 (La Malfa),
Use of Facilities**

AB 2740 authorizes a school district to allow its facilities or grounds to be used on Veterans' Day, including use by veterans' organizations.

Status: Chapter 205, Statutes of 2006

**AB 2872 (Huff),
County Committees**

AB 2872 revises the number of qualified registered voters whose signatures are required for purposes of submitting the petition to the county committee on school district organization as follows and in all cases which-ever is less:

Number of Qualified Voters	Required Signatures
2,500 or fewer	5 percent or 50
2,501 to 10,000	3 percent or 100
10,001 to 50,000	1 percent or 250
50,001 to 100,000	500 or more
100,001 to 250,000	750 or more
250,001 or more	1,000 or more

Status: Chapter 126, Statutes of 2006

**AB 2951 (Goldberg),
Capital Facilities Fees**

AB 2951 would allow public utility

service agencies to unilaterally deter-mine, impose, and increase service rates or charges for school districts, thus diminishing the funds from which a school district can build and maintain educational facilities. Assembly Mem-ber Goldberg introduced a nearly identical bill in 2003 that essentially redefined "capital facilities fees" so that capital costs related to modernizing existing utility infrastructure and building new infrastructure will not be subject to the well-established rule under the California Constitution that publicly owned property should not be subject to property taxes or other charges resembling taxes. The issue of fiscal protection for school districts regarding unilaterally determined and potential undue fees from a public utility service agency was addressed in the Fifth District Appellate Court where it was decided that "[p]ublic entities...should be able to make fiscal decisions confident in the knowledge that the limits set forth in section 54999.3 will be complied with..." C.A.S.H. has consistently opposed legislative efforts to erode this fiscal protection for school districts and requested that Governor Schwarzenegger veto the bill.

Status: Chapter 866, Statutes of 2006

**SB 1133 (Torlakson),
Quality Education Investment Act**

SB 1133 is the *CTA v. Schwarzenegger Settlement bill* authoriz-ing nearly \$3 billion to fund the Quality Education Investment Act, which includes provisions that have potential school facilities implications, particularly relating to the expansion of class size reduction (CSR) into the upper grades.

Status: Chapter 751, Statutes of 2006

**SB 1324 (Lowenthal),
DOH Portables**

SB 1324 extends the authority of school districts to use non-Field Act approved portable classrooms from September 30, 2007 to September 30,

2015 if the buildings meet specified criterion and are anchored to the ground to resist seismic and wind forces. Moreover, the bill requires districts using such facilities to certify to the Department of General Services that they meet the specified criterion and to certify to the State Allocation Board by October 30, 2015 that it has removed the classrooms from service. C.A.S.H. believes that all school facilities should be held to the same health and safety standards, including the Field Act, and therefore requested that Governor Schwarzenegger veto the bill.

Status: Chapter 308, Statutes of 2006



Message From The Chair


Continued from page 2

There are many people to thank for the success of Proposition 1D, includ-ing the YesOn1D campaign, financial contributors to the campaign, and C.A.S.H. members who worked hard for its passage. In particular, I would like to thank the following members of the C.A.S.H. Issues Committee whose efforts and dedication ensured that C.A.S.H. was able to meet its financial commitment to the Proposition 1D campaign:

Co-Chairs:

Constantine Baranoff, Elk Grove USD
Terry Bradley, Clovis USD
Ted Rozzi, Corona-Norco USD

Finance Committee Members:

