



Proposition S Communications Tools/Activities
December 15, 2009 - January 15, 2010

ICOC Committee
January 21, 2010; Exhibit 7

Print Media Coverage

- The San Diego Union-Tribune*, Jan. 14, 2010, "San Diego school board OKs pursuing labor rules for construction work"
- The San Diego Daily Transcript*, Jan. 5, 2010, "Superior court dismisses labor agreement case; AGC looks to appeal"
- The San Diego Union-Tribune*, Jan. 2, 2010, "Suit dismissed over schools' union preference: Proposition S projects affected"

Stakeholder Communications

- Friday Notes (web/e-newsletter)
 - January PSA Training, Jan. 8
- Letters/Notices
 - Notice of Preparation for Jonas Salk Elementary School

Upcoming Media Events

- Prop. S i21 demonstration, January 29
- Morse High School groundbreaking ceremony, TBD
- Morning show segments, TBD
- Ace Mentoring Program at Hoover High School, Proposition S construction project, TBD

Upcoming Meetings/Events

- Salk ES public meeting on environmental study, January 27
- San Diego HS Site Master Planning meeting, Feb. 10
- Madison HS Site Master Plan meeting, TBD



San Diego school board OKs pursuing labor rules for construction work

By Helen Gao, UNION-TRIBUNE STAFF WRITER

Wednesday, January 14, 2009 at 12:47 a.m.

SAN DIEGO — Labor unions scored a big win Tuesday night when the San Diego school board directed district staff to work with them to develop employment rules for contractors hired for projects funded by a \$2.1 billion bond measure.

Several hundred construction workers packed the San Diego Unified School District board meeting to speak on both sides of the issue.

The board approved the plan 3-2. Trustees Katherine Nakamura and John de Beck dissented.

De Beck tried unsuccessfully to include a provision in the resolution that the school district staff work with representatives of contractors, in addition to working with unions to develop the agreement.

He said he could not go along with the idea of the district dictating labor terms for contractors who want to work on school projects. He felt they should have the right to determine the terms of employment for their hires.

“I am uncomfortable being the negotiator for employers,” he said.

San Diego voters approved Proposition S in November. The \$2.1 billion bond measure will fund campus repairs and construction.

The labor agreement would spell out employment terms contractors would have to abide by if they want to do business with the school district on Proposition S projects.

Opponents fear that contractors who employ nonunion workers would be locked out of Proposition S work.

Supporters say that having a labor agreement would ensure jobs go to local workers, and they would be offered fair wages, good benefits and a career path. They insist that nonunion workers would be able to work on projects under the agreement.

John Lee Evans, who was among the three-member majority who supported the resolution Tuesday night, emphasized it's just the beginning of a process to negotiate an agreement, and he is committed to protecting the interests of taxpayers by making sure projects get done on time and within budget.

"The citizens of San Diego were not voting for Proposition S to give jobs. They were not voting to give jobs to union member or nonunion members," he said. "They were voting to improve our schools. Neither side has direct control on what's going to happen."

He said the board will be taking an active role in proposing criteria to be included in the labor agreement.

"If we entered into negotiations, I am not completely sure if all the union people are going to be happy with all the things this board might propose," Evans said. Nakamura criticized the resolution from the start.

"We've got stacks and stacks of bureaucracy, and we are going to add one more layer, making it difficult to get the job done," Nakamura said. "That's why urban districts don't have the facilities and schools our kids deserve."

"It's one thing to work with labor to make sure people are treated fairly. It's another to hijack a \$2.1 billion bond," she said.

Roy Grimes, a Sacramento school board member who spoke as a private citizen, said having a labor agreement has worked out well for his district. He said the quality of work has improved.

Reshaped by the November election, the five-member San Diego Unified School District board has a majority of union-friendly trustees.

The teachers' union spent nearly \$400,000 backing the candidacies of Evans and incumbent Shelia Jackson in the November election. Jackson and new board member Richard Barrera, a labor organizer who ran unopposed, drafted the resolution.

More than 200 people signed up to speak at Tuesday night's meeting. Supporters wore orange stickers that read "Not Just A Job But A Career." Opponents wore white stickers that read "NO PLA!!" PLA stands for project labor agreement.

