

**IN THE COURT OF APPEALS FOR THE STATE OF ARIZONA
DIVISION ONE**

CAVE CREEK UNIFIED SCHOOL)	Court of Appeals, Division One
DISTRICT #93, DEBBI BURDICK, in)	Case No. <u>1 CA-CV 11-0828</u>
her official capacity as Superintendent)	
for Cave Creek Unified School District;)	
DAVID SCHAEFER, MARK)	Maricopa County Superior Court
WARREN, SUSAN CLANCY,)	Case No. <u>CV2011-007925</u>
CASEY PERKINS, and STEPHANIE)	
REESE, in their official capacities as)	
members of Cave Creek Unified School)	
District Governing Board; and KATHIE)	
AMABISCA, in her official capacity as)	
Director of Finance for Cave Creek)	
Unified School District,)	
)	
Defendants/Appellants,)	
)	
vs.)	
)	
JAYNE FRIEDMAN and RICHARD)	
BAIL,)	
)	
Plaintiffs/Appellees.)	

**APPENDIX IN SUPPORT OF APPELLEES' RESPONSE TO
APPELLANTS' OPENING BRIEF**

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Appendix 1

CAVE CREEK UNIFIED SCHOOL DISTRICT NO. 83
SPECIAL ELECTION
NOVEMBER 7, 2000
BOND INFORMATION

PROPOSED CAPITAL IMPROVEMENTS

The following table presents the capital improvements expected to be paid from bond proceeds, the estimated cost of each capital improvement, the estimated average annual tax rate associated with each capital improvement and the estimated cost associated with each capital improvement for the owner of a single family home with a full cash value of \$80,000:

Proposed Capital Improvements (a) (Non-administrative)	Estimated Costs (funded by bonds) (b)	Estimated Average Annual Tax Rate (b)	Estimated Annual Cost to Owner of an \$80,000 Full Cash Value Home (b)
Construction of new schools: Two elementary schools (total cost is \$20,500,000; estimated state funding is \$9,400,000)	\$11,500,000	\$0.1327	\$10.82
Middle school (no state funding is anticipated)	\$16,780,000	\$0.1817	\$14.54
High school (total cost is \$72,750,000; estimated state funding is \$12,200,000)	\$11,550,000	\$0.1293	\$10.69
Pupil transportation vehicles	\$2,800,000	\$0.0323	\$2.58
School of Non-administrative Capital Improvements	\$41,800,000	\$0.4600	\$38.40
Proposed Capital Improvements for Administrative Purposes:			
None	0	0	0
Subtotal of Administrative Capital Improvements	0	0	0
TOTAL	\$41,800,000	\$0.4800	\$38.40

(a) Monies received from the state under the Students FIRST capital funding system will be combined with bond proceeds which fund the capital improvements listed.

(b) The estimated average annual tax rate and estimated annual cost are based on the average annual tax rate over the life of the proposed bond issue and other financing assumptions which are subject to change.

SAMPLE

BALLOT FORMAT / SAMPLE BALLOT
CAVE CREEK UNIFIED SCHOOL DISTRICT NO. 83
SPECIAL ELECTION
NOVEMBER 7, 2000
COUNTY OF MARICOPA
STATE OF ARIZONA

QUESTIONS

Shall Cave Creek Unified School District No. 83 of Maricopa County, Arizona, be allowed to issue and sell general obligation bonds in the principal amount of not to exceed \$41,800,000 to provide money for the following purposes:

- Acquiring by purchase or lease school lots;
- Constructing new school buildings including but not limited to two new elementary schools, one new middle school and one new high school;
- Acquire pupil transportation vehicles;
- Improving school grounds, including adjacent ways thereto;
- Liquidating indebtedness incurred for the purposes set forth above;
- Providing all utilities and other capital items necessary for the construction of school buildings and for improving school grounds;
- Paying all architectural, design, engineering, project and construction management and other costs incurred in connection with the purposes set forth above; and
- Paying all legal, financial and other costs in connection with issuance of the bonds?

The bonds will bear interest at rates not exceeding twelve percent (12%) per year. Interest may be evidenced by separate certificates and will be paid on January 1 and July 1 each year until the bonds mature. The bonds shall mature over a period of not to exceed twenty (20) years from the date of their issuance. The bonds, and any bonds issued to refund the District's bonds, may be sold at prices that include premiums not greater than permitted by law. Bonds will be in the denominations of \$5,000 each or in multiples of \$5,000 and will mature on the first day of July in years determined by the District's governing board.

The capital improvements that are proposed to be funded through this bond issuance are to exceed the state standards and are in addition to monies provided by the state. Cave Creek Unified School District is proposing to issue class B general obligation bonds totaling \$41,800,000 to fund capital improvements over and above those funded by the state. Under the Students FIRST capital funding system, Cave Creek Unified School District is entitled to state monies for building renovation, new construction and renovation of school buildings in accordance with state law.

BOND APPROVAL, YES

BOND APPROVAL, NO

Appendix 2

Cave Creek Unified
School District #93

2010
Annual Report



*Students First...
People Always*

2000 BOND HISTORY AND PLAN

PRESERVING OUR INVESTMENT FOR THE FUTURE

Thanks to district taxpayers, the Arizona Legislature and the Arizona School Facilities Board, we are able to share some very positive school facilities news in this year's annual report.

With the release of the remainder of our 2000 bond proceeds combined with \$6.4 million being provided through the Schools Facilities Board, we will soon be investing over \$19 million in renovation projects and a 38,000 square foot

expansion of the Cactus Shadows High School campus. The renovations will help preserve our facilities investment for years to come, and the much-needed expansion of the high school campus will alleviate overcrowding and be more conducive to learning.

Major bond projects include:

BLACK MOUNTAIN ELEMENTARY

- Fire alarm replacement
- Roof replacement
- Improve classroom lighting

DESERT SUN ACADEMY

- Renovate air conditioning system
- Replace clock system
- Add drinking fountains in play areas

DESERT WILLOW ELEMENTARY

- Renovate air conditioning system
- Resurface parking lots

HORSESHOE TRAILS ELEMENTARY

- Field renovations
- Add drinking fountains in field areas

LONE MOUNTAIN ELEMENTARY

- Renovate air conditioning system
- Field renovations

DESERT ARROYO CAMPUS

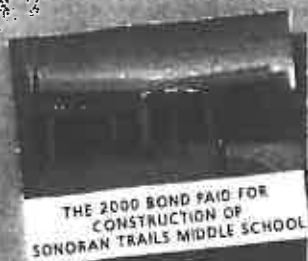
- Replace roof
- Complete fire alarm replacement

SONORAN TRAILS MIDDLE SCHOOL

- Ball field renovations
- Add shade structure

CACTUS SHADOWS HIGH

- Replace air conditioning controls
- Expand/remodel cafeteria
- Replace fire alarm system
- Replace 16 year-old roof
- Resurface all-weather track
- Resurface parking lot and drives



HISTORY OF 2000 BOND

In November of 2000, the voters of CCUSD passed a \$41.6 million bond for new school construction. This bond built all of Sonoran Trails Elementary and 61% of Horseshoe Trails Elementary.

Approximately \$13 million in bond proceeds remained unused, as it was not sufficient funding to construct a "new" high school, and voters denied a request for an additional \$45 million in 2007 to build a new high school as proposed at the south campus.

Recent legislation has released the remainder of the original 2000 bond proceeds for much-needed renovation of our existing school facilities. All Arizona school districts have been challenged with facilities maintenance issues for the past several years, since building-renewal funds have been reduced or eliminated due to economic conditions.

We are very fortunate to have \$13 million to re-invest in our school facilities and to provide this "local" economic boost for contractors in a down economy without imposing new taxes in the district.

The best news for district taxpayers is that the majority of the 2000 bond is already paid for, with just \$17.9 million outstanding for 13 more years, with an approximate cost of \$15.00 per year on a home valued at \$500,000.

THANK YOU!

To district taxpayers and to AZ Legislators Jim Waring, Nancy Barto, Ray Barnes, Michele Reagan and John Kavanagh for making our school renovations and Cactus Shadows expansion possible.

FINE ARTS CENTER

- Replace roofing
- Theater lighting and dimmer system

LEARNING CENTER

- Air conditioning replacement
- Security and fire alarm system

TRANSPORTATION DEPOT

- Lighting and security system
- Expand and resurface parking lot

Appendix 3

DECLARATION OF KENT FRISON

1. My name is Kent Frison. I am the Associate Superintendent of Operations and Finance for Cave Creek Unified School District No. 93 ("the District"). I have been handling matters relating to school finance for school districts in Arizona for 12 years.

2. From the late 1990s until roughly 2008, Arizona's population was growing and many school districts were seeing increased enrollment as a result. The increasing enrollment frequently produced a need for additional schools.

3. In the year 2000, as Plaintiff has correctly alleged, the District's voters approved the issuance of bonds. The proposed uses of the bonds were specified in connection with the election. The proposed uses primarily related to construction of new schools and facilities. The District has not expended all of the proceeds of all of the bonds that were authorized in the election of 2000.

4. The recession that began in approximately 2008 has affected school enrollment in many areas of Arizona, including the District. The District is no longer seeing the growth in enrollment that it projected before the recession began. The District therefore has no need to build a new school at this time.

5. The Arizona Legislature has cut funding for education in recent years, including funding for capital projects. As a result, the District has lacked sufficient funds to perform necessary maintenance and renovation on existing buildings.

6. Because the District has bond proceeds available that are no longer needed for construction of new schools, and because funds are sorely needed for the maintenance and renovation of existing facilities, I recommended to the District's Governing Board that it approve

the use of bond proceeds for maintenance and renovation pursuant to the authority of the statute that is at issue in this case. The Board agreed to do so by unanimous vote.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this date: 4/26/11



Kent Frison

Appendix 4



Forty-ninth Legislature - First Regular Session

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BILL STATUS OVERVIEW

SB1187 (Substitute Bill - HB2639)

SPONSORS: BURNS P

TITLE: technical correction; deceptive mailings
(NOW: budget reconciliation; K-12)

SENATE FIRST READ: 01/26/09

SENATE SECOND READ: 04/23/09

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail	04/23/09	APPROP	05/20/09 (6-3-2-0)	DPA/SE
	04/23/09	RULES	06/03/09	PFCA

MAJORITY CAUCUS: 06/03/09 Y

MINORITY CAUCUS: 06/03/09 Y

COW ACTION 1:	DATE	ACTION	AYES	NAYS	NV	EXC
	06/04/09	DPA	0	0	0	0

AMENDMENTS

APPROP (ref Bill) adopted

RULES (ref APPROP)

Burns fir amend (ref APPROP) (sub Rules) adopted

THIRD READ: DATE	AYES	NAYS	NV	EXC	EMER	AMEND	RFE	2/3	VOTE	RESULT
Vote Detail	06/04/09	16	1	13	0		Y			PASSED

TRANSMIT TO HOUSE: 06/04/09

THIRD READ: DATE	AYES	NAYS	NV	EXC	EMER	AMEND	RFE	2/3	VOTE	RESULT
Vote Detail	06/04/09	32	23	5	0					PASSED

TRANSMIT TO SENATE: 06/04/09

TRANSMITTED TO: GOVERNOR 07/01/09

ACTION: VETOED 07/01/09

Appendix 5

1 student count of fewer than six hundred in kindergarten programs and grades
2 one through eight.

3 E. Notwithstanding subsections A and B of this section, the department
4 of education shall reduce by fifty per cent the soft capital reduction that
5 would otherwise be calculated pursuant to this section for grades nine
6 through twelve for a school district that has a student count of fewer than
7 six hundred in grades nine through twelve.

8 Sec. 70. Soft capital expenditures for fiscal year 2009-2010

9 Notwithstanding section 15-962, Arizona Revised Statutes, for fiscal
10 year 2009-2010, a school district may use its soft capital allocation for any
11 operating or capital expenditures.

12 Sec. 71. Annual performance audit: AIMS intervention and
13 dropout prevention program: suspension in fiscal
14 year 2009-2010

15 Notwithstanding section 15-809, subsection C, Arizona Revised Statutes,
16 the department of education is not required to contract with a private entity
17 to conduct an annual performance audit of the AIMS intervention and dropout
18 prevention program for fiscal year 2009-2010.

19 Sec. 72. School districts: expenditure of remaining bond
20 proceeds from 2000

21 Notwithstanding any other law, a school district may expend the
22 remaining proceeds from a bond election conducted in November, 2000 to make
23 modifications to an existing school facility rather than build a new school
24 facility if the school district meets all of the following criteria:

25 1. The school district is a unified school district that is located in
26 a county with a population of more than three million persons.

27 2. Had a total average daily membership count in kindergarten programs
28 and grades one through eight of more than three thousand eight hundred pupils
29 but less than three thousand nine hundred pupils and a total average daily
30 membership count in grades nine through twelve of more than one thousand
31 seven hundred pupils but less than one thousand eight hundred pupils for the
32 2007-2008 school year.

33 3. Does not qualify for state aid for equalization assistance for
34 education funding under section 15-971, subsection D, Arizona Revised
35 Statutes, as amended by this act.

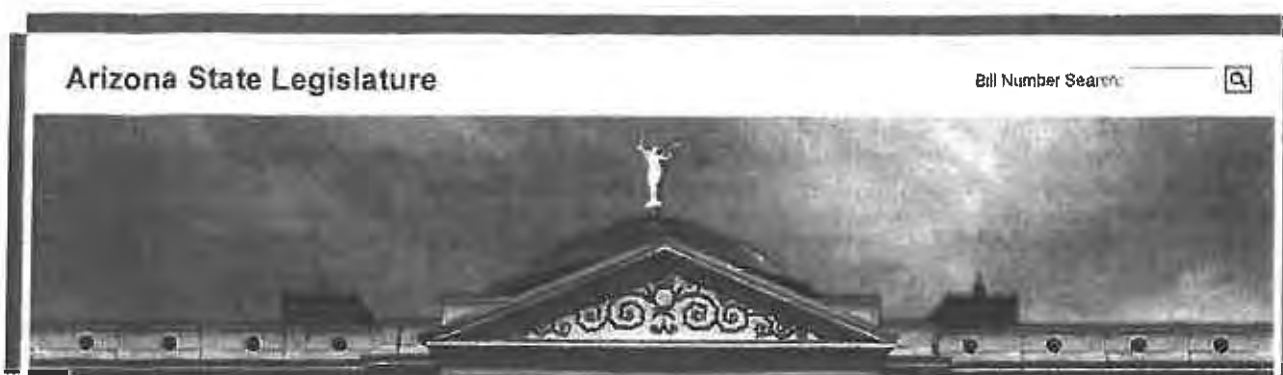
36 Sec. 73. Special education cost study: suspension in fiscal
37 year 2009-2010 and 2010-2011

38 Notwithstanding section 15-236, Arizona Revised Statutes, the
39 department of education shall not conduct a cost study of special education
40 programs in fiscal year 2009-2010 and 2010-2011.