Jeff Baratta, UBS Securities LLC
Jim Bush, School Site Solutions
Dennis Dunston, HMC Architects
Lynn Halfhide, Capital Program Management
Jim Kisel, LPA, Inc.
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<u>C.A.S.H. PROPOSED</u>	<u>BOND INCLUDES</u>	<u>SCORE!</u>
<u>Increase Base Grants</u>	New Construction Base Grant Increases: <ul style="list-style-type: none"> • 7% - Elementary/Middle • 4% - High Provision authorizing SAB to study actual costs and increase the grants by up to 6% beginning Jan. 1, 2006.	☑
<u>Funding for Access Compliance</u>	No funding in Bond for ADA, but intervention by C.A.S.H. led SAB to adopt regulations to increase Excessive Cost Hardship Grant for ADA compliance.	☑
<u>Funding for Minimum Essential Facilities</u>	No provisions for Minimum Essential Facilities – although both Senate and Assembly policy committees included such in their recommendations to the Joint Conference Committee.	x
<u>Seismic Retrofit and Replacement Program</u>	Provides nearly \$200 million for Seismic Retrofit and Replacement.	☑
<u>Repeal MTYRE and 6% "Hits"</u>	No repeal of "hits." AB 1451 (Montanez), SB 813 (Denham) and SB 86 (Romero) sought to address the "hits" but met strong opposition and failed passage due to projected costs.	x
<u>Portable Classroom Exclusions</u>	Provides New Construction eligibility for portable classrooms removed from overcrowded school sites.	☑
<u>Neighborhood Schools</u>	Provides additional funding for the continuation of Small High Schools Program, which meets some needs for neighborhood schools.	☑
<u>Green Schools</u>	Provides incentive grants for High Performance Schools.	☑
<u>DTSC Review and Administrative Costs</u>	No provision to address DTSC review nor funding DTSC Administrative Costs. AB 2834 (Runner) sought to address these issues but failed passage.	x
<u>Career-Technical Facilities</u>	Provides \$500 million for Career-Technical Facilities.	☑
<u>Charter Schools</u>	Provides \$500 million for Charter Schools.	☑
<u>\$7 Billion for K-12</u>	Provides \$7.329 Billion for K-12 Facilities <ul style="list-style-type: none"> • New Construction: \$1.9 billion • Modernization: \$3.3 billion 	☑

State Allocation Board Meeting Notes

There were very few items on the October 25, 2006 SAB Agenda. The meeting would have ended at 2:15 except for the Charter School item discussed below that took about 30 minutes. The meeting ended at 2:45.

Executive Officer Statement

1. Ms. Park stated that the November/December SAB meeting would be at 2:00 on December 6.
2. She also stated that there were several items that the OPSC and SAB Implementation Committee needed to work on and she hoped they would bring several of those issues to the January or February SAB meeting.

Status of Funds

After the actions taken at today's SAB meeting there will be:

1. \$2.3 billion left in new construction funding, with a workload list of \$344 million
2. \$300 million in unfunded modernization projects

Regulations/Policy

There were two regulation/policy items on the agenda:

1. The first agenda item was listed as technical, non-substantive amendments to previously approved SFP regulations pertaining to the additional grant for general site development, the Small High School Program, and the Charter School Facilities Program. One of the amendments to the proposed regulation language stated that the general site grant would not be provided to a project that leased land for an addition to an existing site. This issue has potentially significant implications for COE's and C.A.S.H. will continue working on it with OPSC.
2. The second regulation/policy issue pertained to language in AB 607, which goes into effect January 1, 2007, giving the SAB authority to establish a repayment schedule if the

Major Development for School Districts in Piggyback Contracts

Public Contract Code Section 20118

As school practitioners will recall, when Attorney General Bill Lockyer issued his opinion in January, 2006 relating to the use of piggyback contracts for the acquisition of permanent modular construction, one of the issues raised in a footnote included in the opinion was the prohibition of public agencies seeking a piggyback purchase to contract directly with vendors. Reference to the matter sparked an effort of those in the school industry, including C.A.S.H., to amend the Public Contract Code allowing school districts and other public agencies to contract directly with vendors when acquiring personal

property by way of piggyback contracts.

Stakeholders received assurances from labor groups, the Department of Finance, and the Governor's office that, if consensus could be reached on the matter, they would stay neutral on the issue. As a result, the Assembly Education Committee's omnibus bill, AB 1967 (Chapter 730, Statutes of 2006), which is reserved for non-controversial, technical clean-up matters contained the sought-after amendment to Public Contract Code Section 20118 that allows public agencies using piggyback contracts to contract directly with vendors. Below is the amended statute that will become effective on January 1, 2007.


