



**FACILITY PLANNERS MEETING UPDATE  
SEPTEMBER 2016**

**UPCOMING EVENTS**

**CASH MONTHLY  
WORKSHOPS**

Fundamental Shift in  
Developer Fees  
9/27/16, Sacramento  
9/30/16, Ontario

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

**UPDATE**

**Proposition 51 – State School Bond**

The campaign season has started for state ballot propositions. Already a number of propositions are on television with support and opposition advertising. November election voting will start on October 12<sup>th</sup> after absentee ballots are mailed. The *Yes on Proposition 51* campaign is starting to have digital advertisements and will be expanding social media through September and continuing into October.

*Local School Bonds*

CASH is asking all school districts with local school bonds on the ballot to ask their local school bond campaign team to work with and coordinate with the Proposition 51 campaign. For more information on this please contact Dave Walrath or Aileen Dalen ([dwalrath@m-w-h.com](mailto:dwalrath@m-w-h.com) / [adalen@m-w-h.com](mailto:adalen@m-w-h.com) or (916) 448-8577).

*Social Media*

Please join in the Proposition 51 social media campaign! Follow along on Facebook and Twitter: [www.facebook.com/YesOn51](https://www.facebook.com/YesOn51) or @VoteforProp51 ([www.twitter.com/VoteforProp51](https://www.twitter.com/VoteforProp51)).

*Letters to the Editor*

Submitting letters to the editors of your local newspaper is extremely helpful in combating false narratives. If you would like to submit a letter to the editor, please contact us at (916) 448-8577 or [dwalrath@m-w-h.com](mailto:dwalrath@m-w-h.com) / [adalen@m-w-h.com](mailto:adalen@m-w-h.com).

*School Board Resolutions*

We need every school district and county office of education to pass resolutions in support of Proposition 51. If you haven't already, please share this information with your districts. A resolution template is attached. For a list of resolutions received to date, please visit [www.cashissuesstateschoolbond.com/Resolutions.htm](http://www.cashissuesstateschoolbond.com/Resolutions.htm).

It will be a crowded ballot; we need your help educating 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.

There will be 184 local school bond measures on the November ballot. These measures depend on the passage of Proposition 51! If you have any questions, please contact the CASH office at (916) 448-8577. We look forward to your continuing support to pass Proposition 51 on November 8, 2016!



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



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

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## UPDATE

### Legislative Update

The Legislature just met their final deadline for the 2015-16 legislative session, completing their work on August 31 and adjourning for final recess at that time. The Governor has until September 30 to sign or veto bills passed in the last weeks of the session. The legislature returns briefly on December 5 to convene the new 2017-18 legislative session, then will immediately adjourn for recess until January, at which time they will begin to introduce new bill proposals for consideration. Below is an update on a selection of bills of interest to CASH.

#### AB 626 (Chiu) – Claims Process

This bill was a gut and amend mid-way through the legislative session. It is a reintroduction of a bill from last year, AB 1347 (Chiu), which established a new claims and dispute resolution process aimed at achieving timely payment for undisputed claims amounts. Last year, CASH initially had an oppose position, but we removed our opposition after working closely with a coalition of public works entities to negotiate a reasonable compromise with the proponents, the United Contractors and a number of other labor groups. The Governor vetoed the bill, questioning whether the new procedures were an improvement over current law. However, the real issue was likely the potential impacts on the state, as the Department of Transportation (CalTrans) was included in the bill. AB 626 now has the exact same language as the bill that was vetoed by the Governor, except that CalTrans has been exempted.

Specifically, the bill requires a public owner to respond to a claim within 45 days to identify disputed and undisputed amounts; non-response means that the claim is rejected in its entirety. The owner would then have 60 days to pay undisputed amounts, and contractors could request a meet and confer process for disputed amounts. The bill allows a contractor to submit a claim on behalf of a subcontractor without standing.

Because AB 626 contains the same language as AB 1347 when CASH removed opposition, we are neutral on this bill. It was passed by the legislature and is awaiting the Governor's action.

#### AB 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 has been 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. This bill was approved by the Senate and the Assembly, and is currently on the Governor's desk awaiting his action.



