

# County School Facilities Consortium

December 18, 2013

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

California Energy Commission

**DOCKETED**

**13-CCEJA-1**

TN 72417

DEC 18 2013

Chair

Jeff Becker  
Fresno COE

Executive  
Committee

Kathy Daniels  
El Dorado COE

Jema Estrella  
Los Angeles COE

Steve Turner  
Mendocino COE

Joshua Jom  
Monterey COE

Lindsay Currier  
Riverside COE

Immediate Past  
Chair

Jenny Hannah  
Kern County  
Superintendent of Schools

**Legislative Advocate:**  
Anna Ferrera  
Rebekah Cearley  
Murdoch, Walrath & Holmes  
1130 K Street, Suite 210  
Sacramento, CA 95814  
TEL. (916) 441-3300  
FAX. (916) 441-3893

**Docket #: 13-CCEJA-1**

**Comments on Proposition 39 Final Draft Guidelines**

Dear Chair Weisenmiller:

The County School Facilities Consortium (CSFC) appreciates the opportunity to provide additional comments on the final *Proposition 39 Program Implementation Draft Guidelines* (November 2013). CSFC continues to have concerns about the applicability of the Guidelines for facilities owned by County Offices of Education (COEs) that are located on a site owned by another entity, such as a school district.

CSFC represents 27 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.

We appreciate the work that the California Energy Commission (CEC) has done in pursuit of an effective program implementation. We are especially pleased with revisions to the Guidelines that provide additional flexibility for planning dollars, extending their use for both Energy Manager and training purposes. We also appreciate adopting an annual rather than quarterly progress reporting process.

The Guidelines contemplate eligibility for LEAs in *leased* facilities, however these provisions do not address the issue of facilities that are *owned* by one LEA but placed on a second LEA's site. Because of the nature of the services we provide, COE-owned 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.

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. This is done through a variety of arrangements, such as:

- The District invoices the COE for a pro rata share of utilities.
- Non-monetary compensation such as an “in-kind” exchange of goods and services.
- Incorporating a share of utility costs into the lease structure.

Without a separate meter, it appears that COEs would be unable to practically 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 district site and would therefore impact the district’s energy benchmarks and audits. The Guidelines do not provide a mechanism for handling this scenario.

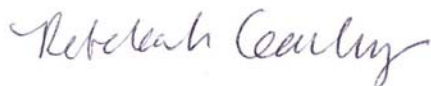
Third, the initial version of the *Draft Guidelines* permitted LEAs to coordinate submission of a combined request for planning funds or an Energy Expenditure Plan (EEP) when one leases a facility without a separate meter on the other’s site. The final *Draft Guidelines* no longer include the option for a joint submittal. We support the option of joint submittal and would urge broadening the provision as follows:

- Extend to 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.

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.

Sincerely,



Rebekah Cearley

cc: Commissioners, California Energy Commission