Upon receipt of the personal property, if the property complies with the specifications set forth in the contract, lease, requisition, or purchase order, the school district may draw a warrant in favor of the public corporation or agency for the amount of the approved invoice, including the reasonable costs to the public corporation or agency for furnishing the services incidental to the lease or purchase of the personal property, or the school district may make payment directly to the vendor. Alternatively, if there is an existing contract between a public corporation or agency and a vendor for the lease or purchase of the personal property, a school district may authorize the lease or purchase of personal property directly from the vendor by contract, lease, requisition, or purchase order and make payment to the vendor under the same terms that are available to the public corporation or agency under the contract.

~ Thomas G. Duffy, Ed.D., C.A.S.H. Legislative Director 

board determines that repayment of the full liability within sixty days would cause the district to "fall into fiscal distress". The regulations that the SAB adopted tie fiscal distress to being listed on the CDE list of Negative and Qualified Certifications of School Districts and County Offices of Education. The district may request a repayment schedule of up to five years.

Reports

OPSC presented a report on the Charter School Agreements adopted by

the California School Finance Authority in June 2006 regarding the SFP Charter School Facilities Program funded from the State Bonds. Some school districts expressed concern that the provisions in the agreement place fiscal obligations on school districts for charter school projects. The SAB chair stated that this item was just a report on the status of the agreements and they would work with those concerned to resolve their issues. The SAB will attempt to bring the item back to the December or January SAB meeting. 

~C.A.S.H. Staff

C.A.S.H. Fall Conference Focuses on Key Issues

The pre-conference workshop and Fall Conference brought together over 500 school facility professionals to the Hilton Orange County.

The pre-conference workshop focused on plan review, project close-out and audits. Staff from OPSC did an excellent job presenting issues to attendees.


The Fall Conference focused on school facility-related issues such as: managing growth, asset management and maintaining current facilities and operations. Once again, conference attendees were highly complimentary of the breakout session on these subjects.

Attendees also heard updates from OPSC/SAB, CDE, DSA and DTSC. Other presentations were given by the Proposition 1D campaign and C.A.S.H. staff on legislation and regulatory issues.

Paul Navarro, Governor Schwarzenegger's Deputy Legislative Secretary of Education, addressed C.A.S.H. members at the luncheon on Wednesday, October 18th. After sharing some interesting and insightful comments concerning Governor

Schwarzenegger's leadership style, Mr. Navarro discussed the Governor's support for the infrastructure bonds that will be on the November 7th ballot. Specifically, Mr. Navarro stated that the Governor was particularly supportive of the components of Proposition 1D relating to charter schools, career technical facilities, "green" schools and replacing portable classrooms with

permanent ones. In addition, Mr. Navarro outlined Governor Schwarzenegger's leadership role in settling the *Williams* lawsuit, and his approval of AB 607 (Goldberg), which among other things improves the Emergency Repair Program. C.A.S.H. would like to thank the Governor and Mr. Navarro for agreeing to speak at our conference.

Senator Tom Torlakson addressed C.A.S.H. members at the breakfast on Thursday October 19th. Senator Torlakson discussed the vital role that education plays in ensuring that California children are prepared to compete in the global economy. Senator Torlakson agreed to author SB 1814 on behalf of C.A.S.H. to address issues relating to CEQA, including allowing an environmental master plan to be prepared for school projects. The Governor signed SB 1814 into law, which is a big victory for C.A.S.H. and school districts statewide. C.A.S.H. wishes to thank Senator Torlakson for sponsoring this legislation, and his hard work to ensure that it reached the Governor's desk. 