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

The bill creates a competitive selection process for Lease-Leaseback based on the best value methodology. 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 are met, as determined by a court. CASH adopted a support position on the competitive selection provisions. The bill was passed by the Legislature and is awaiting the Governor's action.

### SB 693 (Hueso) – Skilled Workforce

This bill amends recent skilled workforce legislation enacted by AB 566 and other bills, bringing consistency to the requirements for Lease-Leaseback, Design-Build, and Best Value projects by consolidating the statutes. It is sponsored by the State Building and Construction Trades Council. It effectively pushes out the implementation date for Lease-Leaseback by one full year, requiring 60% of skilled journeypersons to be graduates of an approved apprenticeship program by January 1, 2020, rather than 2019. The bill also clarifies what to do if a contractor or bidder fails to provide the required monthly report or demonstrate compliance with the skilled workforce requirements. It provides additional guidance on how to calculate the apprenticeship graduation percentage requirements, and specifies that the requirements do not apply if a journeyperson works less than ten hours per month on a contract or project. CASH has adopted a support position. The bill was passed by the Legislature and is awaiting the Governor's action.

### SB 1170 (Wieckowski) – Stormwater

This bill would have prohibited public agencies from contracting with a general contractor to develop a Storm Water Pollution Prevention Plan (SWPPP), effectively turning existing practice on its head. Public agencies believe that the general contractor is in the best position to create the construction plan and contract for the corresponding SWPPP, thereby maximizing efficiency and reducing costs. CASH had joined a coalition of public agencies and school organizations who opposed the bill. This bill died in the Assembly Appropriations Committee.

### Integrated Pest Management (IPM): Pesticide or Cleaner?

Under SB 1405 (2014), which amends the Healthy Schools Act, anyone who applies pesticides on a school campus must receive Department of Pesticide Regulation (DPR) training (available for online for free on DPR's website). In the process of complying with these new requirements, DPR is still receiving many inquiries about the differences between antimicrobial pesticides and general cleaning products, and why the former requires training to use on school grounds. To help clarify, DPR has released a flowchart to serve as a reference to explain what the differences are.

The following is from DPR:

*They make a "pesticide claim."*

In short, a pesticidal claim means that the label says it manages pests or changes the conditions in which specific pests could live. Disinfectants, sanitizers, and sterilants



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are antimicrobial pesticides because they are used to manage germs. Hand sanitizers are not pesticides.

*They have an EPA registration number.*

The registration process examines potential impacts to human health and the environment and ensures directions are provided on the label to deliver the expected result safely.

Even if an antimicrobial pesticide contains minimum-risk ingredients (FIFRA 25B/4A ingredients), it is still a pesticide that requires training. These products make pesticidal claims and must also be reviewed and issued a registration number by the EPA, making them registered pesticides.

If a cleaning produce does not make a pesticidal claim, but rather says it “cleans or removes” stains or other non-living matter, it is a general cleaning product. Cleaning products do not required training.

You can learn in detail about pesticidal claims and differentiating between cleaning products and antimicrobial pesticides from the US EPA website (<https://www.epa.gov/pesticide-registration/determining-if-cleaning-product-pesticide-under-fifra>), and by downloading the new Antimicrobial Flowchart ([http://apps.cdpr.ca.gov/schoolipm/school\\_ipm\\_law/antimicrobials\\_flowchart.pdf](http://apps.cdpr.ca.gov/schoolipm/school_ipm_law/antimicrobials_flowchart.pdf)).

### **Proposition 39: New Calculator Available, and CEC Identifies New EEP Submittal Deadline**

It has been a busy past few weeks for news on the Proposition 39 program. On July 13, 2016, the California Energy Commission (CEC) approved changes to the Proposition 39 guidelines, most significant of which was a reduction in the Savings-to-Investment (SIR) ratio from 1.05 to 1.01. As of August 25, the updated energy savings calculator and SIR worksheet tool are now available on the CEC website. Districts may now apply under the updated 2016 guidelines and submit EEPs using the 1.01 SIR.

