

# TAXPAYERS FOR ACCOUNTABLE SCHOOL BOND SPENDING V. SAN DIEGO UNIFIED SCHOOL DISTRICT

## SUPREME COURT DENIES REVIEW AND SCHOOL DISTRICT'S REQUEST FOR DEPUBLICATION IN SCHOOL BOND CASE OVER THE HOOVER HIGH STADIUM LIGHTS

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### SAN DIEGO:

Yesterday, July 31, 2013, late in the day, California Supreme Court denied San Diego Unified School District's petition for review and denied the School District's request to depublish a Fourth District Court of Appeal decision finding that the School District violated the terms of the voter approved bond (Proposition S) by spending money on the purchase and installation of permanent Stadium Lights at Hoover High School in San Diego. In addition, the Court of Appeal also found that the School District violated the California Environmental Quality Act (CEQA) and must prepare an environmental impact report (EIR). (*Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.*, 215 Cal. App. 4th 1013, 1066-1067 (Cal. App. 4th Dist. 2013).) <http://www.courts.ca.gov/opinions/archive/D060999.PDF>

In 2011, the School District approved and eventually installed four high intensity lighting arrays mounted atop 90 and 100 foot tall permanent lighting poles at Hoover High adjacent to the San Diego neighborhoods of Talmadge and City Heights. Taxpayers\* argued that the lights increased glare, were incompatible with the historic nature of the surrounding community and significantly increased traffic and parking problems on narrow, land locked, residential streets. In addition, Taxpayers objected to the District's use of bond money when the District failed to include "Stadium Lights" in the project list or tether them to any listed projects for Hoover High as an incidental and necessary cost in Proposition S (2008). The victory extends well beyond Hoover High, however, with the Court of Appeal prohibiting the "District from using Proposition S bond proceeds to pay for field lighting at Hoover's stadium and any other high school stadium for which Proposition S did not specifically list field lighting as part of their projects." (*Taxpayers v. SD Unified, supra*, at 1066-67.) Permanent stadium lighting is expected to exceed \$450K per field.

President and co-founder of Taxpayers For Accountable School Bond Spending Ron Anderson was pleased, but not surprised by the ruling: "Today, the Supreme Court supported the Court of Appeals decision to uphold the integrity of voter approved bonds. They essentially admonished the School District for pulling the wool over the eyes of the voters and spending money on stadium lights instead of repairing classrooms as stated under the bond measure."

Mr. Anderson noted that although Taxpayers was victorious, the dispute is not really over. "I hope the District doesn't simply try to shift money from Prop. Z (2012), which has almost identical language. That would be in bad faith and would invite additional litigation." The San Diego community looks forward to reviewing a full EIR to see if the lighting project might be constructed without adversely affecting the surrounding environment.

\* Taxpayers For Accountable School Bond Spending is a nonprofit group with members and supporters throughout the city formed for the purpose of ensuring taxpayer school bond money is only used to promote intended and disclosed quality educational facilities, while at the same time preserving neighborhood values.