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April 21, 2009

The Honorable Shelia Jackson
President, Board of Trustees
San Diego Unified School District
4100 Normal Street
San Diego, CA 92103

Re: Proposition "S" Implementation

Dear President Jackson:

On January 20, 2009, we wrote you expressing our concern that your Board is considering Proposition S implementation in a manner inconsistent with SDCTA's Bond Support Criteria and Oversight Committee Best Practices. It seems the District is attempting to skirt the clear purpose of the Oversight Committee to serve as an independent body providing oversight of taxpayers' dollars and recommending policy that results in the most efficient use of bond funds, instead relegating it to a role limited to only "looking in the rear window" after there has been a crash.

We request that any significant changes or conditions imposed on Prop S programs or projects be evaluated by the Oversight Committee prior to action by your Board.

A recent email from your legal counsel, Mark Bresee, gives poor advice regarding the relationship of your Oversight Committee to Prop S program funding. His advice could propel SDUSD onto a path that contradicts the terms of our endorsement of Prop S.

Specifically, regarding District plans to adopt "Project Stabilization Agreements" (PSA) without prior review by the Oversight Committee, Mr. Bresee writes, "First, the policy decision of whether to adopt a project labor agreement is not within the jurisdiction of the ICOC."

He could not be more incorrect. SDCTA's Best Practices criteria states in unambiguous terms, "**Significant program changes. The governing board shall provide the oversight committee with the opportunity to review and comment upon major changes in each bond-funded program, allocation and project prior to final action being taken.**"

His advice also contradicts SDCTA’s Bond Support Process and Criteria. **“IV J. The Committee shall be constituted so as to review and comment on bond measure expenditure plans, bond measure-related staffing and consultants, and General Fund major maintenance plans, prior to any action by the school board on bond measure-related issues.”**

Major changes are defined to include programs or projects with a total cost of \$1 million or more; all or nearly all Prop S funding would be for such projects. The imposition of a PSA on Prop S funded projects was never contemplated in the drafting, campaign, or endorsement of Proposition S; changing the Prop S expenditure plans at this time clearly should be considered by the Oversight Committee unless your Board wants to breach the conditions of our endorsement.

SDCTA’s endorsement of Proposition “S” was used by the campaign prominently in mail pieces and the ballot argument, was conditional on the District’s acceptance and commitment to our Oversight Committee Best Practices and Bond Support Criteria. Ignoring these conditions now would constitute a “bait and switch” breach of faith with voters who supported Prop S. Action by the District based on this errant legal advice would make it very difficult for voters to trust the Prop S process today, or to suspend disbelief and trust the District with even more money in the future.

It is disconcerting that the District might blatantly ignore commitments made to SDCTA during the endorsement process. We urge you to delay any actions which impact the Proposition “S” bond program until such time that the Oversight Committee has had an opportunity to review and comment on the matters.

Please contact me at (619) 234-6423 if you have any questions.

Sincerely,



Lani Lutar
President & CEO

cc: San Diego Unified School District Board of Trustees
Dr. Terry Grier, Superintendent
Mr. William Kowba, Chief Logistics Officer