



CALIFORNIA'S  
COALITION  
*for* ADEQUATE  
SCHOOL HOUSING<sup>SM</sup>



[www.cashnet.org](http://www.cashnet.org) \* [www.cashfacilitiesnews.org](http://www.cashfacilitiesnews.org)

FACILITY PLANNERS MEETING UPDATE  
AUGUST 2016

UPCOMING EVENTS

**CASH MONTHLY  
WORKSHOPS**

The Evolution of DSA and  
Its Role in Providing Safe  
Public K-12 Schools  
8/16/16, Sacramento  
8/18/16, Ontario

**CASH NETWORKING  
MIXER**

8/25/16, Sacramento

**CASH FALL  
CONFERENCE**

October 17-19, 2016  
Fairmont Newport Beach

*Save the Date!*

**CASH ANNUAL  
CONFERENCE**

February 20-22, 2017  
Sacramento Convention  
Center and Hyatt Regency

Visit the CASH website to  
register for these events.

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UPDATE

**Proposition 51 – State School Bond**

The Secretary of State has designated the Kindergarten through Community College Public Education Facilities Bond Act measure as Proposition 51. Moving forward we will be known as the "Yes on Proposition 51" Campaign.

It will be a crowded ballot in November, and we need your help to educate voters that Proposition 51 will:

- Fund all projects on the true unfunded list.
- Fund all eligible modernization projects on the acknowledged list.
- Fund all eligible new construction projects on the acknowledged list.
- Fund approved Community College projects.
- Provide state matching funds for eligible local school bond funded projects.
- Fund eligible career technical education facilities.
- Fund eligible charter school facilities.

Our coalition continues to grow! Proposition 51 endorsements include:

- California Democratic and Republican Parties
- Local Chapters of the State Building and Construction Trades Council
- California Chamber of Commerce
- CalTax
- League of Women Voters
- California State PTA
- California Association of School Business Officials (CASBO)
- California County Superintendents Educational Services Association (CCSESA)
- California School Boards Association (CSBA)
- Association of California School Administrators (ACSA)

There are currently 17 ballot measures on the November General Election ballot, with the Legislature potentially adding more later this summer. *We will need to rise above the fray!* We have received 130 school board resolutions to date, identifying over \$24 billion in need. Please see the attachment for full list of the resolutions we have received. We need every school district and county office of education to pass resolutions in support of Proposition 51. Please share this information with your districts; resolution templates are available at [www.cashissuesstateschoolbond.com](http://www.cashissuesstateschoolbond.com).

If you have any questions, please contact the CASH office at (916) 448-8577. We look forward to your continuing support to pass the Proposition 51 on November 8, 2016!



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## UPDATE

### Office of Public School Construction Holds Stakeholder Meeting on Definition of Historical Building

On July 14, 2016, the Office of Public School Construction (OPSC) staff convened a stakeholder meeting to discuss potential criteria for a definition of historical building to be included in future amendments to the School Facility Program (SFP) regulations for the Facility Hardship and Seismic Mitigation programs. At the January 2016 meeting, the State Allocation Board (SAB) directed OPSC staff to explore regulatory amendments for replacement funding requests for the rehabilitation of historical buildings when the cost to rehabilitate the facility exceeds 50% of the replacement costs. Attendees included school districts and school facility consultants.

The discussion centered on balancing *Rigor and Flexibility*, to ensure the definition is both “reasonable and adequate”, while also recognizing the unique circumstances associated with historical buildings. It was agreed that buildings on national and local registers clearly meet the definition, but questions remain for instances where the building is not on an official register and the school district asserts historic significance in the community. Ideas included the required CEQA review, school board resolution, a Historical Preservation Consultant, other third-party reviews, and how these factors should be prioritized.

OPSC staff will review the stakeholder input and draft amendments to capture the discussion. Stakeholders will have an opportunity to review the amendments before they are presented to the Board.

### California Energy Commission Approved New Proposition 39 Guidelines

On July 13, 2016, the California Energy Commission (CEC) approved changes to the Proposition 39 Guidelines. *The most significant of these changes is a new Savings-to-Investment Ratio (SIR) target of 1.01.* The revised Guidelines also include an allowance for Zero Net Energy achievement on a per-site basis, changes to the maintenance savings assumption for energy efficiency measures, and would increase the annual maintenance cost savings from 2% to 3% of project cost.