41 Sec. 74. Arizona online instruction: reports

42 Notwithstanding section 15-808, Arizona Revised Statutes, as amended by
43 this act, until July 31, 2010, each school selected by the state board of
44 education and each selected school sponsored by the state board for charter
45 schools to participate in Arizona online instruction shall submit an annual

Appendix 6



Forty-ninth Legislature - Third Special Session

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BILL STATUS OVERVIEW

HB2011 (Substitute Bill - SB 1027)

SPONSORS: ADAMS PZ MCCOMISH C TOBIN C YARBROUGH C

TITLE: K-12; budget reconciliation

HOUSE FIRST READ: 07/29/09

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail 07/29/09 APPROP 07/29/09 (8-4-0-2-0) DP

Vote Detail 07/29/09 RULES 07/30/09 (4-3-0-1-0) C&P

HOUSE SECOND READ: 07/30/09

MAJORITY CAUCUS: 07/30/09 Y

MINORITY CAUCUS: 07/30/09 Y

COW ACTION 1: DATE ACTION AYES NAYS NV EXC
07/31/09 DPA 0 0 0 0

AMENDMENTS

Floor Amend to Bill - McComish - passed

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

Vote Detail 07/31/09 34 12 14 0 Y PASSED

TRANSMIT TO SENATE: 07/31/09

SENATE FIRST READ: 08/12/09

THIRD READ: DATE AYES NAYS NV EXC EMER AMEND RFE 2/3 VOTE RESULT

Vote Detail 08/12/09 16 9 5 0 PASSED

TRANSMIT TO HOUSE: 08/20/09

SENATE MISC. MOTION: DATE AYES NAYS NV EXC
08/12/09 0 0 0 0

MISCELLANEOUS MOTION

HB 2011 substituted for SB 1027 on Third Reading

TRANSMITTED TO: GOVERNOR 08/20/09

ACTION: LINE ITEM VETO - SIGNED 09/04/09

CHAPTER: 12

CHAPTERED VERSION: House Engrossed Version

Appendix 7

1 through twelve for a school district that has a student count of fewer than
2 six hundred in grades nine through twelve.

3 Sec. 65. Soft capital expenditures for fiscal year 2009-2010

4 Notwithstanding section 15-962, Arizona Revised Statutes, for fiscal
5 year 2009-2010, a school district may use its soft capital allocation for any
6 operating or capital expenditures.

7 Sec. 66. Annual performance audit; AIMS intervention and
8 dropout prevention program; suspension in fiscal
9 year 2009-2010

10 Notwithstanding section 15-809, subsection C, Arizona Revised Statutes,
11 the department of education is not required to contract with a private entity
12 to conduct an annual performance audit of the AIMS intervention and dropout
13 prevention program for fiscal year 2009-2010.

14 Sec. 67. School districts; expenditure of remaining bond
15 proceeds from 2000

16 Notwithstanding any other law, a school district may expend the
17 remaining proceeds from a bond election conducted in November, 2000 to make
18 modifications to an existing school facility rather than build a new school
19 facility if the school district meets all of the following criteria:

20 1. The school district is a unified school district that is located in
21 a county with a population of more than three million persons.

22 2. Had a total average daily membership count in kindergarten programs
23 and grades one through eight of more than three thousand eight hundred pupils
24 but less than three thousand nine hundred pupils and a total average daily
25 membership count in grades nine through twelve of more than one thousand
26 seven hundred pupils but less than one thousand eight hundred pupils for the
27 2007-2008 school year.

28 3. Does not qualify for state aid for equalization assistance for
29 education funding under section 15-971, subsection D, Arizona Revised
30 Statutes, as amended by this act.

31 Sec. 68. Special education cost study; suspension in fiscal
32 years 2009-2010 and 2010-2011

33 Notwithstanding section 15-236, Arizona Revised Statutes, the
34 department of education shall not conduct a cost study of special education
35 programs in fiscal years 2009-2010 and 2010-2011.

36 Sec. 69. School district budgets; actual utility costs and
37 funding plan; fiscal year 2009-2010

38 A. Notwithstanding section 15-910.04, Arizona Revised Statutes, a
39 school district is not permitted to adjust its revenue control limit in
40 fiscal year 2009-2010 for actual utility costs.

41 B. Notwithstanding section 15-910.03, Arizona Revised Statutes, a
42 school district is not required to submit a funding plan pursuant to that
43 section in fiscal year 2009-2010.

Appendix 8

CAVE CREEK UNIFIED SCHOOL DISTRICT NO. 93

Business Meeting of the Governing Board

Tuesday, August 10, 2010

Time:	5:30 p.m. – Executive Session 6:00 p.m. – Public Hearing on Boundary Change 6:05 p.m. – General Meeting
Place:	District Governing Board Room 33016 N 60 th St., Scottsdale, AZ 85266

Members of the Board

Janet Busbee, Member
Susan Clancy, Member
Casey Perkins, President
David Schaefer, Vice President
Mark Warren, Member

Approved Meeting Minutes – approved at the 9/14/10 meeting.

5:30 p.m.

EXECUTIVE SESSION: 38-431 03.A(7) Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property. – Sale or lease of the Cave Creek Property.

Public Hearing - Proposed Boundary Change

1. Public Hearing was called to order at 6:00
2. Public Comments: A Public Hearing was held to receive comments from the public regarding a proposed boundary change. Pursuant to A.R.S. §15-341.38(a-g) Public Hearing on School Boundaries CCUSD is proposing to move a portion of Grid Code No. 40 from Lone Mountain Elementary School attendance area to Black Mountain Elementary School attendance area. No comments
3. Adjournment of Public Hearing – Member Clancy moved and Member Busbee seconded adjourning the Public Hearing at 6:01.

Business Meeting

1. OPENING

1.2 Call to Order: Meeting was called to order at 6.02 pm. Board Members present: Mr. David Schaefer, Vice President; Ms. Janet Busbee, Ms. Susan Clancy and Mr. Mark Warren, Members. Absent: Ms. Casey Perkins, President. Cabinet Members present: Dr. Debbi Burdick, Superintendent; Dr. Kent Frison, Associate Superintendent of Operations and Finance; Dr. Jana Miller, Associate Superintendent of Teaching and Learning and Ms. Patti Tussey, Executive Director of Human Resources. Pledge of Allegiance was said. Call for Formal Adoption of the Agenda was made. Member Clancy moved and Member Busbee seconded approval of agenda. Vice President Schaefer moved Items 4.0 (Action Consent), 6.1 (Boundary Change Approval) and 6.3 (Sixth Grade Report Cards) to after item 3.1 (Performance Contracting Update). Member Clancy pulled Item 4.1 (Meeting Minutes). It was placed after Action Consent. Motion passed unanimously as amended.

1.6 President's Report – Vice President Schaefer, covering for President Perkins, referenced curriculum nights at all schools coming up. He invited the Board to attend if they have time and ability.

A. Board Comments – none

1.7 Superintendent's Report – Dr. Burdick reported a fantastic school opening. Cabinet visited all schools and saw a lot of happy students, staff and parents. CCUSD received a \$10K Confucius Grant each for LMES and HTES for materials to teach Mandarin. Two interns from China are here and starting their project. School Safety Grant of \$158K was received for an SRO at CSHS and STMS.

2. PUBLIC COMMENTS - none

3. PRESENTATIONS/INFORMATION/REPORTS

3.1 Performance Contracting Update –The audit is 90% complete; difference in what was reported previously and now is the removal of items we are choosing not to do due to not having enough payback, etc. on those items. Two significant items discussed were the co-gen and solar thermal. Price tag for using a solar thermal for our absorber is significant - \$1.304M. The absorption chiller uses heated water to turn Freon into cooling. There is significant dollars from the feds, APS and others to buy that project down. It is a free source of energy so there won't be a monthly cost of gas or electric to power. At one time the absorber received hot water from the co-gen. Solar thermal makes the co-gen obsolete and pales in comparison. Co-gen needs repair and would also have a monthly cost for gas and electric to run it. Cost to run the co-gen, therefore for the absorption chiller, does not have a lot of benefit. With solar thermal, despite the extreme cost, considering all the paybacks we would get and ability to defray costs, it turns out to be a better deal. The Performance Contracting Audit suggests a lot of lighting upgrades and controls. Team will sit down and finish the list and start looking for finance. This is an update only. Mr. Becker of APS Energy Services was available for questions. Vice President Schaefer inquired about the payback timeline for solar which isn't noted. Mr. Becker stated the rebate number isn't reflected, because it is a production based incentive versus a one time payback. It is an annual production based incentive and would be tallied over 15 years. APS Energy Services is waiting for APS to say it is a true number. Member Warren related he heard rebate funding from APS has dried up and is not available. Mr. Becker stated that is correct for rebates for some types of solar. APS has been over subscribed in that area for years. This is not that type of solar, and his understanding is that there is funding for solar thermal at this time.

3.2 History of Bonds Sold in 2006 – A comprehensive history of actions taken and discussions which have taken place over the last four years was presented. Board Member Clancy asked for this agenda item to be presented. A brief PowerPoint was presented as well as a more comprehensive accumulation of discussions and actions taken by the Governing Board and other committees. (See Governing Board Packet, August 10, 2010 for complete PowerPoint. Questions asked about particular dates are reflected below.)

Member Clancy asked regarding August 22, 2006 slide (*August 22, 2006 – The District decided to sell \$15,000,000 from the November 7, 2000 bond election to construct a high school (along with the SFB funds)*), when the bonds were sold; was it a recommendation from the bond attorney at that time to sell them. Dr. Frison doesn't have that information. Member Clancy asked Mark Warren to respond. Mr. Warren thinks the attorney did but he would have to look at notes.

Regarding the March 13, 2007 slide, (*March 13, 2007 – The District submitted the opinion of Gust Rosenfeld (bond counsel) regarding whether the District could utilize the November 7, 2000 bond authorization to build a high school for only ninth grade students to the Arizona Attorney General for review.*) Member Clancy asked if at that point the Attorney General (AG) declined to review. She remembers a lot of discussion but felt conclusion was you could and it was taken off the table. She asked since it was on the same exact campus, why at the time the committee didn't exercise that as a cost savings to the district. Member Warren stated he was on the committee at that time as he was no longer on the Board. Discussions were since the Freshman Academy would not be given a new CTDS number, it wouldn't be eligible for the bond funding and possibly the School Facilities Board (SFB) money. Gust Rosenfeld was leery of not building a new high school. School would have been given a new CTDS number. That was when the discussion changed to a "mega" high school which would allow us to access both bond and SFB monies. Dr. Burdick stated if the school had a new CTDS number it would be separate from CSHS and student opportunities wouldn't be the same.

Member Busbee asked at that time was the high school going to be solely a 9th grade academy or would it grow. Member Warren added it was going to be a freshman academy and wouldn't grow. There was a board member on the board at that time who wanted this. Member Warren received emails from parents who wanted their kids to go to the high school for honors, AP, etc. This was why the committee came up with an expansion of the facilities.

Member Clancy asked with what was brought up in April 2007 (*April 13, 2007 – The Arizona Attorney General's Office declined to review the opinion of Gust Rosenfeld (bond counsel)*), why did it come back through Gust Rosenfeld that the bond could build a high school for 9th graders and then came back in June 2008 (*June 27, 2008 – Laws 2008, Chapter 287, Section 54 is enacted which states the SFB shall not authorize or award funding for the design or construction of any new school facility during fiscal year 2008-2009. This law prevents the District from utilizing the \$12.2 million award from the SFB to construct the new high school.*) and were told you can't do that. That is where it gets confusing. Dr. Frison stated the first time we received the attorney's opinion which said we would be allowed to build a separate high school (9th grade only) was because we asked for the definition of a high school in 2007 and the Freshman Academy would qualify as a separate high school. In 2007, it had to be for a new high school. Member Warren added the board asked Gust Rosenfeld to submit this to AG to see if we could get an opinion. The AG declined to hear it and if not heard, we have to go with what we were told. Member Clancy added on April 13, 2007 we were told we could and at that time we could have done just the academy. Dr. Burdick stated by the AG not taking it, the opinion

stands. The Board was considering a 9th grade academy standing separate; however, the SFB wouldn't accept it as a new school for what they would pay for out of SFB funds. Member Clancy added the Freshman Academy wouldn't have been \$24M and we could have built it for \$15M. We could have reconstructed old Black Mountain for the administration offices. Dr. Frison added we couldn't use any of the money for reconstruction, renovation or tearing down old Black Mountain. It had to be a new school. Member Clancy added we could have done it; given we are using \$6M now. Vice President Schaefer added the amount of money would have been enough but it would not have been an authorized expenditure. Member Warren injected that in December 2007, the SFB froze their money for two years; actually it still is frozen. Vice President Schaefer added for clarification: at some point the SFB gave indication that the money would come back and would be allowed to be used for expansion of existing campus. Dr. Frison stated yes it was much later the SFB came back and said we could use it for expansion and that information is reflected under the details. We went to the SFB and said we can't build a school with the funding awarded and wanted to use SFB funds to expand the current school. Our architect was fundamental in getting this for us as he has utilized this practice in one or more other districts and was successful. We are able to use the money and make it go further because the infrastructure, roads, sewers, etc. are already in place. Also the GB voted to remain a one high school district; not to have two smaller high schools. That is when the thinking came back to what can we do on the northern campus to make it work.

Rest of the PowerPoint was presented. On July 29, 2010 the AG's office issued a letter declining to review the opinion of LaSota and Peters. This allows us to move forward with the use of bond proceeds, with Governing Board approval, being spent for any capital improvement purposes. We still have \$13M of the \$15M in bond funds.

Questions: Member Clancy stated with this particular legislation which was different from November 2009 which turned out to be special legislation in violation of law was brought back for a second look. Is there another district that falls into this exact qualification? Dr. Frison doesn't have exact knowledge if anyone is using it, but there are other districts that could fall into it. Language was drafted so that other districts could use it.