The leading opponents were owners and employees of construction companies that had contributed heavily to support Proposition S, with the understanding that there would be no union preferences.

The resolution calls for "promoting opportunities for local workers and small businesses," the involvement of government-approved apprenticeship programs, and career-development opportunities for future generations.


The local chapter of Associated General Contractors, a construction trade group, said if union preferences were adopted, fewer companies would bid on jobs, and as a result, the costs of projects promised under the bond measure could escalate by as much as \$400 million.

Supporters of labor agreements have disputed that. The San Diego Education Association, the union representing teachers and other employees, and the San Diego County Building & Construction Trades Council, an umbrella union, are leading the fight for the labor agreement.

Find this article at:

<http://www.signonsandiego.com/news/2009/jan/14/bn14labor004750-labor>

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SANDIEGOSOURCE		
The Daily Transcript		

Tuesday, January 05, 2010 editor@sddt.com http://www.sddt.com Source Code: 20100105cyb

Superior court dismisses labor agreement case; AGC looks to appeal

By CARLOS RICO, The Daily Transcript

Tuesday, January 5, 2010

In a decision that surprised some, a Superior Court judge ruled against the local Associated General Contractors chapter in a discrimination suit against the San Diego Unified School District.

Judge Judith Hayes dismissed the case that alleged the school district's Project Stabilization Agreement (PSA) was discriminatory, as it only allows apprenticeship workers from union-only shops to be a part of the Proposition S construction projects.

"The decision was expected," said Stuart Markey, executive director of the Capital Improvement Bond Program for the San Diego Unified School District. "It underscored the legality of Project Stabilization Agreements, in general, as well as the effort that went into creating the (labor agreement)."

The labor agreement, which went into effect Oct. 27, 2009, states any district construction project estimated at \$1 million or more that uses Proposition S funds will fall into this agreement.

The case, which was filed by the AGC, states the apprenticeship stipulation in the PSA does not "circumvent legislative authority" since it is consistent with the labor code.

The court order said: "The district acted in its proprietary interests in adopting the PSA. The PSA is specific to the Proposition S projects and does not discriminate against nonunion contractors."

"We think the judge got it wrong," said Jim Ryan, executive vice president of the Associated General Contractors San Diego Chapter. "We feel (the PSA) does discriminate against nonunion apprentices."

The PSA contract was backed by union contractors and was put together by the San Diego Building and Construction Trade Council.

Tom Lemmon, business manager of the San Diego Building and Construction Trade Council, said the court's decision allows the district to proceed with building projects that will provide solid employment for local residents.

"We need to create good jobs in our local communities," said Lemmon, in a statement. "We don't want contractors that hire low-paid workers from out-of-town to be able to outbid responsible companies that provide career opportunities for hard-working San Diegans."

Xavier Leonard, spokesperson for the Center on Policy Initiatives, echoed these remarks and added that the school district knows the importance the labor agreement has on putting unemployed contractors back to work and providing to place local residents in apprenticeship jobs.

"The PSA is the only way they can ensure the district's investment in construction projects," Leonard said.

The AGC is looking to overturn the judge's decision, and has filed an appeal.

"A three-judge panel will be looking into the case and we are confident that they will find that the (PSA) does discriminate," Ryan said.

He said he believes it will take about six months for the entire appeal process to unfold.

Since Proposition S was passed in November 2008, 18 construction contracts have been awarded, totaling \$64 million in renovations to old school buildings and construction of new ones, according to Markey.

"In contrast, the district only awarded \$7 million in construction contracts during the first year of implementing the previous bond program," Markey added.

Since the PSA went into effect, no projects have either been advertised to bid or awarded.



Suit dismissed over schools' union preference



Proposition S projects affected

By Maureen Magee, UNION-TRIBUNE STAFF WRITER

Saturday, January 2, 2010 at 12:01 a.m.

SAN DIEGO — A Superior Court judge has dismissed a lawsuit filed against the San Diego Unified School District claiming that its disputed program giving preference to union workers discriminates against nonunion apprenticeship programs.

The San Diego chapter of the American Contractors Association last week filed an appeal over Judge Judith F. Hayes' decision handed down earlier this month.

Approved last May, the district's "Project Stabilization Agreement" affects all Proposition S projects that exceed \$1 million beginning this month, when large-scale jobs are set to be advertised for bids. Under the pact, contractors working for San Diego Unified must hire local union workers and provide them with health insurance and other benefits.