### Legislative Update

The Legislature returns from summer recess on August 1. At that time, they will have one month to complete their work in the second year of the 2015-16 legislative session. They will focus on Appropriations Committee and floor votes over this next month. The Legislature will adjourn for final recess on August 31, and the Governor will then have thirty days to sign or veto bills. Below is an update on a selection of priority bills.

### AB 2316 (O'Donnell) – Lease-Leaseback

The bill creates a competitive selection process for Lease-Leaseback based on the best value methodology. CASH has continued to work with the author and other stakeholders to provide feedback on the language of this bill. The bill also protects contracts signed prior to July 1, 2015 from disgorgement; contractors may keep costs of labor, equipment, materials, and services but return profit for contracts that are deemed invalid and if certain parameters



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are met, as determined by a court. The bill recently passed out of Senate Education Committee with amendments to narrow the disgorgement provision. CASH adopted a support position on the competitive selection provisions.

### SB 313 (Monning) – School Siting

This bill would create new requirements for siting schools. It was introduced in 2015 but failed to meet deadlines last year, eventually re-emerging as a two-year bill in early 2016. The bill is sponsored by the California Farm Bureau Federation, which is concerned that school districts are purchasing agricultural land away from urban centers. CASH opposed the bill and worked closely with policy makers and the author to express our concerns. In response to amendments proposed by the Assembly Education Committee, which were supported by CASH, the author decided to pull the bill from the committee's calendar. It did not meet deadlines to continue moving through the legislative process and is therefore likely dead.

Specifically, SB 313 would add the county agricultural commissioner to the list of local entities which must be notified and consulted prior to acquiring a new school site. The bill would require the school district to attempt to minimize land use incompatibilities that may arise when using land in an area zoned for agricultural production. Additionally, the school district would be required to notify the city or county at least 30 days before a vote to deem a zoning ordinance inapplicable. The notification would include the reason that the board intends to take that action and be based on written findings that the ordinance fails to meet the school district's facilities needs.

### SB 885 (Wolk) – Indemnity

CASH continues to oppose SB 885 (Wolk), which proposes changes to the options for contractual arrangements between schools and design professionals related to indemnity and the duty to defend. CASH worked with a broad coalition of public agencies, contractor and subcontractor groups, labor, and others to oppose the bill. The Assembly Judiciary Committee chair and consultant developed an alternative proposal that would require design professional errors and omissions insurance to cover an additional insured for public works projects. This alternative was not friendly to Senator Wolk and the sponsors, and she pulled the bill from its scheduled hearing in that committee. Therefore, SB 885 did not meet deadlines to continue moving through the legislative process and is likely dead.

This bill reverses the negotiated agreement established by SB 972 (Wolk) in 2010. It is sponsored by the American Council of Engineering Companies, California, and at issue is who pays the first dollar of defense. The bill would create a reimbursement-only system for design professional defense obligations, shifting risk to school districts and other partners on their construction projects. CASH urged preservation of the deal established by SB 972.



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### SB 1783 (Dodd) – Seismic Safety/Classroom Contents

As introduced, AB 1783 created a mandatory process to create, implement and take corrective actions to ensure that the contents of classrooms are secured in the event of an earthquake. CASH worked with the author to ensure the bill did not create additional costs and complications for school districts. The bill will be amended to eliminate the requirement for schools to develop a plan for the inspection of classrooms and other areas, and to remove the requirement that schools consult with specified entities for the preparation of the plan. The bill now requires that schools inspect and identify any imminent safety risks as guided by the state DSA guidelines, and report on the corrective actions to resolve the identified risks.

### CASH Welcomes New Members

CASH would like to welcome the following new members:

#### School Districts

Mariposa County USD

Soledad USD

Sweetwater Un. HSD

#### Associates

Astroturf

DCG Real Estate

Holdrege & Kull

Paragon Furniture

Psomas

#### Maintenance Network

AFE Sports

Calichi Design Group

Sacramento City USD

### Save the Date! CASH Networking Mixer

Join your fellow school facility professionals for a networking mixer! First round of drinks and appetizers hosted by DLR Group!

August 25, 2016 | 5:00 p.m. – 7:00 p.m.

Hook and Ladder

1630 S Street

Sacramento, CA

Questions? Please contact Myra Lopez at (562) 868 0431 ext. 2030 or Mike Vail at (949) 498-8993.

For the latest updates on important matters affecting school facilities, be sure to check the  
*CASH Register* news website, [www.cashfacilitiesnews.org](http://www.cashfacilitiesnews.org).

CASH is on Facebook! Click the Facebook link on the CASH homepage to connect with us.  
You can also follow us on Twitter at @CASHFacilities.