On August 1, the CEC announced that it will not accept Energy Expenditure Plans (EEPs) after August 1, 2017. This is one year earlier than many people were expecting and will likely create some challenges for districts to meet the deadline. This deadline is intended to allow time for districts to take the steps necessary to “encumber” funds, per the definition in the California School Accounting Manual, procedure 210-11, which defines encumbrance as a commitment in the form of a purchase order or offer to buy goods or services. CEC is estimating a typical one-year project planning timeline which includes “the planning process to receive allocation amounts, identify project energy measures and specifics, EEP development, submittal and approval, funding disbursement, and concludes with encumbering funds by June 30, 2018.” June 30, 2018 is the date by which Proposition 39 funds must be encumbered, per Public Resources Code.





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### State Allocation Board (SAB) August Meeting Highlights

#### *Priority Funding Apportionments*

Agenda includes \$78.7 million in priority funding apportionments for 20 projects representing 14 school districts that receive priority funding apportionment on August 17, 2016 and will be required to submit a Fund Release Authorization (Form SAB 50-05) containing an original signature by Tuesday November 15, 2016. If this form is not physically received at the Office of Public School Construction (OPSC) by this time and date, the project will be rescinded without further Board action and may be returned to the Unfunded List with a new date of November 15, 2016; unless the school district receives a second non-participation occurrence it will be rescinded without further Board action.

#### *Fund Releases for February 24, 2016 Priority Funding Apportionments*

On February 24, 2016, the Board approved \$81.7 million in priority funding apportionments for 31 projects representing 20 school districts. Of these projects, 27 received a fund release, totaling \$79.3 million. The OPSC has not received a valid Form SAB 50-05 for the remaining four projects, in the amount of \$2.47 million. Districts that received a priority funding apportionment on February 24, 2016 were required to submit a valid Form SAB 50-056 containing an original signature by Tuesday, May 24, 2016 to OPSC.

#### *Facility Hardship Program Regulations for Funding Historical Buildings*

School districts submitting applications for Qualified Historical School Buildings, whose request is to receive replacement funding or rehabilitation work, will be required to submit all required documentation for either a Facility Hardship or an SMP application. In addition, districts will be required to demonstrate that their building meets the proposed definition for a "Qualified Historic School Building" to be eligible for replacement funding. The types of documentation that will be accepted for this verification include the following:

1. Documentation demonstrating that the building(s) is on one or more national, state or local historical registry.
2. Documentation from an appropriate local, state or federal governmental jurisdiction stating that the building(s) meets the definition of a "Qualified Historic School Building."
3. Documentation from a person(s) who meets the Professional Qualification Standards set forth by the Secretary of the Interior's Standard and Guidelines for Archeology and Historical Preservation demonstrating that the building(s) is eligible for placement on a national, state or local historical registers or inventories.

### CASH Welcomes New Members

CASH would like to welcome the following new members:

#### School Districts

Banning USD  
Hermosa Beach City USD

#### Associates

Fenton. OR1  
Jacobs  
OneSource Consulting, LLC

#### Maintenance Network

Placer COE  
Pro-Craft Construction



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### 2017 CASH / AIACC Leroy F. Greene Design and Planning Awards

CASH is pleased to announce that we are now accepting entries for the 2017 CASH/AIACC Leroy F. Greene Design and Planning Awards. The awards ceremony will be held during the CASH Annual Conference, February 20-22, 2017

Important dates:

- Entry Fee Due: September 30, 2016
- Submittals Due: October 21, 2016
- Exhibit Boards Due: February 3, 2017

To enter projects into the program, please visit the CASH website, [www.cashnet.org](http://www.cashnet.org).

### Save the Dates! CASH Networking Mixers

Thursday, September 22, 2016 | 4:00 – 7:00 p.m.

Upper West Restaurant & Bar

3321 Pico Boulevard

Santa Monica, CA 90404

*Sponsored by NAC Architecture and P2S Engineering*

Thursday, November 10, 2016

The Fountainhead Bar in the SoFA Market

387 South 1<sup>st</sup> Street

San Jose, CA 95113

These networking mixers are open to all school facilities professionals, no RSVP needed.

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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.