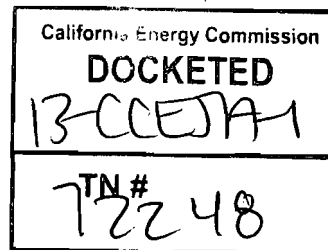


# County School Facilities Consortium

October 25, 2013

Mr. Robert Weisenmiller, Ph.D  
Chair, California Energy Commission  
1516 Ninth Street, MS-33  
Sacramento, CA 95814



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**Docket #: 13-CCEJA-1**  
**Comments on Proposition 39 Draft Guidelines**

Dear Chair Weisenmiller:

The County School Facilities Consortium (CSFC) appreciates the opportunity to provide comments on the *Proposition 39 Program Implementation Draft Guidelines*. CSFC represents 27 County Offices of Education (COEs) statewide with a focus on school facilities and construction.

COEs work in partnership with the State to ensure that all students have access to a quality education. In addition to providing direct educational services, COEs also monitor the fiscal health and academic environment of school districts, in furtherance of the State's education policy goals. COEs directly serve a diverse population of students with specialized needs on a regional basis, including those in special education, community and community day, and court school programs.

COEs are in a unique position to benefit from the targeted energy funding provided by Proposition 39, especially because they often lack the resources to include energy components in their construction projects or maintenance activities. The projects funded by Proposition 39 will generate energy savings that will translate into operational savings, allowing more funds to be dedicated to the programs that serve the State's vulnerable populations. CSFC appreciates the work that has gone into developing the *Draft Guidelines*, and we offer the following comments for your consideration.

### COE Buildings on District Sites

Because of the nature of the services we provide, COE facilities are often located on the sites of our school district counterparts. This is especially true for our special education population, known as Special Day Class (SDC) pupils, who are required by Federal and State law to have the opportunity to be educated with their non-disabled peers. We believe the *Draft Guidelines* would benefit from additional clarification to reflect the nuances of COE facilities located on district sites.

## County School Facilities Consortium

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First, COE buildings hosted on district sites often do not have separate energy use meters. Many of these are portable buildings that are intended for relocation to other sites to accommodate demographic or program changes. Others are permanent facilities integrated on the campus. In either case, the facilities are often owned by the COE and placed on the site under a short- or long-term lease agreement, and COEs may pay the district for their portion of the utilities. Without a separate meter, it appears that COEs would be unable to pursue projects for these facilities, an issue we urge you to reconsider.

Second, COE facilities sharing district energy meters would be included in the utility usage data for the site and would therefore impact the district's energy benchmarks and audits. This would be an issue for LEAs that do not or cannot pursue joint EEPs as described below.

Third, the *Draft Guidelines* permit LEAs to coordinate submission of a combined request for planning funds or an EEP when one leases a facility without a separate meter on the other's site. We support the option but would urge broadening the provision as follows:

- Expand to incorporate facilities *owned* by the off-site LEA. For example, this would allow a joint plan for COE-owned portables hosted on a district site, as identified above.
- Expand to allow joint plans between two LEAs for facilities with *separate* meters.

In these scenarios, both LEAs would combine awards to leverage resources and achieve economies of scale. This joint plan approach would allow COEs to participate in comprehensive, site-wide projects, rather than limit their participation to small stand-alone projects.

### Utility Usage Data

The *Draft Guidelines* require LEAs to provide access to utility usage data for all sites and facilities. Does this include COE-owned facilities on leased sites or those on district campuses without their own meters? COEs would have difficulty providing this information for the reasons stated above. LEAs should have the option to waive this

## County School Facilities Consortium

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requirement for the facilities described above, to avoid obstacles to successfully participating in the program.

### Energy Manager Pooling

We appreciate the recognition that many LEAs do not have the technical expertise or available staff to appropriately manage an energy program, and permitting the pooling of resources to hire an energy manager to serve multiple LEAs is a good solution. The *Draft Guidelines* specify that:

“LEAs too small to justify hiring their own energy managers may consider pooling their energy manager funding within a county and share the services of an energy manager.”

We would suggest removing the limitation that pooling must occur *within a county*. An LEA may be adjacent to another LEA in a different county, with whom it would be beneficial to pool resources for an energy manager. Instead, we urge you to consider a more broad approach to permit pooling within a region, and not limit it to the confines of county boundaries.

### Administrative Sites

Because of the nature of the services they provide, COEs have a high proportion of administrative facilities. It is our understanding that CEC intends for these facilities to be eligible for Proposition 39 projects, which we fully support. However, because the language in the *Draft Guidelines* consistently refers to “school sites,” we believe it would be helpful to clarify that COE administrative facilities on stand-alone sites are eligible under the program. The definition of “school site” in Appendix H appears to support our interpretation, but specificity within the body of the *Guidelines* would be appreciated:

## County School Facilities Consortium

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“**School Site** – Any local educational agency facility site. Examples include a school campus, district office, County Office of Education facility or charter school facility.”

### ECAA Loan Program Prioritization

COEs do not have the authority to issue local bonds and often do not have other significant sources of local revenue for capital purposes. Because of this, they would benefit greatly from the no- and low-interest loans provided by the Energy Conservation Assistance Act (ECAA) loan program, which would be repaid through Proposition 39 awards and operational savings achieved by the resulting projects. This program will allow COEs to undertake projects of a larger scope without waiting to amass multiple yearly awards before proceeding. We encourage the CEC to provide priority consideration for COEs applying to participate in the ECAA loan program.

### Quarterly Apportionment Process

For the reasons discussed above, many COEs will need to have their Proposition 39 award funds in-hand before proceeding with construction. Additionally, school construction projects are often undertaken during the summer months, when fewer students are typically on site. The *Draft Guidelines* identify that CDE will apportion awards on a quarterly basis. Coupled with the time required to review and approve EEPs, a quarterly award process may delay projects that require cash to proceed for multiple months. We fear that this process will create unnecessary delays in construction and job creation, and therefore we would recommend a process with more frequent apportionments.

### Quarterly Reporting Process

The *Draft Guidelines* specify that LEAs are required to submit quarterly progress status reports for each approved EEP until all projects within the plan are completed. We believe that the effort required to comply would outweigh the potential benefits of quarterly data, especially given the staffing and resource constraints that schools


**County School  
Facilities  
Consortium**

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currently face. Projects funded by the State School Facility Program are subject to annual reporting requirements, a process with which schools are already familiar. In that vein, we recommend adopting an annual, rather than quarterly, progress reporting process.

We thank you for your consideration of these remarks. Please do not hesitate to call if you have any questions or require any additional information.

Regards,



Rebekah Cearley

Cc: Commissioners, California Energy Commission