Member Busbee asked if it is normal for it to take so many years for bond proceeds to be used. This was from 2000. Dr. Frison added the authorization was in 2000; and it is not unusual for a district to take a long time to spend. Not all the bonds are issued at one time; we didn't sell the \$41M in 2000. Other districts have \$100M to \$200M in bonds and it would be difficult to spend that amount in one or two years. School districts have up to 10 years to sell the bonds and spend money.

Member Clancy said the glitch back then was the approval for a second high school; when it changed things went down hill. Member Warren added when the current STMS was built, it was supposed to be a third middle school. Some people said we needed a high school instead of a middle school. Forecast changed. Cities don't have to issue their bonds within 10 years like school districts do. There are groups working on removing that 10 year limit on school districts; allowing districts to use the money when needed not because of timeframe.

Member Busbee added things with this bond occurred prior to her participation on the Board. It appears things were back and forth; minds were changed; in the long run it may have been a good thing but overall it seems like it perpetuated a lot of indecision for the district which didn't bode well for community. She read this timeline and had someone not involved with the district read it too. That person asked what is it that the district wants; and she responded which period of time. His comment was wouldn't it have been more advantageous to have a more concrete idea of what they wanted before they went to the community for a bond. Member Busbee said he has a point; in the long run Board changed their mind. This might be a kick in the seat of our pants to make sure our ducks are in a row before we do anything. Road to get here has been up and down. Member Warren stated when the district first did the bond, they thought the money would cover 4 schools, but it only covered 2.5. The student population was exploding at that time and now it isn't. Member Busbee added this is like a snapshot in the life of CCUSD; we have to be able to change with the times. Member Warren added; remember when PV built North Canyon High School, they were going to get rid of Paradise Valley High and then enrollment changed. Member Clancy added PV lost 9000 students over the last few years.

Planning for District Capital Improvements – This item included information outlining a proposed capital expenditure plan for funds to be received from the SFB for a new high school building and for the unexpended 2000 Bond proceeds. Recent legislation, HB2725, allows this Governing Board to vote to approve spending these bond proceeds for any necessary capital improvements. The first presentation provided an update on the proposed new high school building and other capital improvements at CSHS. The second presentation made by Mr. Roehler, consisted of an outline of proposed expenditures for the remaining Bond proceeds on a school-by-school basis. The plan also provided information on proposed capital improvements to be funded through Qualified School Construction Bonds in order to increase energy-usage efficiency.

Mr. Don Brubaker, architect, provided a brief history of the process used for the high school expansion and the adjustments which have been made due to changes from SFB funding and allotted square footage. Currently SFB will fund our district \$6.4M for a 35,000 square foot building, down from \$12.25M and 85,000 square feet. High School Committee met and wanted to keep parts and pieces of the 85,000 plan such as the administrative space, lecture hall (multi use space) which would provide flexibility and 12 classrooms. This plan would use the SFB money. Expansion of existing cafeteria could be expanded with existing bond funds. The old administrative space would be converted into predominately office space for special education which would free up 3 additional classrooms in the 400 building and would require minimal modification to accomplish this. Teacher's lounge, workroom and restrooms would remain in the old administrative area and would be duplicated in other areas to allow for efficiency since the campus is very spread out. The bus loop can be changed using adjacent ways funds. He is recommending moving the bus lane to exit to 60th street instead of going through the site and practice field area. The existing drive would be used for emergency vehicles and food service access. Parking lot at high school is in dire need of repair, has to be removed and redone; it is past just putting a topping on it. He is suggesting a reconfiguration to the student parking lot predominately on the south side. Existing parking is 545-550 spaces which is deficient. A school our size should have 800 to 900 spaces. The proposed plan shows 600 spaces.

Questions: Member Clancy asked will this be enough classrooms and how many students will it hold. Mr. Brubaker said there are 12 new classrooms. SFB said we have to accommodate 285 students; with 12 new classrooms we exceed that number. We also pick up a bonus of the lecture hall which would seat 200 students. Member Clancy asked again how many students would 12 classrooms take care of. Mr. Bebee responded we can't say the exact number of students. We would be able to move everyone off of the east campus and still have 4 to 5 classrooms to grow, with the planned expansion and collaborative space. We should be able to accommodate 2000 students. Member Clancy stated we would have school with capacity of 2000 students. What expansions are built into this; her understanding is we may grow to 2300 to 2500 students. Dr. Frison stated the demographer still shows that growth but it is further out. It is at least 10 years before we are looking at a number approaching 2300 students. Member Schaefer added the demographers report says in the year 2019-2020 we are projected to be at 2094 students. Dr. Burdick added she spoke with developers yesterday. One developer is looking at 4 completed homes this year. With that three of the families are already here and one is a new family. The other developer wasn't able to provide projections.

Member Clancy added if Phoenix opened up state land with high density and we landed at 2300 on this campus is that adequate? Is there a place to build or expand; Board has to think out further, just in case. What Phoenix planned south was supposed to be high density; is there a way to expand on this campus if we had to build 6 more classrooms. Mr. Brubaker stated from the footprint of the campus, we would be starting to isolate areas if anymore facilities are added because they would be outside the circle. At one time we were looking to demolish one building to build 20 classrooms; but SFB frowned on it and didn't want to support that recommendation. We had a design for 24 classrooms. Member Clancy asked what about infrastructure for the library and cafeteria. Mr. Brubaker stated the library is adequate; we are deficient in the cafeteria and are looking to use bond funds on this. The blueprint is showing a 2500 square foot expansion for the cafeteria.

Member Schaefer stated we were looking at a footprint of 85,000 square feet a few months ago; is there a potential to build up in future years if we had too. Mr. Brubaker stated from a cost standpoint, it is prohibitive and the district would be spending money now that may not allow us to get the best for our money, for a probable future. Stairs and elevators drop off when you only use one story.

Member Warren added we have room on the west end to add classrooms and repurpose offices if need to. Mr. Brubaker stated in looking at an addition, the east fire lane could move over tighter. He might need to look at moving the fire lane and we could add 5 classrooms. He will look at improving the design.

Member Warren asked if the infrastructure, power plant, plumbing, etc. would support this expansion. Mr. Brubaker stated the central plant couldn't support it. Some infrastructure would be a part of this construction; question is do we want it to be a stand alone or do we want to update central plant; he has to speak with Mr. Roehler.

Member Busbee asked if at some point in the future with positive growth would we need a second high school. She feels like we are building ourselves out. Is it something not even being discussed; do we continue to build out or at some point in time the Board would say we look at a second school. Dr. Burdick stated as Member Busbee saw in the history, there were many discussions on this. During that time, there were strong feelings for two smaller high schools but the Board felt that we could offer stronger and better programs if we stayed a one high school district. We would expect this to take us into the next decade. Our district has low density building and we don't change as fast as other districts. There will always be options; if we grow rapidly and we need it, there could be opportunity for a bond or if the SFB becomes more solvent, they could provide funding. Dr. Frison pointed out that if funds are available; we have 80

acres on the southern campus unused. It belongs to us for another 70 years. Member Busbee asked at some point will we be stretched to max on this campus. Is there some magic point where we would change? Member Warren stated we have this campus here (the Learning Center) too that could be used.

Dr. Frison stated the SFB is meeting tomorrow and has a resolution for issuance of \$100M in bonds on the agenda. If they do the authorization tomorrow, he would anticipate that it would be 3 to 4 weeks for the official offering; then sale of the bonds could occur two weeks later. So funds for the high school expansion may be available 6-8 weeks out.

Capital plan was presented. In response to Mr. Brubaker's statement regarding talking with Mr. Roehler on updating the central plant to handle the additional 38,000 square feet, Mr. Roehler stated he is not in support of that. With the current capacity for the central plant, it is unlikely it would be able to fully service the extra 38K feet which is the equivalent of about half of an elementary school. Member Warren asked what happened with the test wells and geo thermal. Mr. Roehler stated when a retrofit for geo thermal is done; it is expensive. Those efforts were submitted to the SFB for one building at CSHS which would have alleviated the chiller. The SFB essentially said no because pay back was 38 years. We could look at geo thermal for new construction, but it is very expensive for retrofit. Dollars are tight with the money from SFB.

The capital plan with the same summary page from 2006 was presented. Minus the last two columns, the same version was reviewed with the financial feasibility committee. The Performance Contracting column has been added. Discussion centered on the Performance Contracting projects, 2000 bond projects and some grounds improvement; not any items related to a potential bond. Performance contracting projects is \$5.6M and bond is \$12.1M and grounds improvement is \$382K. Projects are all system significant projects, roofing, electrical, HVAC, fire and security systems, etc. For the most part, people won't notice these things, but they will extend the life of the building. Painting is on the list which will make the buildings look nice. Board has already seen this list, and Mr. Roehler asked their choice on talking about a particular school or generalities. Member Clancy asked Mr. Roehler to cover the 2000 bond projects so that folks know when the district begins to spend the money allocated by the legislature what it is going for and why.

Mr. Roehler reported the 2000 bond money is now available for capital improvements. Those improvements suggested for completion are most significant for the safety and function of our buildings and grounds. He started listing individual items like drinking fountains at the high school; replacing current system that broadcasts on TV's, etc. and Member Warren asked him to focus on the big things like the roof, etc. Most of the items would be for BMES, DAMS and CSHS. Expansion of cafeteria at the high school will be done with bond money. CSHS is recommended to get a new roof along with DAMS. The Track at the high school needs replacement and parking lots at all sites will be receiving attention. There is very little work projected for STMS, DWES, LMES, DSA and HTES. DWES, LMES and DSA will have activity with their air conditioning. BMES which is 26 years old is due and has a lot of work to be done. It is one of the larger recipients of performance contracting. There are coiling issues in the cafeteria which has only a 9 foot ceiling. A lot of the systems would be replaced to improve the functionality of the school. Roof has washers that when they dry out, it creates a leak. Roofing replacement with a built up roof and new air conditioner is recommended. Repainting of the exterior is also recommended. BMES has ADA issues on the playground; school was not originally built as an elementary. Fine Arts Center has some performance contracting with the lighting. It is 21 years old and needs attention. The most critical items are listed for the FAC; grand total is \$810K in bond and \$62K in performance contracting. We left off an additional \$760K of needed items for the FAC which could be considered for a future bond. The central plant would cost \$2.9M and would fall under performance contracting – no bond monies. It would be an all around package for the central plant which was started in 1989 and was last updated in 1994. There are many things in the central plant that run 24-7-365 and it needs money spent on it.

Member Clancy wants the district to consider those projects using bond money to be favored to local families in the district who do this type of work. Mr. Roehler reported he spoke to two folks who are general contractors that live here. They will be informed of the process and how to get on the bid list. Many small contractors don't understand the process and how to get their foot in the door. Talked with the field users today and how they can get involved in work. This will make sure they have the opportunity to get work that they are able to do. Member Clancy also wants the district to make sure their subs are local people too. She wants 75% of the funds to go to families in the district. Member Schaefer reiterated that it would be great to have money stay in the community.

Dr. Frison stated this is just a presentation. A future action item will be brought back. Member Clancy added with regard to the Fine Arts Center, the carpeting is listed in a different area. So much of the community uses this facility and it would be great to include carpet where you walk in. Community as a whole would appreciate that. Mr. Roehler stated the objective was to show that we have a plan and know what needs to be done over the next three years. The dollar figures until we get into the projects' bids, are projections. Dollars may change, especially in this economy.

Appendix 9



Forty-ninth Legislature - Second Regular Session

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BILL STATUS OVERVIEW

HB2725

SPONSORS: COURT P ASH P CRANDALL P
 PRATT P YOUNG WRIGHT P GOODALE C
 JONES C WATERS C WILLIAMS C

TITLE: education; omnibus

HOUSE FIRST READ: 02/10/10

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail 02/10/10 ED 02/22/10 (8-2-0-0-0) DPA

Vote Detail 02/10/10 RULES 03/02/10 (4-0-2-2-0) C&P

HOUSE SECOND READ: 02/11/10

MAJORITY CAUCUS: 03/02/10 Y

MINORITY CAUCUS: 03/02/10 Y

COW ACTION 1: DATE ACTION AYES NAYS NV EXC VAC
 03/08/10 RET ON CAL 0 0 0 0

COW ACTION 2: DATE ACTION AYES NAYS NV EXC VAC
 03/18/10 DPA 0 0 0 0

AMENDMENTS

- ED - passed as amended
- Floor Amend to ED - Mason - passed
- Floor Amend to Bill - Mason - passed
- Floor Amend to Bill - Pratt - passed
- Floor Amend to Bill - Crandall #1 - passed
- Floor Amend to Bill - Boone #1 - passed
- Floor Amend to Bill - Boone #2 - passed
- Floor Amend to Bill - Crandall #2 - passed
- Floor Amend to Bill - Pancrazi - passed
- Floor Amend to Bill - Barto - passed
- Floor Amend to Bill - Miranda - passed

THIRD READ: DATE AYES NAYS NV EXC VAC EMER AMEND RFE 2/3 VOTE RESULT
 Vote Detail 03/25/10 51 5 4 0 E Y PASSED

TRANSMIT TO SENATE: 03/26/10

SENATE FIRST READ: 03/29/10

SENATE SECOND READ: 03/30/10

COMMITTEES: ASSIGNED COMMITTEES ACTION

Vote Detail 03/29/10 ED 04/07/10 (4-1-2-0) DPA

03/29/10 RULES 04/26/10 PFC

MAJORITY CAUCUS: 04/27/10 Y

MINORITY CAUCUS: 04/27/10 Y

COW ACTION 1: DATE ACTION AYES NAYS NV EXC VAC
 04/28/10 DPA 0 0 0 0

AMENDMENTS

Braswell fir amend (ref Bill) adopted

Huppenthal fir amend (ref Bill) (sub ED) adopted

THIRD READ: DATE	AYES	NAYS	NV	EXC	VAC	EMER	AMEND	RFE	2/3	VOTE	RESULT
Vote Detail 04/29/10	26	1	3	0					Y		PASSED

TRANSMIT TO HOUSE: 04/29/10

MAJORITY CAUCUS: 04/29/10 Y

MINORITY CAUCUS: 04/29/10 Y

Concurrence recommended

HOUSE CONCURRENCE: DATE	AYES	NAYS	NV	EXC
04/29/10	0	0	0	0

HOUSE FINAL READ: DATE	AYES	NAYS	NV	EXC	VAC	EMER	RFE	2/3	VOTE	RESULT
Vote Detail 04/29/10	53	3	4	0						PASSED

TRANSMITTED TO: GOVERNOR 04/30/10

ACTION: SIGNED 05/11/10

CHAPTER: 332

CHAPTERED VERSION: Senate Engrossed Version

Appendix 10

CAVE CREEK UNIFIED SCHOOL DISTRICT NO. 93

Work-Study/Special Meeting of the Governing Board

Tuesday, August 24, 2010

Time: 6:00 p.m. – General Meeting
Place: District Governing Board Room
38016 N 60th St., Scottsdale, AZ 85266

Members of the Board
Janet Busbee, Member
Susan Clancy, Member
Casey Perkins, President
David Schaefer, Vice President
Mark Warren, Member

Approved Meeting Minutes – approved at the 9/14/10 meeting.

