

CONTRA COSTA COUNTY GRAND JURY REPORT NO. 0012

San Ramon Valley Unified School District Use of Measure D Bonds

FINDINGS

1. Measure D, a \$70 Million Bond Initiative for facility construction and modernization in the San Ramon Valley Unified School District (District), was passed by the voters in 1997 [editor: actually, 1998]. Earlier attempts to pass bond measures for school construction were defeated.
2. In preparing for Measure D, the District's Board of Trustees (Board) convened a Citizens Advisory Committee to develop a list of specific projects for improvement and/or construction. The Citizens Advisory Committee unanimously presented this list to the voters and this list, along with cost estimates, formed the basis for the Measure D election.
3. After passage of Measure D, a Facilities Advisory Committee was appointed by the Board to provide oversight over the District's implementation of the bond measure, including spending, planning, design and construction review, scheduling, contracting and other matters relating to the performance of Measure D.
4. The Facilities Advisory Committee (Committee) is presently composed of sixteen members, several of whom served on the earlier Citizen's Advisory Committee.
5. The unanimity reached by the Citizens Advisory Committee in 1997 was the result of an accommodation between proponents of a larger bond amount and those members desiring a lower amount, in order to assure a unanimous recommendation to the School Board and the Community.
6. After voter approval of Measure D, additional State matching funds became available along with funds from local sources. These additional State and local funds increased the moneys available to the District from \$70 million to approximately \$100 million, allowing the Committee to revise upward the Measure D projects and their estimates.
7. The Committee has become overly contentious as to the scope, cost and intent of the original Measure D projects. Some of the specific differences relate to.
 - a. the sanctity of the project scope and cost estimates developed by the initial Citizen's Advisory Committee and contained in the Measure D election literature.

- b. the quality of the original cost estimates.
- C. how the state matching hind program should be used, that is, to subsidize Measure D projects or accommodate other needed projects. The Measure D authority contains language permitting inclusion of other facilities "to the extent of available funds".
- d. whether or not the costs of architectural design services, contingencies, furniture and equipment, anticipated cost inflation, contracting procedures and/or interim housing for students during construction are included in the estimated cost.
- e. the experience and background of District personnel responsible for key design and construction contract decisions.
- f. the extent to which the original Measure D cost estimates assumed that State and matching hinds would be available **in addition to** the \$70 million bond limit.

8. The District's facilities staff has limited experience in managing complex, major design and construction programs. The staff is augmented by architectural firms under contract for design of specific projects and by a State-required construction inspection service for periodic on-site visits.

9. The elected San Ramon Valley Unified School District Board of Education has overall responsibility for the effective and efficient use of Measure D bond funds within the spirit and intent of written materials published in promoting its passage by the electorate.

10. Citizen advisory groups are a highly desirable management and control feature of any political body. They provide a valuable, non-partisan input from a variety of personal perspectives and experiences. But these groups are **advisory**, not decision makers. It is the elected Board which must stand the ultimate test of voter approval based on **its** decisions.

11. With all the public rhetoric being expressed over the past year by individual members of the Facilities Advisory Committee and the District staff on Measure D intent, conditions and expenditures, nothing has been heard from the Board as a body except for the input of its liaison member to the Committee. However, on June 6, 2000, the Superintendent of the District presented a report to the Board covering implementation of Measure D.

CONCLUSIONS

1. Over time, the Facilities Advisory Committee has become dysfunctional. A common understanding of what the original Measure D includes eludes the Committee. The issues are particularly contentious among those members who also served on the original Citizens Advisory Committee.
2. The District Administration has contributed to the dysfunction by insisting on its own interpretation of Measure D and by not staffing the District with an adequate number of sufficiently knowledgeable and experienced construction management personnel to properly manage this large engineering and construction program.
3. The District electorate appears to have been, and continues to be, misinformed on the scope and intent of Measure D. Whereas unanimity for Measure D was proclaimed to the voters, major differing views, in fact, existed resulting in a "political" decision giving the appearance of full agreement.
4. The efficiency with which project funds are being used is questionable, particularly as they relate to construction contract preparation, administration and supervision.
5. The Grand Jury acknowledges that the Board has recently taken steps to resolve some of the issues concerning implementation of Measure D.

RECOMMENDATIONS

The 1999-2000 Contra Costa County Grand Jury makes the following recommendations to the San Ramon Valley Unified School District Board of Education:

1. It is time for the full Board to weigh in on the issues to provide its guidance on proper interpretation of the Measure D provisions and conditions - and to publicly inform the electorate. Therefore, publish an information report to the electorate on the Board's position concerning the various issues faced by the School District in the implementation of Measure D, including opposing views that have surfaced.
2. Immediately contract with an experienced professional construction management firm to provide technical augmentation and assistance services for this extremely large construction project.
3. Immediately contract with an independent auditor to review in detail District management practices in implementing Measure D (and other fund sources in support of Measure D and to identify the amount and reason for cost differences that have occurred from that proposed in Measure D.