Union workers would also get priority over apprenticeship jobs.

"This is a resounding win for the school district," said George Harris, San Diego Unified's contracts compliance manager. "The judge's ruling vindicates the amount of care and work that went into crafting the PSA (Project Stabilization Agreement)."

The school board is expected to vote to consider bids on the work in March.

Industry representatives who oppose the district's labor agreement have predicted that very few firms would bid for Proposition S work because of widespread dissatisfaction with the pact. But Harris is not so sure, especially since workshops aimed at educating the industry about the PSA have been well-attended.

"There have been warnings that contractors won't bid out the work," he said. "We don't know exactly what the response will be. We'll see how it bears out soon enough."

The construction industry — locally and statewide — has vowed to continue to fight the program. Officials say the agreement is biased against nonunion construction companies and their workers.

"We think it's illegal, but it's also unfair," said Jim Ryan, executive vice president of the San Diego chapter of the American Contractors Association. "Obviously, it's political. It's about three school board members. Why

<http://signonsandiego.printthis.clickability.com/pt/cpt?action=cpt&title=Suit+dismissed+over+sch...> 1/15/2010

do they think they know better? Why do they think some apprentice programs are better?"

Ryan said the industry will try to unseat school board President Richard Barrera, Vice President John Lee Evans and Trustee Shelia Jackson when they are up for re-election in 2012. The trio, who make up the board's voting majority, approved the agreement. Trustees John de Beck and Katherine Nakamura, who are up for reflection in June, voted against it.

The \$2.1 billion Proposition S school bond measure was approved by nearly 69 percent of voters in November 2008 to renovate campuses throughout the district, and build some new facilities.

Local construction firms supported the bond measure with campaign contributions. Many said they feel betrayed by the district.

The suit was the second dismissed over the program, Ryan said. A national anti-union organization had filed federal unfair labor practice allegations against local unions over the policy. The National Right to Work Legal Defense Foundation called the program a discriminatory document that "enriches union officials, punishes nonunion workers and employers, and sticks taxpayers with the bill."

Find this article at:

<http://www.signonsandiego.com/news/2010/jan/02/suit-dismissed-over-schools-union-preference>

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be available to answer school choice application questions. More than 1,500 families attended last year's event. The school choice open enrollment period ends Feb. 15, 2010 for school year 2010-11. For more information, visit www.sandi.net/enrollmentoptions.



Prop S Update: January PSA Training

The next Project Stabilization Agreement (PSA) training is set for Tuesday, Jan. 19, from 1 to 4 p.m., at Transportation Services, 4710 Cardin Street, SD 92111. The first PSA project is the Hoover Green Construction Building, which has the following key dates:



- Bid advertisement - Tuesday, Jan. 12
- Job walk - Thursday, Jan. 21, at 9 a.m.
- Bids opened - Thursday, Feb. 4
- Board of Education awards contract - Tuesday, March 9

The PSA is designed to ensure a sufficient supply of skilled craft workers and to eliminate work disruptions on Prop. S projects. It also includes sections that promote the hiring of skilled craftspeople living within the San Diego Unified boundaries and encourages individuals living within district boundaries, including students, to become apprentices. For more information, please contact George Harris, contracts compliance manager, at (858) 637-6269 or gharris@sandi.net.



San Diego Science Festival Runs March 20-27

One of the biggest science events of the year is beginning in a few weeks. The San Diego Science Festival will run March 20-27 and is a collaboration of more than 125 leading science organizations including the San Diego Science Alliance, CONNECT, BIOCUM, N.D.I.A., and other key local organizations and media partners. Campuses around San Diego Unified will be participating in the



festival, which is organized by community members and the University of California, San Diego. Activities include a Rubik's Cube Tournament and the Nifty 150, with visits by San Diego's 150 leading scientists to classrooms. The week-long event culminates with Family Expo Day on Saturday, March 27, at Petco Park. For more information, please go to the festival's website at <http://www.sdsciencefestival.com/>.