1. OPENING

1.1 Call to Order: Meeting was called to order at 6:00 p.m. Board Members present: Ms. Casey Perkins, President, Mr. David Schaefer, Vice President; Ms. Janet Busbee, Ms. Susan Clancy and Mr. Mark Warren, members. Cabinet Members present: Dr. Debbi Burdick, Superintendent; Dr. Kent Frison, Associate Superintendent of Operations and Finance; Dr. Jana Miller, Associate Superintendent of Teaching and Learning and Ms. Patti Tussey, Executive Director of Human Resources. Pledge of Allegiance was said. Call for Formal Adoption of the Agenda was made. Member Schaefer moved and Member Busbee seconded approval of agenda. President Perkins moved New Business Items 4.1 through 4.8 to after Presentations and prior to Old Business. Motion passed unanimously as amended.

2. PRESENTATIONS/INFORMATION/REPORTS

2.1 Strategic Plan for Excellence Update – The Strategic Plan for Excellence annual review was provided on the following subcommittees: Financial Feasibility Committee; High School Planning Committee; Technology Committee; Vertical and Horizontal Alignment; Textbook Adoption; World Language Committee; Community Education; 12-K Comprehensive Counseling; Fine Arts Committee; Workforce Development; Professional Development and Human Resource. Board was asked if they wanted to cover any particular committee.

Member Clancy asked to expand on the strategic committee for technology; goals and plans to expand services on-line. Mr. Sanchez explained we have expanded grades on-line down to secondary schools; it is not at the elementary yet. At end of quarter one will have grades 3-6 available. Member Clancy asked what data warehouse is. Mr. Sanchez explained it is a depository, holding AIMS data, general student information and provides analysis of AIMS data. Member Clancy asked does it mean the teacher will be able to access AIMS scores and drill down to each student as opposed to going through the district. Mr. Sanchez said the goal is to establish it down to the teacher; it isn't there yet.

President Perkins inquired if the target is to look at growth of a student from year to year and will the reports be run by the principals for student achievement. Mr. Sanchez said that it will be data for specific grades and subjects currently being reported, with two previous years of data and one year of expected growth.

Member Busbee asked with grades on-line eventually going K-12, will this reduce the need for a physical report card every quarter; will there just be an end of year report card. Dr. Burdick stated the data warehouse will contain only those areas tested for AIMS. Member Busbee asked when every family gets an ID to access their student's information, will we still duplicate that effort and give a report card or cut our costs and only give a report card at the end of year. Dr. Burdick stated the data warehouse won't contain information for grades K-2 or elective information for all other students. We are not sure if work-study habits will be a part of it. Member Busbee stated even if only middle and high have this information; we continually have discussions on budgets and there are costs associated with paper and the report card itself. Teachers will have to enter the information on the computer and then put it on paper. If we have the ability to reduce one of the things teachers have to do, she is in support of it. Dr. Miller stated the cost of report cards isn't significant; we need to have philosophical discussions with teachers and parents. Principals say on-line grades make for bad communication, assuming parents are checking the grades on-line. We need to continue communication and progress with parents. Many parents at the elementary level want the sheet of paper with grades and progress; as far as cost, it is not huge. There would be some savings but report cards keep lines of communication open. Member Busbee stated she is not assuming it would eliminate the communication; she is looking for saving steps, dollars and time.

Member Busbee stated the data warehouse will be a tool for vertical and horizontal alignment and better ensure that transitions/gaps will be reduced because we have the data available for teachers to see. Dr. Burdick stated it also allows us to see if the students know the standards.

Member Clancy added when a Board Member asks for information, instead of assuming all want it and putting it out through the update; it may be pertinent to only one board member. When she asks for a copy, right now everyone gets a copy. Could there be a way to communicate; do they all want. Member Warren stated this was issue in the past and the Board came up with this protocol. If one Board Member gets information, it is communicated to all. It is simple to put requests through agenda review, run it through the rubric and if it doesn't make it, don't do it. Had members in the past ask for information which took 100 hours of staff time to produce which is not an appropriate use of resource time; if it is crucial information all Board Members should have it. He was glad to see the information on special education.

Member Busbee agrees; we should not be tying up staff time for miscellaneous requests. There is some information that could be required and some could be viewed as arbitrary. We need to look seriously at requests they are making and ask themselves first; is it necessary, urgent and what am I going to do with it. It feels like the Board is starting to be trite and babysitting ourselves. We are adults and need to conduct ourselves in a professional manner. If our conduct as a collective group in a broad sense is consistent, it would look good in the community.

Vice President Schaefer agrees with Member Busbee's assessment. We have a body of 5 individuals and it is difficult. Member Busbee stated it is difficult on a collective body; not everyone should have the same ideas. We would lose creativity and objectivity when all are thinking the same or have same opinions. Board should allow for looking outside the box and at different perspectives. We shouldn't be at odds with each other. She is a proponent of entertaining other ideas and doesn't want to eliminate an opportunity as Board would stagnate as a collective body.

Vice President Schaefer stated he is trying to get his arms around time invested in topics. It is a good idea to empower the Superintendent to run things through agenda review; then we can say pull, put in update or it was already covered a year ago.

Member Clancy stated we don't want the public to see strong arming of individual members when a request is turned down. The individual member needs to have that information and only one who needs to know. Why give all that information to all board members? Each member has strengths, weaknesses and personal interests on the board. She recently asked when the PTO meetings are and she wanted the information. She suggested the other Board Members be asked if they want the information prior to sending.

Dr. Burdick said we would change the language to go through agenda review instead to bringing it to a board meeting. With sending all information to board it is easier to send it to all versus asking each of them if they want it, waiting on a response and then sending the information again. Member Warren moved and Member Busbee seconded friendly motion to change language to reflect "going through agenda review versus brought to the board as a whole." Motion 1 passed unanimously as amended.

Updates to the *Governing Board Member Site Visit Protocol* were presented to bring it into alignment with recent policy changes and to add Board Member "Adopting A School for Event Participation.

Motion 2: Move that the Governing review and approve the Governing Board Member Site Visit Protocol as updated. Member Warren moved and Member Busbee seconded. Discussion: Member Clancy asked what about Process Servers coming onto campus; although she felt this might not be the place to discuss this. Dr. Burdick stated everyone coming onto a campus has to sign in although the police and CPS can tell us differently. Motion passed unanimously.

3.3 Review of Board Priorities "Non-negotiables": - Member Schaefer moved and Member Warren seconded to table this item and item 4.9 (District Goals for 10-11) due to time. Motion to table passed unanimously.

4. NEW BUSINESS

4.1 Expenditure of Bond Proceeds – Legislation recently became effective as a result of HB2725. This legislation states that: "Notwithstanding section 15-491, subsection J, Arizona Revised Statutes, when nine years or more have passed since an election that authorized a school district to issue bonds, the school district may choose to use the proceeds of any bonds authorized at that election for any necessary capital improvement, provided that the school district's governing board votes to authorize the proposed use of the bond proceeds prior to June 30, 2013." This provision applies to the existing bond issue of Cave Creek Unified School District as nine years have passed since the 2000 Bond election. As the district has many capital improvement needs without a funding source, administration recommends that this provision be used for the improvement of school facilities and grounds as indicated in the Capital Plan. All projects exceeding the current threshold for bidding will be presented to the Board for approval. Information was presented to the Governing Board in detail at the August 10, 2010 Governing Board Meeting. This item allows the Board to determine if they want to spend bond proceeds which were originally for a new school, buses, etc. We are projecting \$12M in expenditures and we have \$13M left from the 2000 bond. Administration moved that the Governing

Board authorize the use of bond proceeds for capital improvement purposes. Member Warren moved and President Perkins seconded. Discussion: none Motion passed unanimously.

After the vote, Member Clancy asked over what period of time these projects will be done. Dr. Frison stated we will put a timeline together. Some projects will have to be aligned; some are easier to start than others; some require architecture and bidding process. We want to make sure the Governing Board and community know we are spending the money wisely, i.e., roofs, fire alarms, security systems, etc. Member Clancy asked if we would be looking strongly at using people in the community. Dr. Frison stated we can't favor one vendor over the other due to procurement laws. Member Clancy stated we can put a template together for 5 years or 8 years in business, etc. Dr. Frison stated the process for bid will be put together; we hope to do outreach in the community and everyone will be given equal opportunity to participate in the RFP process. Many times the smaller companies are not used to working with government and the procurement process; unfortunately we are required to go through this process.

4.2 School Facilities Board FY 2011 Capital Plan – Each year school districts are required to submit to the School Facilities Board the SFB Capital Plan form. This plan identifies student growth projections as well as potential land/residential development projections that may affect a district's need for additional building square footage. However, per SFB Instructions, if the district is not requesting any new projects, only the District Information and Student Population Update sections are required to be filled out prior to submittal. The SFB uses this Capital Plan as a tool to determine whether or not New Construction within the district will be funded by the SFB. Current building square footage (all campuses) and student enrollment projections do not warrant a request for additional new construction square footage beyond that of the new high school space which has already been approved. Administration moved that the Governing Board approve the FY11 Capital Plan as presented. Member Warren moved and Member Schaefer seconded. Discussion: Member Clancy asked if the ADM numbers on the SFB form were projections for this year or are they based on what we have in the classroom. Dr. Frison stated they are projections done by the demographer. Member Warren asked what our current enrollment was and Dr. Burdick stated as of today it is 5854, down only 6 students from the 100th day of last year. Dr. Frison stated we currently have only 6 fewer students than the 100th day of last year and it is past the 10 day drop. Motion passed unanimously.

4.3 Revision to Bella Vista Lease (tabled at the 8/10/10 meeting) – After Governing Board approval of Bella Vista's lease on June 22, 2010, a request was made by them to use Room 23 instead of Room 21. Because Room 23 is larger, an increase in the lease rate was required. Administration moved that the Governing Board approve the Revision of the Lease with Bella Vista as presented. Member Warren moved and Member Busbee seconded. Discussion: none. Motion passed unanimously.

4.4 1st Reading of JFABB – Admission of Exchange and Foreign Students (tabled at the 8/10/10 meeting) – It has been the practice at Cactus Shadows to accept one foreign exchange student each year without payment of tuition. All additional foreign exchange students are required to pay tuition to attend CSHS. Policy JFABB has been updated to include this current practice within the policy language. Administration moved that the Governing Board approve the 1st Reading to Policy JFBB – Admission of Exchange and Foreign Students. Member Warren moved to amend this to make it a 1st and final. Member Schaefer seconded. Discussion: Member Clancy inquired how we would determine which student was free. Administration had determined the first foreign exchange student to apply would be the one to receive free tuition. As long as our process is outlined which it is in the regulation, there should be no problems with discrimination. Motion passed unanimously as amended.

4.5 1st and Final Reading of GCQF – Discipline, Suspension and Dismissal of Professional Staff Members (tabled at the 8/10/10 meeting) – A recent Policy Advisory from ASBA advised the addition of Policy GCQF - Discipline, Suspension, and Dismissal of Professional Staff Members, to reflect current legislation including elements of the process in a more discernible format and more specific language concerning suspension without pay for more than ten days and for dismissal. Administration moved that the Governing Board approve the Policy GCQF, Discipline, Suspension, and Dismissal of Professional Staff Members, as first and final reading, as presented. Member Schaefer moved and Member Busbee seconded.

Discussion: Member Clancy asked what improper attitude meant. Ms. Tussey stated it could be different in any case; it is along the lines of insubordination. Member Clancy stated attitude is subjective; this is for professional staff not kids. Ms. Tussey stated if employee's attitude is negative, action could be taken; if there is negative attitude to the supervisor or students. Member Clancy asked what about toward another employee. Ms. Tussey stated that is covered in another area. Member Clancy asked what about engaging in improper political activity. Ms. Tussey stated they would be breaking the law with political activity. If there is an allegation, an investigation would be done to show extent of violation and discipline would fit. Member Clancy stated with excessive absenteeism; what if they are extremely sick or exchanging days. Ms. Tussey stated with being absent without authorized leave each is individual to each case.

Appendix 11

**Scharf-Norton Center for Constitutional Litigation
at the GOLDWATER INSTITUTE**
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Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

JAYNE FRIEDMAN,

Plaintiff,

vs.

CAVE CREEK UNIFIED SCHOOL
DISTRICT #93, et al.,

Defendants.

Case No.: CV2011-007925

REQUEST FOR ADMISSION

Hon. Eileen S. Willett

Pursuant to Rule 33(a) and Rule 33.1(e), Ariz.R.Civ.P, you are hereby requested to admit or deny the following Requests for Admission. You are advised that the matter is deemed admitted unless a written answer or objection addressed to such matter is served upon plaintiffs and signed by defendants or defendants' attorneys within the time provided for in the Rules. With regard to these Requests for Admissions, the following General Instructions shall apply:

INSTRUCTIONS FOR USE

1. If objection is made, the reasons therefore shall be stated.
2. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter.
3. A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify an answer or deny only a party of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder, setting forth in detail the reasons specifically as requested herein.

4. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you include a statement that you have made a reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny the matter in question.
5. If you fail to admit the truth of any matter requested herein and that matter is thereafter proved upon the trial of this action or otherwise, you may be required to pay the plaintiffs' the reasonable expenses, including attorney's fees, incurred in proving the truth of such matter.
6. If you consider that a matter as to which an admission has been requested presents a genuine issue for trial, you may not, on that ground alone, object to the request.
7. You may, subject to the provisions of Rule 37(e) Ariz.R.Civ.P, deny the matter or set forth reasons why you cannot admit or deny such matter.
8. If you respond to any of the foregoing Requests for Admission with anything other than an unqualified admission, for each such response:
 - a. State the basis for such a denial or qualification.
 - b. State all facts that support your denial or qualified admission:
 - i. Identify each and every person having knowledge of such fact; and
 - ii. Identify every document which refers to, relates to, or evidences such fact.
 - c. Set forth a complete and detailed exposition of what you contend to be the true statement of fact respecting the subject matter of each such denied or qualified request for admission.

ADMISSIONS REQUESTED

1. The Cave Creek Unified School District No. 93 has money remaining from the November 2000 bond measure.
2. The Cave Creek Unified School District No. 93 plans to spend money remaining from the 2000 bond measure on projects that were not specified in the November 2000 Special Election Publicity Pamphlet.
3. Absent 2010 Ariz. Sess. Laws 332 § 34, the District would not be permitted to

spend the money remaining from the 2000 bond measure on projects that were not specified in the November 2000 Special Election Publicity Pamphlet.

4. Absent 2010 Ariz. Sess. Laws 332 § 34, the District would have to ask voters to approve a new bond measure to fund the projects it now wishes to fund with money remaining from the 2000 bond measure.
5. The District could hold an election to ask voters to approve a new bond measure to fund the projects it now wishes to fund with the money remaining from the 2000 bond measure.

Respectfully submitted,

Clint Bolick (021684)
Christina Kohn (027983)
Carrie Ann Sitren (025760)
**Scharf-Norton Center for Constitutional Litigation
at the GOLDWATER INSTITUTE**
Attorneys for Plaintiff

ORIGINAL of the foregoing mailed and e-mailed this 6th day of May, 2011, to:

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9 Attorneys for Defendants

10 IN THE SUPERIOR COURT OF ARIZONA
11 MARICOPA COUNTY

12 JAYNE FRIEDMAN,
13 Plaintiff,

14 vs.

15 CAVE CREEK UNIFIED SCHOOL
16 DISTRICT NO. 93, *et al.*,
17 Defendants.

No. CV2011-007925

**RESPONSE TO REQUESTS FOR
ADMISSIONS**

(Assigned to the Honorable Eileen
Willett)

18 Defendants respond to Plaintiff's requests for admission as follows:


- 19 1. Request number 1: Admit.
- 20 2. Request number 2: Admit.
- 21 3. Request number 3: Admit with qualifications. The District may
22 expend up to ten percent of the proceeds for purposes not identified in the
23 Publicity Pamphlet. The District could also modify its use of the proceeds if it
24 held an election and the voters approved the modified use of the proceeds.
- 25 4. Request number 4: Admit with qualifications. The District may
26 expend up to ten percent of the proceeds for purposes not identified in the

1 Publicity Pamphlet. The District could also modify its use of the proceeds if it
2 held an election and the voters approved the modified use of the proceeds.

3 5. Request number 5: Admit.

4 May 20, 2011.

5
6 LaSOTA & PETERS PLC

7
8 By: 

9 Donald M. Peters
10 Kristin Mackin
11 722 East Osborn Road, Suite #100
12 Phoenix, Arizona 85014
13 Attorneys for Defendants

14
15 ORIGINAL of the foregoing mailed this
16 20th day of May, 2011, to:

17 Clint Bolick
18 Christina Kohn
19 Carrie Ann Sitren
20 Scharf-Norton Center for Constitutional Litigation
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22 500 East Coronado Road
23 Phoenix, Arizona 85004

24
25
26 By: Joni Vaucher

Appendix 12

**Scharf-Norton Center for Constitutional Litigation at the
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**IN THE SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

JAYNE FRIEDMAN, et al.,

Plaintiffs,

vs.

CAVE CREEK UNIFIED SCHOOL
DISTRICT #93, et al.,

Defendants.

Case No.: CV2011-007925

**DECLARATION OF ALEXANDER
KOLODIN**

Hon. Eileen S. Willett

Pursuant to Ariz. R. Civ. P. 80(i), **Alexander Kolodin** declares as follows:

1. I am a law clerk at the Goldwater Institute's Scharf-Norton Center for Constitutional Litigation. Currently, I am entering my second year of law school at the University of

Pennsylvania Law School. I have a B.S.F.S. in International Politics with a Concentration in Security Studies from Georgetown University's Edmund A. Walsh School of Foreign Service. Pursuant to a request from Christina Kohn, an attorney at the Goldwater Institute's Scharf-Norton Center for Constitutional Litigation, I personally supervised a project in the above-captioned case in preparation for Summary Judgment. I am competent and authorized to testify as to the matters contained in this Declaration based upon my own personal knowledge unless indicated otherwise.

2. I was asked to determine how many school districts in the State of Arizona have bond money remaining from bond elections held prior to June 30, 2004, and thus would be included in the class created by 2010 Ariz. Sess. Laws 332 § 34.
3. I am not aware that this information is held by any central organization or otherwise reported online or in other records that are readily ascertainable. Therefore, I personally made phone calls, and supervised other Goldwater Institute interns and law clerks' phone calls, to each of the 242 school districts besides Cave Creek in the State of Arizona. The callers asked each district (1) whether they had funds remaining from bond elections prior to June 2004, and if so (2) what was the date of that bond election.

4. As of today, we received responses from 218 of the school districts. Of those districts, only 6 had funds remaining from qualifying elections (less than 3%).

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct.



Alexander Kolodin

Dated: 6/17/11

Appendix 13



Bill Number Search:

Forty-ninth Legislature - First Regular Session

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HOUSE OF REPRESENTATIVES

SB 1187

~~technical correction; deceptive mailings~~

Now: budget reconciliation; K-12

Sponsor: Senator Burns

-
- DPA Committee on Appropriations
 - DPA Caucus and COW
 - X** As Transmitted to the Governor
-

SB 1187 makes statutory and session law changes related to K-12 education and the implementation of the FY 2009-10 budget.

Provisions

Basic State Aid

- Increases the charter school Additional Assistance for FY 2009-10 as follows:
 - For pupils in grades K-8, from \$1,474.16 to \$1,542.51.
 - For pupils in grades 9-12, from \$1,718.10 to \$1,797.77.

These numbers result in a total net decrease of \$5 million in charter school Additional Assistance for FY 2009-10 from FY 2008-09, including the \$4 million reduction in charter school Additional Assistance made in January of FY 2008-09.
- Specifies the Base Level (per-pupil funding) for FY 2009-10 at \$3,201.89.
This number results in an amount that will maintain Base Support Level (BSL) funding for FY 2009-10 at the FY 2008-09 level, including the \$119 million reduction in BSL funding and Soft Capital monies made in January of FY 2008-09.
- Increases, by 2%, the Transportation Support Level per route mile formula for FY 2009-10.
- Reduces the Soft Capital allocation and budget limits for all school districts by \$175,000,000 in FY 2009-10 in the following manner:
 - For districts eligible to receive Basic State Aid, the Soft Capital allocation is reduced pro rata to each district, except that the reduction in Soft Capital allocation for a *small school district* is equal to 50% of what it would be otherwise.
 - For districts not eligible to receive Basic State Aid, the Soft Capital allocation is reduced by the amount that would be otherwise reduced if the districts were eligible.
 - Requires districts, to the extent possible, to take Soft Capital reductions against administrative costs rather than classroom instruction.
- Authorizes school districts to expend Soft Capital in FY 2009-10 for any operating or capital expense.
- Prohibits Basic State Aid for the second year of kindergarten if a school district or charter school admits a child to kindergarten, after the effective date of this act, who has not reached the required age and readmits the child to kindergarten the following school year.

- Reduces the amount of a time a school district must allow a teacher to correct inadequate classroom performance from 85 days after receiving notice about the inadequacy to 60 days after receiving notice.
- Extends the timeframe under which a school district governing board must conduct a hearing for a teacher who has been suspended or dismissed from at least 10 but no more than 25 days after the request for a hearing has been filed to at least 15 but no more than 30 days after the request has been filed.
- Clarifies that retired teachers who return to work and are employed by a school district are not entitled to due process.

Audits

- Permits ADE and the Office of the Auditor General to conduct financial, program, compliance, or ADM audits of school districts and charter schools.
- Permits a school district that received an one-year extension from the Superintendent of Public Instruction to repay monies owed as the result of an ADM audit to petition the SBE for an additional extension of up to three years.
- Retroactively allows the Blue Ridge Unified and Snowflake Unified school districts to petition the SBE for a three-year extension on the repayment of monies owed as a result of ADM audits conducted on the districts.
- Authorizes a school district to convert to a biennial audit schedule for their financial and compliance audits if the district is allowed under federal law and if their previous annual audit did not contain a *significant negative finding*.
- Requires a school district on a biennial audit schedule to convert back to an annual audit schedule if a biennial audit contains a significant negative finding.
- Allows a school district that converted to an annual audit schedule after a significant negative finding to subsequently convert to a biennial audit schedule after two clean audits.

Overrides and Bonding


- Raises the maximum budget increase a school district may request for an Maintenance and Operations (M&O) Override from 10% of the Revenue Control Limit (RCL) to 15% of the RCL.
- Establishes a Special Program Override by expanding the scope of the K-3 Override to allow for a program to be designed for any or all of the pupils in kindergarten through grade 12.
- Stipulates that the RCL related to a Special Program Override for a union high school district is based on the district's weighted student count in grades 9-12 and the RCL for a unified school district includes the district's weighted student count in 9-12.
- Specifies that the maximum amount a school district may request for an M&O Override is 10% of the RCL if the school district also requests a Special Program Override.
- Stipulates that any K-3 Override in effect on the effective date of this bill will continue for the duration previously authorized by the voters or until the voters subsequently approve an M&O Override equal to 15% of the RCL.
- Authorizes a school district, for FY 2009-10, to conduct an election on the second Tuesday in March 2010 and submit one of the following proposals to the voters of the district:
 - A 15% M&O Override that, if approved, replaces any previously authorized M&O and K-3 Overrides.
 - An additional 5% M&O or Special Program Override if the voters of the school district authorize a 10% M&O Override at the November 2009 election.
 - A 17% M&O Override for a common school district if an M&O and K-3 Override are still in effect on the effective date of this act. The 17 percent Override, if approved, replaces any previously approved M&O and K-3 Overrides and continues for the number of years of the previously approved K-3 Override.
- Limits the amount a school district may request for a Capital Override to 10% of the RCL.
Currently, there is no limit to the amount a school district may request for a Capital Override.
- Specifies the Base Level as \$3,291.42 for the purposes of calculating a district's RCL to determine the maximum budget increase that can be requested in an override election conducted in FY 2009-10.
- Permits a school district to issue Class B bonds for furniture, equipment, and technology provided that the bonds mature within five fiscal years after the bonds are issued.
- Exempts a person who contacts a school district governing board member or a school district employee in connection with the procurement of bonding services from registering with the Secretary of State (SOS) as a lobbyist.
- Allows the Cave Creek Unified School District to expend remaining proceeds from a bond election conducted in November of 2000 to make modifications to an existing school rather than build a new school facility.

Charter School Tuition

- Prohibits a charter school from charging tuition to pupils who are residents of Arizona.

Appendix 14

Arizona State Legislature Bill Number Search:



Forty-ninth Legislature - Third Special Session change session | printer friendly version

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HOUSE OF REPRESENTATIVES

HB 2011
K-12; budget reconciliation
Sponsor: Representative Adams

DP Committee on Appropriations

DPA Caucus and COW

X As Transmitted to Governor

HB 2011 makes statutory and session law changes related to K-12 education and the implementation of the FY 2009-10 state budget.

Provisions

State Aid and School Funding

- Allows school districts to revise their FY 2009-10 budgets before November 1, 2009 to conform with the provisions of this act.
- Directs the Arizona Department of Education (ADE) to use a Base Level of \$3,201.89 for the purpose of computing the Base Support Level (BSL) for school districts and charter schools in FY 2009-10. *This results in an amount that will maintain BSL funding in FY 2009-10 at the FY 2008-09 level, including the \$119,000,000 reduction in BSL funding and Soft Capital monies made in January of FY 2008-09.*
- Reduces the Soft Capital allocation and budget limits for all school districts by \$175,000,000 in FY 2009-10 in the following manner:
 - For districts eligible to receive Basic State Aid, the Soft Capital allocation is reduced pro rata to each district.
 - For districts not eligible to receive Basic State Aid, the Soft Capital allocation is reduced by the amount that would be otherwise reduced if the districts were eligible.
 - Stipulates that the Soft Capital allocation reduction for *small school districts* is equal to 50% of what would otherwise be calculated.
 - Requires districts, to the extent possible, to take Soft Capital reductions against administrative costs rather than classroom instruction.
- Authorizes school districts to expend Soft Capital monies in FY 2009-10 for any operating or capital expense.
- Directs ADE to reduce the amount of charter school Additional Assistance for FY 2009-10 by \$5,000,000.
- Modifies the State Aid apportionment schedule for charter schools to move the payment date from the 15th of every month to the first business day of every month, except that July's payment is on the last business day of June.
- Changes the State Aid apportionment schedule for school districts as follows:
 - Increases the number of payments from 10 to 12.
 - Stipulates each payment is equal to 1/12 of the total apportionment.
 - Moves the payment date from the 15th of each month to the first business day of each month, except that July's payment is on the last business day of June.
 - Specifies a payment schedule for FY 2009-10 if the effective date of this act prevents the payments from being made pursuant to the new apportionment schedule.

- Limits participation in Career Ladder Programs in FY 2009-10 to teachers who participated during the prior fiscal year.

Charter School Tuition

- Prohibits a charter school from charging tuition to pupils who are residents of Arizona.
- Allows a charter school to admit pupils who are not residents of Arizona, but requires the charter school to charge tuition for those pupils in the same manner a school district would charge tuition for nonresident pupils.

Early Graduation Scholarship Program (EGSP)

- Retroactive to September 26, 2008, removes the participation of pupils who graduate a semester early from the EGSP, but allows a pupil who qualified for the EGSP by graduating one semester early prior to effective date of this act to continue participating for the duration of that pupil's eligibility.
- Prohibits the student count and per-pupil funding of a school district or charter school from being adjusted under the EGSP in FY 2009-10 for pupils who graduate high school early.
- Stipulates that ADE will not transfer any monies to the Arizona Commission for Postsecondary Education (ACPE) in FY 2009-10 for the EGSP.
- Prohibits pupils not admitted to the EGSP before July 1, 2009 from participating and continues to fund pupils admitted before July 1, 2009 if sufficient monies are available.
- Allows the ACPE to solicit, receive, and administer private and corporate donations, federal grants, and other federal monies in support of the EGSP for FY 2009-10.