(l to r) C.A.S.H. Past Chair Mamie Starr, San Joaquin COE and C.A.S.H. Past Chair Kathleen Moore, Director, CDE/School Facilities Planning Division



Ernest Silva, Murdoch Walrath & Holmes, Senator Tom Torlakson, C.A.S.H. Board Member Nina Boyd, Orange COE



Paul Navarro, Deputy Legislative Secretary of Education, Office of the Governor; C.A.S.H. Chair, Pamela T. Johnson, Montebello USD; Tom Duffy, Murdoch Walrath & Holmes



Jim Simone, Saddleback Valley USD; Alex Malfavon, Capistrano USD; Joe Dixon, Capistrano USD



John Dacey, Bergman & Dacey, Inc.; Janet Dixon, Riverside USD; Wendel Tucker, Alvord USD; Gregory Bergman, Bergman & Dacey, Inc.

The Fall Conference and evening reception were sponsored by the following associate members:

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- William Davis, DSA Class 1 Project Inspector
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Vern Weber, Total School Solutions; Henry Petrino, Total School Solutions; Ty Williams, San Jose USD; Bill Savidge, West Contra Costa USD



(l to r) Luisa Park, Executive Officer, State Allocation Board/Office of Public School Construction; Lori Morgan, Deputy Executive Officer, State Allocation Board/Office of Public School Construction; Mavonne Garrity, Assistant Executive Officer, State Allocation Board

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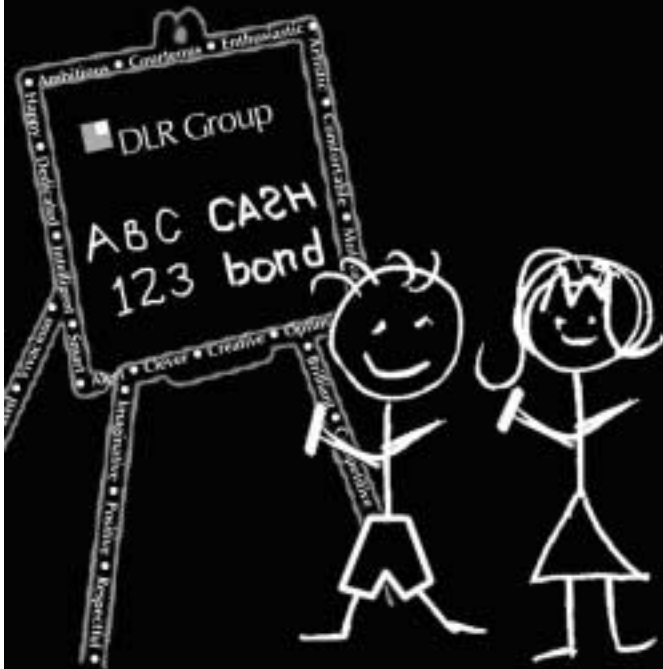
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C.A.S.H. Meetings, Conferences & Workshops

December 5, 2006 Tuesday	New Year, New Laws: What's the Impact on You? Workshop Doubletree Hotel, 2001 Point West Way, Sacramento
December 6, 2006 Wednesday 11:00 a.m. – 12:15 p.m.	General Membership Meeting 1215 K Street, 14 th Floor, Sacramento, CA
December 8, 2006 Friday	New Year, New Laws: What's the Impact on You? Workshop Ontario Airport Marriott, 2200 E. Holt Blvd., Ontario
January 23, 2007 Tuesday	TBD Workshop Doubletree Hotel, 2001 Point West Way, Sacramento
January 24, 2007 Wednesday 11:00 a.m. – 12:15 p.m.	General Membership Meeting 1215 K Street, 14 th Floor, Sacramento, CA
January, 2007 Friday	TBD Workshop Ontario Airport Marriott, 2200 E. Holt Blvd., Ontario
February 26, 2007 Monday	C.A.S.H. Annual Conference Golf Tournament Woodcreek Golf Course, Roseville, CA
February 27 – March 1, 2007 Tues. – Thurs.	C.A.S.H. 28th Annual Conference Sacramento Convention Center & Hyatt Regency Hotel, 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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