Correction – New National Board Certified Teachers



NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
and
NOTICE OF A PUBLIC SCOPING MEETING

JONAS SALK AREA ELEMENTARY SCHOOL

January 11, 2010

The San Diego Unified School District (District) is the Lead Agency requesting input regarding the preparation of an Environmental Impact Report (EIR) for the proposed Jonas Salk Area Elementary School pursuant to the California Environmental Quality Act (CEQA). This Notice of Preparation (NOP) serves to solicit input as to the scope and content of the Draft EIR for a new school.

Project Title: Jonas Salk Area Elementary School

Project Applicant: San Diego Unified School District

Project Description: The District proposes the Jonas Salk Area Elementary School (including a park and joint-use facilities) within the Mira Mesa Community of the City of San Diego. The proposed project involves the following components:

- Construction and operation of the new school;
- Construction and operation of a park and joint-use facilities (to be owned by the City of San Diego [City]); and,
- Implementation of a Vernal Pool Restoration Plan (mitigation) on the City's McAuliffe Park site (project mitigation site).

The proposed new school would support the enrollment needs in the Mira Mesa Community and help the District achieve the enrollment standards set forth in its Long-Range Facilities Master Plan. As part of the project, the District would convey 6.1 acres of the school site to the City (4.1 acres - park use; 2 acres – joint-use play field) in exchange for allowing the District to implement vernal pool mitigation on approximately 12.7 acres of the project mitigation site at McAuliffe Park. The project includes compliance with the Federal Endangered Species Act (FESA) related to potential impacts to the federally endangered San Diego fairy shrimp. To ensure that potential adverse effects to this species are authorized, the District will obtain an incidental take permit (ITP) from the U.S. Fish and Wildlife Service (USFWS) under Section 10(a) of the FESA. The District is preparing a Habitat Conservation Plan (HCP) as part of the Section 10(a) permit application process.

Project Location: The proposed new school site is located within the Mira Mesa Community Planning Area of the City of San Diego, California. The site is located at the southwest corner of the intersection of Parkdale Avenue and Flanders Drive, adjacent to Maddox Park. The proposed vernal pool mitigation site is located within a portion of three parcels (APNs: 311-031-15; 311-031-32; 311-030-13) at McAuliffe Park and adjacent to Challenger Middle School, also along Parkdale Avenue. Figure 1 depicts the location of the school site and vernal pool mitigation site.

Probable Environmental Effects: Because the District has determined that an EIR is required for the proposed project, an initial study has not been prepared (CEQA Guidelines §15063[a]). Probable environmental impacts that will be analyzed as part of the EIR include: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, public services, recreation, transportation and traffic, and utilities and service systems.

Pursuant to CEQA Guidelines Section 15082(b), your comments regarding the scope and content of the environmental analysis must be submitted no later than 30 days after receipt of this notice. The public review period is from January 11 to February 9, 2010. Please send your comments directly to:

Mr. Patrick O'Neill, Project Manager
BRG Consulting, Inc.
304 Ivy Street
San Diego, CA 92101-2030

The District will also hold a public scoping meeting at 6 p.m. Wednesday, January 27, at Hickman Elementary School Multipurpose Room, 10850 Montongo Street, San Diego, CA 92126. The meeting will provide a public forum for information dissemination, identification of issues, and the scope of review to be included in the EIR.

For more information, contact John Stokes, Senior Project Manager for San Diego Unified School District, at (858) 573-5741 or jstokes@sandi.net.



**AVISO DE PREPARACIÓN DEL BORRADOR DEL REPORTE DE IMPACTO AMBIENTAL
Y
AVISO DE UNA JUNTA PÚBLICA EXPLORATORIA**

ESCUELA PRIMARIA DE LA ZONA JONAS SALK

11 de enero de 2010

El Distrito Escolar Unificado de San Diego (el Distrito) es la Agencia Líder que solicita comentarios referentes a la preparación de un Reporte de Impacto Ambiental (las siglas en inglés: EIR) para la propuesta Escuela Primaria de la Zona Jonas Salk de conformidad con el Decreto de Calidad del Medio Ambiente de California (CEQA). Este Aviso de Preparación (NOP) sirve para solicitar comentarios en cuanto al alcance y contenido del Borrador del EIR de la nueva escuela.