Budget Overrides and Bonding

- Raises the maximum amount a school district may request to increase their budget under maintenance and operations (M&O) budget override from 10% of the district's RCL to 15% of the district's RCL.
 - Establishes a special program budget override by expanding the scope of the K-3 budget override for programs targeted for kindergarten through grade 3 to allow a budget override request for programs designed for kindergarten through grade 12.
 - Stipulates that the RCL for a special program override for a union high school district is based on the district's weighted student count in grades 9-12 and for a unified school district includes the district's weighted student count in grades 9-12.
 - Specifies that if a school district requests a special program override, the maximum amount a school district may request for an M&O override is 10% of the district's RCL.
 - States that any K-3 override in effect on the effective date of this bill will continue for the duration previously authorized by the voters or until the voters subsequently approve an M&O override equal to 15% of the RCL.
 - Authorizes a school district to conduct an override election on the second Tuesday in March, 2010 and submit one of the following proposals to the voters of the district:
 - A 15% M&O override that, if approved, replaces any previously authorized M&O and K-3 overrides.
 - A 5% M&O or special program override that, if approved, is in addition to a 10% M&O override authorized by the voters at the November 2009 election.
 - A 17% M&O override for a common school district, if an M&O and K-3 override are still in effect on the effective date of this act. The 17% override, if approved, replaces any previously approved M&O and K-3 overrides and continues for the number of years of the previously approved K-3 override.
 - Permits a school district governing board to cancel any override election previously scheduled for November 2009 by August 15, 2009.
 - Specifies ballot language related to elections for the continuation of a currently-authorized budget override.
 - Limits the amount a school district may request for a capital budget override to 10% of the district's RCL. *Current statute does not limit the amount a school district may request for a capital override.*
 - Specifies the Base Level at \$3,291.42 for the purposes of calculating a district's RCL to determine the maximum budget increase that can be requested in an override election conducted in FY 2009-10.
 - Authorizes school districts to issue Class B bonds for furniture, equipment, and technology, provided the bonds mature within five fiscal years after they are issued.
 - Prospectively extends the timeframe during which a school district may issue a bond from six years after obtaining voter approval to ten years after obtaining voter approval. *This does not apply to any bonds authorized prior to the effective date of this act.*
 - Exempts a person who contacts a school district employee or governing board member about the procurement of bonding services from registering with the Secretary of State (SOS) as a lobbyist.
 - Allows the Cave Creek Unified School District to expend remaining proceeds from a bond election conducted in November of 2000 to make modifications to an existing school rather than build a new school facility.
- Joint Technological Education Districts (JTEDs)***
- Funds JTEDs at 91% of State Aid that would otherwise be provided by law for FY 2009-10.

Appendix 15

Assigned to
ED
AS ENACTED

ARIZONA STATE SENATE

Forty-ninth Legislature, Second Regular Session

FINAL AMENDED

FACT SHEET FOR H.B. 2725

education: omnibus

Purpose

Makes numerous changes regarding public education relating to charter schools, teacher certification, school districts and their governing boards, school district bond proceeds, overexpenditures and new school construction awards.

Background

An omnibus bill packages together several measures into one bill as it relates to a single subject. An omnibus is used in order to make numerous changes in one piece of legislation.

H.B. 2725 addresses issues in public education concerning charter schools, teacher certification, school districts and their governing boards, school district bond proceeds, overexpenditures, and new school construction awards. Additionally, the

15. Authorizes a school district governing board to sell school property to a Joint Technical Education District (JTED) with an existing central campus in FY 2011.

Bonding

16. Allows, upon district request, the deposit of interest or investment earnings on bond proceeds in the Bond Building Fund if federal law requires it to be used for capital expenditures, retroactive to June 1, 2009.

17. Authorizes any political subdivision to make agreements, rebates, filing of tax returns, reporting and limitation on investment earnings from bond proceeds or taxes for federal tax benefits, payments or credits relating to issued bonds.

18. Allows Cave Creek Unified, with governing board approval, to use bond proceeds authorized in November 2000 for any capital purpose until June 30, 2013.

Impact Aid

19. Requires a school district who receives Impact Aid to establish an Impact Aid Fund (Fund), to deposit and separately account for Impact Aid monies received and prohibits comingling with other revenue sources.

20. Requires the district to account for Fund monies as prescribed by the Auditor General in accordance to the Uniform System of Financial Records (USFR).

21. Requires the Superintendent of Public Instruction to separately account for the

Appendix 16

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

JAYNE FRIEDMAN,)
)
) Plaintiff,)
)
 vs.) No. CV2011-007925
)
 CAVE CREEK UNIFIED SCHOOL)
 DISTRICT #93, et al.,)
)
) Defendants.)
)
 _____)

30(b)(6) DEPOSITION OF KENT FRISON

Phoenix, Arizona
June 1, 2011
8:56 a.m.

Ottmar & Associates, Inc.
2800 N. Central, Ste. 150
Phoenix, Arizona 85004
(602) 485-1488
1-866-485-1444

PREPARED FOR:
MS. CARRIE ANN SITREN
ATTORNEY AT LAW
(COPY)
Reported by:
Sheryl L. Henke, RPR
Arizona CCR No. 50745

1 A. Pardon?

2 Q. What year are you now in Cave Creek?

3 A. This will be the end of my sixth year.

4 Q. Oh, you are. Okay. Thank you.

5 How would you describe the current
6 financial state of the District?

7 A. It's a pretty broad question, because there
8 are many different parts of the financial condition of
9 a school district. I would say that on the M&O side,
10 which is the operations side, the day-to-day operating
11 of the school district, keeping the schools operating
12 for student purposes; we're in pretty good shape.
13 Because we've been very careful with the use of our
14 money.

15 On the capital side we have some
16 deficiencies, because the -- we have very few capital
17 funds that we can use to do renovations to school
18 buildings and replace aging systems. Some of which are
19 original.

20 Q. Can you explain to me briefly the difference
21 between M&O, maintenance and operations I'm guessing is
22 what you mean, and then capital expenditures?

23 A. Sure. Maintenance and operation is used to
24 fund the day-to-day operation of the school. It pays
25 for people. Primarily 85 per cent of my budget is for

1 have to be careful. Part of the ceiling fell in at the
2 cafeteria at Black Mountain School, so I can't use that
3 as an example. A skylight fell in at Desert Arroyo
4 Middle School. So those are -- both of those are items
5 that we were intending to repair with capital funds.

6 BY MS. SITREN:

7 Q. Is there a way to repair those items with M&O
8 funds?

9 A. There's a possibility that we can repair them
10 by utilizing, you know, again, if we can find parts
11 that are available. For instance, as an example, the
12 ceiling tiles that are used in the Black Mountain
13 cafeteria aren't available any more. So we'll just
14 have to patch it with other tiles.

15 And labor can be used, was used to repair
16 the skylight that was -- became displaced and was in
17 jeopardy of falling in. Ideally there is a certain
18 point, as I said, that it doesn't make sense to fix it,
19 it makes sense to replace it.

20 Q. Is the school district still getting some
21 money from the State for capital accounts?

22 A. Yes.

23 Q. And what is the District -- how is the
24 District using that money?

25 A. We're using it to do the -- we're using it for

1 a couple things. The only money that we're receiving
2 that can be used for this purpose is what's called
3 unrestricted capital. Unfortunately, there are
4 competing concerns for it. It's the only money that I
5 have left to do capital expenditures for construction
6 purposes.

7 But it is also the only money left to buy
8 textbooks. It's the only money left that we can buy
9 technology. It's the only money left that I can use to
10 buy a new bus. So those are all types of capital items
11 that compete for the same limited quantity of capital.

12 Q. Does the District get to make the decision
13 whether to use that State money for things like
14 technology instead of things like replacing the
15 skylight that fell in?

16 A. Yes. The governing board -- elected governing
17 board makes those decisions. Obviously, the only -- as
18 a qualifier, the only circumstance would be if the fire
19 marshall came and said you need to replace that unit.
20 I don't have any choice. I have to spend it for that
21 rather than buy new textbooks or technology.

22 Q. Now, this lawsuit concerns a bond measure
23 passed in 2000 for capital improvements. But there was
24 another bond measure that was put to voters in 2007.
25 Are you aware of that bond measure?

1 probably to put a -- make it consistent throughout the
2 building.

3 Q. Is the damage that may exist on the interior
4 walls, is that creating any kind of potential safety
5 risk to children in the building?

6 A. It sometimes does, because it has the
7 potential of -- for formation of mold. And so what we
8 end up having to do is when we see either leaks from
9 the ceiling or penetration from the exterior walls, we
10 end up taking off part of the drywall to determine
11 whether or not there is any evidence of any kind of
12 mold, et cetera.

13 And if there is, then typically we call
14 in an outside firm to do it, because of the biohazard
15 nature of it. And normally, then, we would contract
16 with somebody to do all of that repair and replacement.

17 Q. If the exterior is repainted to protect
18 against water getting in, does the interior also need
19 to be repainted?

20 A. It -- does it need to be repainted? It would
21 need to be repainted if evidence of damage occurred
22 because of the penetration of water from the outside.
23 But it would not -- may not need to be repainted.

24 Q. Is there evidence of damage on the walls that
25 you would repaint with the money listed here?

1 A. With certainty I can't tell you. I believe
2 that this was an allocation to repaint the entire
3 school.

4 Q. So the implication, then, would be maybe that
5 there is not evidence of damage throughout the entire
6 school?

7 A. Certainly.

8 Q. Okay. Why is this listed as F&C priority
9 number 2?

10 A. I don't have the answer to that. I can't tell
11 you why he put it that way. Certainly the exterior
12 would have a higher priority. Sometimes, for instance,
13 if I were -- if I were going to guess, exterior is a
14 higher priority than the interior.

15 But from a reality standpoint when we let
16 a contract, we often get a better price for a larger
17 volume of work. And if we're intending to do both of
18 them anyway, we would let the bid so that we get a
19 single contractor, and we get a better benefit for our
20 dollar.

21 Q. For Cactus Shadows, repaint interior and
22 repaint exterior are both listed as priority 2. Could
23 that be because the District is trying to get a better
24 price even though the priorities should be listed
25 differently?

1 MR. PETERS: Object, ambiguous.

2 THE WITNESS: I don't know what -- I
3 don't know what's the significance of the priorities,
4 to be honest with you, because I didn't -- I didn't
5 design the priority.

6 BY MS. SITREN:

7 Q. I guess part of what I'm getting at is, you
8 mentioned that you would prioritize repaint exterior as
9 a higher priority than repaint interior, but they're
10 both numbered priority 2. And I'm wondering why that
11 might be. You mentioned maybe they would try to get a
12 contract, --

13 A. That might be.

14 Q. -- the same contract. Would that be why they
15 would list both of these as priority 2?

16 A. That might be one of the reasons why they
17 would list them as priority 2.

18 Q. On the next page, will you tell me about the
19 project called "Expand cafeteria."

20 A. Page 3? I just want to make sure, I mean, I'm
21 on the right page.

22 Q. This is page 3 in the middle of the page
23 there.

24 A. Yes, I see. Mm-hm. The high school was
25 designed and built for a population of 1,450 students.

1 We currently have right at 1,800 students. The
2 cafeteria is somewhat undersized for the population
3 that we have, and the expected population that we are
4 going to have based on what our demographer says. Our
5 demographer says that we'll have another 500 students
6 in 10 years.

7 And it's difficult to have a -- have a --
8 to get all the students fed in the cafeteria the size
9 that it is. Typically, a cafeteria is constructed in
10 an elementary or a high school building based on the
11 total population expected to attend that school.

12 As I said, Cactus Shadows High School
13 when it was originally designed and built, was built
14 for just a maximum population of 1,450 students. And
15 so we're overcrowded by 350 students as it is. And so
16 our intent was to expand the cafeteria to accommodate
17 the current population as well as the expected growth.

18 Q. What's the trend of student enrollment right
19 now?

20 A. It's flat. We -- we decreased this year, I
21 think, overall 37 students. I mean, so in the scheme
22 of things we call that flat. Our -- the estimate --
23 the projected trend is upward, is going to start to
24 increase in small single digit numbers.

25 Q. Could the District build a new school at some

1 work?

2 A. I -- I don't have the details to that.
3 Mr. Roehler, it may be, it might be a percentage, it
4 might be some details that he has that have determined
5 what those dollar amounts would be. But off the top of
6 my head, I don't know what -- I don't know the basis
7 for the number.

8 Q. Would that number, "Testing, Permits,
9 Contingency, Design" total there, that -- excuse me.
10 Would that number that is there be the total for all
11 testing, permits, contingency, and design for all of
12 the projects combined for Cactus Shadows?

13 A. I believe that would be an accurate statement;
14 an estimate, anyway.

15 Q. Now, the next page, which is marked as page 4,
16 is labelled "Desert Arroyo Middle School." Didn't the
17 District vote to close that school recently?

18 A. We did.

19 Q. And is that school closed?

20 A. There are no students attending that school.

21 Q. What is being done with that school right now?

22 A. It is -- it is being maintained in minimal --
23 at a minimal level of operation. We are waiting to
24 see, you know, what the future will do with that.

25 Q. I see some capital improvement projects listed

1 on this school like campus-wide drinking fountain
2 replacement.

3 A. Mm-hm.

4 Q. Why is that listed for the school if the
5 school is not being used right now?

6 A. Well, just to reiterate, this plan, this
7 summary was first put together three, four years ago.
8 And it is being refined. And even up until last
9 summer, early spring, whenever the date of this was,
10 determination had not yet been made that the school was
11 going to be closed. So we've kept the projects on
12 here, because this was the original -- you know, this
13 was the plan.

14 Q. Is the school still planning to replace
15 drinking fountains campus-wide at Desert Arroyo?

16 A. It is not -- you know, to be honest with you,
17 I don't know. It's still on the plan. If the -- if
18 the school becomes operational again, then we would
19 hopefully do that.