Título del Proyecto: Escuela Primaria de la Zona Jonas Salk

El que Solicita el Proyecto: el Distrito Escolar Unificado de San Diego

Descripción del Proyecto: El Distrito propone la Escuela Primaria de la Zona Jonas Salk (incluyendo un parque e instalaciones de uso conjunto) dentro de la Comunidad de Mira Mesa en la Ciudad de San Diego. El proyecto propuesto incluye los siguientes componentes:

- Construcción y operación de la nueva escuela;
- Construcción y operación de un parque e instalaciones de uso conjunto (del cual será propietaria la Ciudad de San Diego [la Ciudad]); y la
- Implementación de un Plan de Restauración de la Charca Vernal (mitigación) en el sitio del Parque McAuliffe de la Ciudad (proyecto de mitigación del sitio).

La nueva escuela propuesta apoyaría la necesidad de inscripciones en la Comunidad de Mira Mesa y ayudaría al Distrito a lograr las normas de inscripciones establecidas en su Plan Maestro para Instalaciones a Largo Plazo. Como parte del proyecto, el Distrito entregaría a la Ciudad 6.1 acres del terreno de la escuela (4.1 acres – uso del parque; 2 acres – campo de juego de uso conjunto) a cambio de que se le permita al Distrito implementar la mitigación de la charca vernal en 12.7 acres aproximados del terreno de mitigación del proyecto en el Parque McAuliffe. El proyecto incluye el acatamiento del Decreto Federal de Especies en Peligro (FESA) referente a los impactos potenciales al camarón “fairy” de San Diego declarado federalmente en peligro. Para asegurarse de que estén autorizados los efectos adversos potenciales a esta especie, el Distrito obtendrá un permiso de toma incidental (ITP) del Servicio de Peces y Vida Silvestre de los EE.UU (USFWS) de acuerdo al Artículo 10(a) de FESA. El Distrito está preparando un Plan de Conservación de Hábitat (HCP) como parte del proceso de solicitud de permisos del Artículo 10(a).

Ubicación del Proyecto: El sitio de la nueva escuela propuesta está ubicado en la Comunidad de Mira Mesa dentro de la Zona de Planificación de la Ciudad de San Diego, California. El sitio se ubica en la esquina sureste de la intersección de la Avenida Parkdale y Flanders Drive, contigua al Parque Maddox. El sitio de mitigación de la propuesta charca vernal está ubicado dentro de una porción de tres parcelas (APNs: 311-031-15; 311-031-32; 311-030-13) en el Parque McAuliffe y contiguo a la Escuela Intermedia Challenger, también a lo largo de la Avenida Parkdale. La figura 1 muestra la ubicación del sitio de la escuela y el sitio de mitigación de la charca vernal.

Efectos Ambientales Probables: Debido a que el Distrito ha determinado que se requiere un EIR para el proyecto propuesto, no se ha preparado un estudio inicial (Lineamientos de CEQA §15063[a]). Los impactos ambientales probables que se analizarán como parte del EIR incluyen: la estética, recursos agrícolas, calidad del aire, recursos biológicos, recursos culturales, geología y suelos, emisiones de gas de invernadero, riesgos y materiales peligrosos, hidrología y calidad del agua, uso del suelo y planificación, recursos minerales, ruido, servicios públicos, recreación, transporte y tráfico, infraestructura y sistemas de servicios.

De conformidad con los Lineamientos de CEQA, Artículo 15082(b), sus comentarios en cuanto al alcance y contenido del análisis ambiental deberán entregarse a más tardar 30 días después de recibir este aviso. El período de revisión pública es del 11 de enero al 9 de febrero de 2010. Sírvanse enviar sus comentarios directamente a:

Mr. Patrick O'Neill, Project Manager
BRG Consulting, Inc.
304 Ivy Street
San Diego, CA 92101-2030

Asimismo el Distrito tendrá una junta pública exploratoria a las 6 p.m. el miércoles, 27 de enero, en el Salón Multiusos de la Escuela Primaria Hickman, en el #10850 de la Calle Montongo, San Diego, CA 92126. La junta brindará un foro público para la difusión de la información, identificación de problemas, y el alcance de la revisión que se incluirá en el EIR.

Para mayores informes, contacte a John Stokes, Administrador Superior de Proyectos del Distrito Escolar Unificado de San Diego, al (858) 573-5741 o bien a jstokes@sandi.net.