20 Q. I see that that has a priority number 1.
21 Would that be first priority for the school district
22 even though the building is not being used?

23 A. It wouldn't be first priority for the school
24 district. It would be one of the first priorities
25 along with the other number 1s for that campus should

1 Q. Any other phases --

2 A. No.

3 Q. -- besides the second phase?

4 A. No, no, not to this point.

5 Q. Skipping to page 7 for Black Mountain
6 Elementary School. There's a project, "Skylight
7 replacement, Ceiling redesign and Improve CR lighting."
8 And the comment says, "Replace all T12 with T8
9 fixtures."

10 A. Mm-hm.

11 MR. PETERS: That's not a question.

12 BY MS. SITREN:

13 Q. Will you tell me about that project, please?

14 A. The T12 is a designation for a type of
15 fluorescent bulb that's in the lighting fixture, by
16 today's standards very inefficient. And the T8 is an
17 efficient lighting fixture that would be used to
18 replace it. And, indeed, is in the process of
19 happening through the performance contracting money.
20 All of that electrical is under the second column.

21 The skylight replacement -- the school,
22 again, is -- I believe that school is 24 years old. If
23 I remember, it has original skylights in some of the
24 classrooms. And basically the skylights have become
25 inoperable due to the -- the material that was to let

1 the light through has either become -- whatever happens
2 to that kind of material -- faded. You can't see
3 through it. It doesn't let the light through.
4 Scratched, et cetera, et cetera, damaged.

5 And so we're trying to get natural light
6 in the classrooms as much as possible. The ceiling
7 redesign had to do with the lighting and the lighting
8 structure. Many of those classrooms have -- again,
9 have a vaulted ceiling. And they take many more
10 lighting fixtures to provide the ambient light at the
11 tabletop surface for the students.

12 And so there was a suggestion that if we
13 could redesign the ceiling a little bit, we could use
14 fewer lighting function -- lighting elements within the
15 ceiling, and also use less electricity then. So that
16 was -- that was part of that.

17 CR stands for classroom and improved
18 classroom lighting. We were attempting to kill two
19 birds with one stone. To improve the classroom
20 lighting means a couple different things; one, to
21 provide an appropriate amount of light for the students
22 in order to be able to read, and do their lessons, and
23 also to set up the classroom so that it would function
24 better for the teacher.

25 Q. To be clear, is there still light in these

1 performance contracting, it would need to come from a
2 different funding source.

3 Q. What about repaint interior and repaint
4 exterior for Black Mountain. These are both towards
5 the bottom of the page. Repaint interior is listed as
6 F&C priority 2, and repaint exterior is listed as F&C
7 priority 3. Will you tell me about those projects?

8 A. I would say that the repainting of the
9 interior is probably similar to Cactus Shadows in that
10 we don't have any records that indicate that the
11 interior at wholesale has ever been repainted all at
12 once kind of thing. So it would be for the same types
13 of purposes. To repair damage to come up with a -- you
14 know, an aesthetically pleasing classroom environment.

15 (Ms. Kohn leaves the room.)

16 The exterior is a priority 3. It is for
17 the same purpose, which is to protect the exterior
18 building walls from water penetration. But that
19 building was built before the high school. I believe
20 that building is 24 years old. And I know that it has
21 been repainted one time, at least, because I can tell
22 from the color on it. And that sometime in those
23 24 years it has been repainted.

24 And so I would assume that Mr. Roehler
25 put -- separated them out as priorities, because it has

1 directly adjacent to the high school.

2 So we utilize it for other things. But
3 we still -- on here obviously we still call it -- he
4 was calling it former Black Mountain. It is now called
5 the Learning Center. It has a new name.

6 Q. Will you tell me about the project called "Add
7 records storage area," the first project on that page?

8 A. I can tell you what it means. I can't tell
9 you the specific purpose. Just to convert a classroom
10 space, to turn it into a records storage area. We
11 obviously have a lot of records that by law we're
12 required to keep on all of our students.

13 And those words would simply tell me that
14 there was a need to convert some part of a classroom
15 space into a records storage area. I can't tell you,
16 based on those words, for what purpose, whether it was
17 for a high school or whatever.

18 Q. But that wouldn't have anything to do with
19 children's safety or learning?

20 A. No, no.

21 Q. What about repaint interior and repaint
22 exterior? Will you tell me about those projects for
23 this --

24 A. Sure.

25 Q. -- facility?

1 A. It would be the same rationale as what we've
2 talked about. That is our oldest facility. And I
3 don't know the -- I don't know the age of it. But it
4 is 24 years old perhaps. And on the exterior, the same
5 rationale, that we have no records showing when the
6 last time it was repainted. And on the interior it
7 would be for the same kind of purpose of potentially
8 repairing, replacing, any kind of a -- any damage from
9 anything previous. And to give it a general color
10 scheme.

11 Q. Who would have the records showing the last
12 time it was repainted?

13 A. If records exist today, it would be somewhere
14 in the facilities department files.

15 Q. On page 15, "Fine Arts Center," what is
16 "replace dimmer system"?

17 A. The Fine Arts Center is our only, we would
18 call an auditorium. It seats about 450 students. And
19 it is a -- it is a general auditorium where they put on
20 plays, and recitals and musical productions for the
21 high school. It was originally built in conjunction
22 for use with the high school as a performing theater,
23 so to speak.

24 The dimmer system is the system that
25 controls the house lights for production purposes. And

1 that they can do more things with the production of
2 plays and musicals and those kinds of things. So I
3 assume just to have a more effective lighting system.

4 Q. The plays and musicals can still happen
5 without a more effective system?

6 A. I would assume that they could go on without
7 it.

8 Q. Presumably they would have gone on without it
9 since the Fine Arts Center was opened, because the
10 language there says, improve and modernize the
11 lighting; would that be a fair statement?

12 A. Yes.

13 Q. What about repaint interior and exterior
14 painting for the Fine Arts Center; will you tell me
15 about those?

16 A. I would say that that is the same rationale as
17 the rest of the buildings. That they're -- the Fine
18 Arts Center, again, is 20-plus-years old. And had
19 similar types of water damage from the rainstorm that
20 we had. And the interior, again, my understanding is
21 that it probably has not been repainted on a wholesale
22 basis. That it has the original paint scheme from
23 20-plus years ago.

24 Q. I see that those are listed as priority 2 and
25 replace dimmer system and improve and modernize stage

Appendix 17

Kent

**CAVE CREEK UNIFIED SCHOOL DISTRICT NO. 93
WORK-STUDY/SPECIAL MEETING OF THE GOVERNING BOARD
AUGUST 24, 2010**

ITEM NO: 4.1

TOPIC: Expenditure of Bond Proceeds

PREPARED BY: Dr. Kent Frison *DKF*

WILL BE PRESENTED BY: Dr. Kent Frison

TYPE OF ITEM: ACTION DISCUSSION

Background Information:

Legislation recently became effective as a result of HB2725. This legislation states that:

"Notwithstanding section 15-491, subsection J, Arizona Revised Statutes, when nine years or more have passed since an election that authorized a school district to issue bonds, the school district may choose to use the proceeds of any bonds authorized at that election for any necessary capital improvement, provided that the school district's governing board votes to authorize the proposed use of the bond proceeds prior to June 30, 2013."

This provision applies to the existing bond issue of Cave Creek Unified School District as nine years have passed since the 2000 Bond election. As the district has many capital improvement needs without a funding source, administration recommends that this provision be used for the improvement of school facilities and grounds as indicated in the enclosed Capital Plan. All projects exceeding the current threshold for bidding will be presented to the Board for approval.

Recommendation:

The Administration would recommend that the Governing Board take the following action:

Move that the Governing Board authorize the use of bond proceeds for capital improvement purposes.

ADDITIONAL MATERIAL:

Attached: Yes X No

BOARD APPROVED
8-24-10

DATE *[Signature]*

SUMMARY OF PROPOSED CAPITAL PLAN

CAMPUS / FACILITY	FUTURE BONDING REQUEST	FUTURE NEW CONSTRUCTION BONDING REQUEST	PERFORMANCE CONTRACTING PROJECTS	2000 BOND PROJECTS	FOUNDATIONS BONDING REQUEST	FUTURE ADMIN BONDING REQUEST	ADMIN-GROUND BONDING REQUEST
CSHS	\$1,679,830	\$3,317,500	\$734,480	\$5,865,760	\$0	\$0	\$0
DAMS	\$2,599,210	\$0	\$359,081	\$1,274,900	\$0	\$0	\$0
STMS	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BMES	\$1,929,190	\$0	\$1,299,000	\$1,802,545	\$0	\$0	\$0
DWES	\$276,940	\$0	\$0	\$480,070	\$0	\$0	\$0
DSES	\$108,580	\$0	\$0	\$276,086	\$0	\$0	\$0
LMES	\$0	\$0	\$0	\$288,700	\$0	\$0	\$0
HTES	\$0	\$0	\$0	\$98,332	\$0	\$0	\$0
Learning Center	\$517,807	\$0	\$254,490	\$1,115,080	\$0	\$0	\$0
Fine Arts Center	\$761,280	\$0	\$62,884	\$810,690	\$0	\$0	\$0
Transportation	\$0	\$900,000			\$0	\$0	\$0
Warehouse	\$0	\$0			\$0	\$0	\$0
Central Plant North	\$0	\$0	\$2,943,133		\$0	\$270,840	\$0
Central Plant South	\$0	\$0	\$0	\$125,300	\$0	\$0	\$0
CCUSD No. 93 SUB TOTALS	\$7,872,837	\$4,217,500	\$5,653,068	\$12,135,463	\$0	\$270,840	\$0
CCUSD No. 93 FUTURE BOND TOTAL	\$12,361,177						

2000 BOND GROUNDS IMPROVEMENTS

CAMPUS / FACILITY

CSHS	\$0
DAMS	\$32,940
STMS	\$270,450
BMES	\$125,880
DWES	\$0
DSES	\$13,664
LMES	\$0
HTES	\$0
Learning Center	\$0
Fine Arts Center	\$0
Transportation	\$0
Student Transportation	\$0
Warehouse	\$0
Central Plant North	\$0
Central Plant South	\$0

2000 BOND GROUNDS IMPROVEMENTS \$382,934

PERFORMANCE CONTRACTING PROJECTS

\$5,653,068

\$12,135,463

GRAND TOTAL \$18,171,465

F&C PRIORITY	CACTL	ADOWS HIGH SCHOOL	COMMENTS	PROJECT ESTIMATE RENOVATIONS	PROJECT ESTIMATE CONTRACTING PROJECTS	PERFORMANCE CONTRACTING PROJECTS	2000 BOND PROJECTS
			Restroom renovation and fixture replacement	Fixtures, Partitions, Tankless Water heaters	\$275,000	\$18,524	
1		High Efficiency Boiler Upgrade	Replace existing boiler			\$175,873	
1		Replace drinking fountains campus wide (includes practice areas)	40 drinking fountains including power as needed				\$100,000
<hr/>					\$569,397		
2		Improve science areas			\$300,000		
<hr/>							
1		Lighting Upgrades	Replace all 1-12 w/8 fixtures, replace occupancy sensors	\$300,000		\$519,564	
1		Replace Intercom/Clock/Bell System	Replaces current system that broadcasts on TVs			\$20,519	\$65,000
1		Fire Alarm Replacement	Complete system replacement				\$198,000
<hr/>							
1		Roof replacement (100-600 R00 cafeteria/kitchen)		\$803,083			\$960,000
<hr/>							
1		Replace HVAC fan coil controls	CW Modulating valves, fan coil controllers and software	\$980,000			\$300,000
<hr/>							
1		Door Hardware Replacement	Panic Bars, Leversets, Weather Striping, Keyless Entry	\$300,000	\$65,000		\$25,000
3		Create secured zoning for the gym & MPR areas					\$65,000
<hr/>							
2		Renovate bleacher seating main/aux gym	Replace wheels and motors	\$155,000	\$87,500		
3		Replace gym sound system			\$7,000		
<hr/>							
1		Resurface parking lot and drives	1" thick overlay per square yard cost	\$94,500			\$295,000
1		Resurface all weather track	Rubber surface only new stripes				\$230,000
<hr/>							
2		Repaint interior	Repair drywall any damage, weather seal, repaint	\$525,000.00			\$185,000
2		Repaint exterior	Cost per square foot				\$285,000

3	Building and classroom signage to CCUSD standard		\$32,000	
			\$502,000	
2	Flooring replacement (carpet and VCT)	Cost per sq yard	\$328,410	
3	Replace millwork/laminate	Cost per lin foot	\$180,000	
			\$508,410	
2	Replace scoreboard and play clocks		\$25,000	
3	Remodel snack bar to DHS Food Service Code	New stainless 3 bay, plumbing upgrades	\$35,000	
3	Add HVAC stadium locker room	Package unit type HVAC units cost is per square foot	\$42,000	
			\$102,000	
5	Expansion Add student parking		\$1,250,000	\$1,500,000
5	Expansion Add Band/Orchestra, Black Box, Choral Room, and practice rooms			\$600,000
5	Expansion Expand cafeteria			
			\$3,350,000	
3	Master Plan Add field house/locker room	3000 sq ft @ \$125/ sq ft	\$375,000	
3	Master Plan Add locker rooms for baseball/softball @ varsity fields	1500 sq ft @ \$125/ sq ft	\$187,500	
3	Master Plan Light varsity and practice fields	One field of each	\$225,000	
3	Master Plan Remove football stadium support space	No to exceed - too many variables	\$66,000	
3	Master Plan Add four tennis courts to existing complex	No lights included	\$475,000	
3	Master Plan Add stadium parking		\$750,000	
			\$3,317,500	
		TOTAL	\$1,376,910	\$4,808,000
		Testing, Permits, Contingency, Design	\$0	\$1,057,760
			\$302,920	INCLUDED
		SUB TOTAL CSHS	\$1,679,830	\$5,865,760
		GRAND TOTAL CSHS		\$8,280,070

F&C PRIORITY	DESERT ARROYO MIDDLE SCHOOL	COMMENTS	PROJECT ESTIMATE RENOVATIONS	PROJECT ESTIMATE GROUNDS	PERFORMANCE CONTRACTING PROJECTS	2000 BOND PROJECTS
1	Roof replacement with Built up roof	15 - 20 yr old built up roof				\$970,000
1	Replace skylights / improve CR lighting	Replace T12 w/ T8 fixtures			\$359,081	
				\$1,329,081		
1	Add HVAC in kitchen	Replace coolers	\$50,000			
1	HVAC Fan coil replacement	20 yr old equipment approaching end of useful life	\$200,000			
			\$250,000			
1	Fire Alarm Replacement Phase II	Final phase of code compliance efforts				\$40,000
			\$40,000			
1	Add security system to CCUSD standard.	Currently only Admin Bldg and Tech Lab have security	\$120,000			
3	Create secured zoning in the gym & multipurpose area	isolate after hour use to specific areas	\$30,000			
			\$150,000			
1	Restroom renovation, fixture and ADA compliance	Urinal Water Closet, Hand wash, Hand dryers, flush valve replacements	\$480,000			
1	Replace potable water supply line to campus	2000' @ \$36/ft Replace with C900 pipe	\$72,000			
1	Campus wide drinking fountain replacement.	Replace with ADA compliant chilled water units	\$25,000			
			\$577,000			
1	Resurface parking lot and drives					\$35,000
						\$35,000
1	Hardware replacement on all doors		\$150,000			
1	Reconfigure Office and Stu Svcs for campus control.		\$15,000			
			\$165,000			

2	Improve science areas		\$75,000				
2	Replace millwork / laminate		\$170,500				
				\$245,500			
2	Replace flooring	Replace carpet/vct/linoleum	\$500,000				
2	Repaint interior		\$105,000				
2	Repaint exterior		\$113,000				
2	Building and classroom signage to CCUSD standard		\$25,000				
				\$743,000			
2	Repair/replace sidewalks		\$40,000				
3	Playing field renovation.	Sprinkler head / Valve replacement	\$27,000				
3	Establish a secure campus perimeter (fencing)	Wrought iron	\$70,000				
				\$137,000			
					\$2,130,500	\$27,000	\$1,045,000
					\$359,081		
						INCLUDED	\$229,900
			\$488,710	\$6,940			
					\$32,940		\$1,274,900
			\$2,595,210	\$32,940		\$359,081	
							\$4,266,131

TOTAL

Testing, Permits, Contingency, Design

SUB TOTAL DAMS

GRAND TOTAL DAMS

PROJECT ESTIMATE GROUND

2000 BOND PROJECTS

F&C PRIORITY SONORAN TRAILS MIDDLE SCHOOL

	COMMENTS	
1	⓪ Parking lot slurry seal, and re-stripe slurry and stripe per sq ft	\$62,500
2	⓪ Playing field renovations not to exceed budget	\$75,000
2	⓪ Add shade structures relocate DAMS shade structures and add concrete	\$35,000
		<u>\$110,000</u>
	TOTAL	\$172,500
	Testing, Permits, Contingency, Design	\$37,950
	SUB TOTAL STMS	\$210,450
	GRAND TOTAL STMS	\$210,450

PRIORITY BLACK MOUNTAIN ELEMENTARY SCHOOL PROJECT ESTIMATE PROJECTS IN THE PERFORMANCE 2006 BOND PROJECTS

RENOVATIONS GROUNDS CONTRACTING PROJECTS

	COMMENTS		
1	Flooring replacement	Replace Carpet, VCT, Linoleum	\$490,000
			\$490,000
1	Restroom renovation, fixture and ADA compliance	Urinal, Water Closet, Hand wash, Hand dryers, flush valve replacements	\$37,357
			\$487,357
1	Skylight replacement, Ceiling redesign and improve CR lighting	Replace all T12 w/T8 fixtures	\$792,266
			\$1,017,266
1	Hardware replacement on all doors	Includes panic bars, lever sets, closers and weather stripping	\$112,000
1	Install security system to CCUSD standard.		\$93,225
			\$205,225
1	Fire alarm replacement	Replace Integra System that broadcasts on CR TVs	\$280,000
1	Audio & Visual corrections		\$20,812
			\$465,812
1	Roof replacement with Built up roof	except building #100 Equip -6yrs old	\$448,565
1	FIVAC replacement, EMS Upgrade	(includes all duct work)	
			\$906,308
1	Blancher Renovation	Motor and wheel replacement	\$65,000
1	Sound Management in Gymnasium		\$12,000
			\$77,000
2	Renovate Nurse's suite to CCUSD standard		\$86,156
2	Repaint interior		\$6,983
2	Add signage to CCUSD standard		\$285,939
3	Replace millwork/laminate		\$185,000
3	Repaint exterior		
			\$640,264

1	Resurface parking lot/drives				\$68,567
2	Repair/replace sidewalks	\$18,180			
			\$88,747		
3	Requre main playground for ADA compliance	\$85,000			
			\$85,000		
	TOTAL	\$1,581,303	\$103,180	\$1,299,080	\$1,477,486
	Testing, Permits, Contingency, Design	\$347,887	\$22,700	INCLUDED	\$325,049
	SUB TOTAL BMES	\$1,929,190	\$125,880	\$1,299,000	\$1,802,545
	GRAND TOTAL BMES				\$5,156,614

F&C PRIORITY DESERT WILLOW ELEMENTARY SCHOOL

2000 BOND PROJECTS

PROJECT ESTIMATE
RENOVATIONS
PROJECT ESTIMATE
RENOVATIONS
PROJECT ESTIMATE
RENOVATIONS

COMMENTS

H/S/L/E	Renovate Central Plant and related HVAC equipment		\$100,000	
S/L	Resurface parking lot and drives	1" thick overlay price per sq yard	\$78,500	\$78,500
H/S/L	Hardware replacements on all doors	lock, closure and weather striping	\$30,000	
H/L	Repaint exterior	price per sq ft		\$110,000
H/L	Repaint interior	price per sq ft		\$105,000
			\$0	
H/S/L	Replace flooring (carpet and VCT)	price is per sq yard	\$182,000	
L/EDU	Install GPS clock system	similar to LINES and STMS	\$15,000	

TOTAL

\$227,000 \$0 \$393,500

Testing, Permits, Contingency, Design

\$49,940 \$0 \$86,570

SUB TOTAL DWES

\$276,940 \$0 \$480,070

GRAND TOTAL DWES

\$757,010

F&C PRIORITY		DESERT SUN ELEMENTARY SCHOOL	COMMENTS	PROJECT ESTIMATE RENOVATIONS	PROJECT ESTIMATE GROUNDS	2000 BOND PROJECTS
H/S		Add drinking fountains adjacent to play areas	4 fountains includes water and sewer tie in		\$11,200	
				\$11,200		
H/S/L/E		HVAC renovation (resize pumps/piping)	Mammoth Governair Central Plant			\$100,000
				\$100,000		
H/L		Repaint interior	Admin, Multi Purpose, K & Library Bldgs only			\$55,000
H/L		Repaint exterior	Admin, Multi Purpose, K & Library Bldgs only			\$56,300
				\$111,300.00		
3		Replace flooring (carpet and VCT)	Admin, Multi Purpose, K & Library Bldgs only	\$89,000		
3		Add GPS clock system	similar to LMES and STMS			\$15,000
				\$104,000		
TOTAL				\$89,000	\$11,200	\$226,300
Testing, Permits, Contingency, Design				\$19,580	\$2,464	\$49,786
SUB TOTAL DSES				\$108,580	\$13,664	\$276,086
GRAND TOTAL DSES						\$398,330

F&C PRIORITY LONE MOUNTAIN ELEMENTARY SCHOOL PROJECT ESTIMATE RENOVATION GROUNDS 2000 BOND PROJECTS

	COMMENTS	
1	Central Plant Renovations	\$75,000
2	Paint exterior	\$110,000
1	Field renovations	\$50,000

TOTAL	\$0	\$0	\$235,000
Testing, Permits, Contingency, Design	\$0	\$0	\$51,700
SUB TOTAL LINES	\$0	\$0	\$286,700
GRAND TOTAL LINES			\$286,700

F&C PRIORITY	HORSESHOE TRAILS ELEMENTARY SCHOOL	COMMENTS.	PROJECT ESTIMATE RENOVATIONS	2000 BOND PROJECTS
2	Add water fountains (close to fields)	chilled water ADA compliant		\$5,600
2	Field renovation for all turf areas			\$75,000

\$80,600

TOTAL

\$0 \$80,600

Testing, Permits, Contingency, Design

\$0 \$17,732

SUB TOTAL HTES

\$0 \$98,332

GRAND TOTAL HTES

\$98,332

F&C FORMER BLACK MOUNTAIN ELEMENTARY
PRIORITY SCHOOL

COMMENTS

PROJECT ESTIMATE RENOVATIONS

PROJECT ESTIMATE GROUNDWORK

PERFORMANCE CONTRACTING PROJECTS

2000 BOND PROJECTS

Item	Comments	Project Estimate Renovations	Project Estimate Groundwork	Performance Contracting Projects	2000 Bond Projects
1	Add district records storage area. convert CR space	\$35,000			\$35,000
1	New hardware on all doors	\$70,000			\$100,000
1	Install security system to CCUSD standard.				
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		\$170,000			\$480,000
1	HVAC replacement				\$78,000
1	Replace fire alarm system				
1	Lighting Upgrade		\$254,490		
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1	Resurface parking lot and drives	\$254,490			\$25,000
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		\$25,000			\$61,000
2	Repair interior				\$135,000
2	Repair exterior	\$309,432			
2	Replace flooring (VCT and carpet)	\$45,000			
3	Replace millwork				
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		\$550,432			\$914,000
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TOTAL		\$424,432	\$0	\$0	\$914,000
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Testing, Permits, Contingency, Design		\$93,375	\$0	\$0	\$201,080
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SUB TOTAL Learning Center		\$517,807	\$0	\$0	\$1,115,080
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GRAND TOTAL Learning Center					\$1,887,377

F&C PRIORITY	FINE ARTS CENTER	COMMENTS	PROJECT ESTIMATE RENOVATIONS	PROJECT ESTIMATE GROUNDS	PERFORMANCE CONTRACTING PROJECTS	2000 BOND PROJECTS
1		Fluxing replacement (carpet, vct, masonite, and stage)	\$175,000			
1		Refurbish all theater seating	\$130,000			
1		Hardware replacements all doors	\$26,000			\$300,000
1		Replace roofing				
1		Atrium renovation	\$78,000			
1		Renovate for ADA compliance (theater)	\$260,000			
1		Upgrade security system	\$36,000			
1		Replace dimmer system	\$50,000			\$75,000
1		Renovate stage rigging				
1		Replace grand valence, grand drape, cyciorama, and other back-curtains	\$35,000		\$62,884	\$60,000
1		Improve and modernize stage / theater lighting				\$35,000
1		Segregate I/O fire alarm from FAC system	\$65,000			\$82,500
1		Replace sound system				\$112,000
2		Repaint interior	\$12,000			
2		Add signage				
2		Exterior painting				
2		Add electrical in amphitheater to accommodate lighting and sound system	\$62,000			
TOTAL			\$624,000	\$0	\$62,884	\$664,500
Testing, Permits, Contingency, Design			\$137,280	\$0	INCLUDED	\$146,190
SUB TOTAL FAC			\$761,280	\$0	\$62,884	\$810,650
GRAND TOTAL FAC						\$1,634,854

F&C PRIORITY	WAREHOUSE	COMMENTS	PROJECT TOTAL ADMIN	PROJECT TOTAL GROUND
1	Insulate building		\$20,000	
1	Replace cooler and ductwork		\$35,000	
1	Add area heating		\$40,000	
1	Add building security system		\$15,000	
1	Replace roll up doors		\$52,000	
1	Replace all doors and hardware		\$20,000	
2	Improve exterior lighting		\$25,000	
2	Replace shelving		\$15,000	
TOTAL			\$222,000	\$0
Testing, Permits, Contingency, Design			\$48,840	\$0
SUB TOTAL WAREHOUSE			\$270,840	\$0
GRAND TOTAL WAREHOUSE			\$270,840	

PRIORITY	F&C TRANSPORTATION	COMMENTS	PROJECT TOTAL		PERFORMANCE CONTRACTING PROJECTS	
			PROJECT TOTAL	PROJECT TOTAL ADMIN	PROJECTS	PROJECTS
1		Lighting Upgrade, Install occupancy sensors			\$39,360	
1		RTU (HVAC) Replacement				\$100,000
1		Add parking lot lighting				\$15,000
1		Add security system				\$150,000
SALJEDU Resurface/Expand lot to accommodate 100 vehicles						
			\$304,360.00			
Add office building which includes: Drivers Lounge, Training Room, RR & Locker Facilities			\$900,000			
			\$900,000.00			
TOTAL			\$0	\$0	\$39,360	\$265,000
Testing, Permits, Contingency, Design			\$0	\$0	INCLUDED	\$58,300
SUB TOTAL TRANSPORTATION			\$0	\$0	\$39,360	\$323,300
GRAND TOTAL TRANSPORTATION					\$362,660	

Complete Traffic study
 Complete Replace phone/ radio system

F&C
 PRIORITY CENTRAL PLANT (MAIN)

PERFORMANCE CONTRACTING
 PROJECTS

	COMMENTS	
1	Central Plant Upgrades pump, motor, vfds, controls, software, cooling towers	\$2,943,133

TOTAL

\$2,943,133

INCLUDED

Testing, Permits, Contingency, Design

\$2,943,133

SUB TOTAL CENTRAL PLANT NORTH

\$2,943,133

GRAND TOTAL CENTRAL PLANT NORTH

F&C PRIORITY CENTRAL PLANT (SOUTH)

2000 BOND PROJECTS

COMMENTS

1	Central Plant Upgrades	\$100,000
TOTAL		\$100,000
	Testing, Permits, Contingency, Design	\$25,300
SUB TOTAL CENTRAL PLANT SOUTH		\$125,300
GRAND TOTAL CENTRAL PLANT SOUTH		\$125,300

Appendix 18

Priority 1 items include the replacement of Building Life Safety Systems and building components that have a high potential to negatively impact the Health and Safety of the building's occupants...and building components that have exceeded their useful life expectancy and pose a risk of failure that could adversely affect the operation of the facility.

Priority 2 items include the replacement or renovation of building components that are at the end of their useful life expectancy, but do not pose a significant risk to the building's occupants if not addressed immediately. Under certain circumstances these building components if left unchecked could potentially cost the District more money to complete repairs.

Priority 3 items include the replacement or renovation of building components that are approaching the end of their useful life expectancy, but do not pose a significant risk to the building's occupants if not addressed immediately.