PRESS RELEASE

TAXPAYERS FOR ACCOUNTABLE SCHOOL BOND SPENDING
v.
SAN DIEGO UNIFIED SCHOOL DISTRICT

March 27, 2013:

In a ruling handed down yesterday by the Court of Appeal, the public interest group Taxpayers for Accountable School Bond Spending prevailed in its lawsuit against the San Diego Unified School District restricting the use of taxpayer Proposition S bond funds for the construction of new football stadium lights at Hoover High.

The SDUSD Proposition S "San Diego School Repair and Safety Measure" appeared on the November 4, 2008 election ballot with a specific and detailed "project list" as required by the strict State Constitutional rules enacted under Proposition 39 by state voters allowing a relaxed 55% passage rate for imposing new property taxes to help struggling schools.

The court ruled that the Hoover list of "Projects to Improve School Accessibility and Code Compliance Upgrades" did not mention any stadium lighting projects in contrast to what were other clearly identified items on the projects list. The court found that the single vague reference to "field lighting" under a catch-all clause at the end of the 97 page bond measure reserved for tasks "…incidental to and necessary for the completion of the listed projects…" did not support the installation of football stadium lights as a stand-alone project.   Because stadium lights were neither incidental nor necessary to complete any of the "listed" projects for Hoover High, the District's expenditure of Prop S funds to pay all costs associated with the purchase and installation of stadium lights was illegal.

In addition, based on arguments the installation of stadium lighting would likely have adverse neighborhood impacts the Court ordered the District to prepare an Environmental Impact Report (EIR) for the project, finding that the increased attendance would have significant impacts on parking and traffic on a Talmadge neighborhood known for narrow winding streets hemmed in by canyons. The School District incorrectly argued that it was not responsible to disclose or mitigate such off-site community impacts as ordinarily required under the California Environmental Quality Act (CEQA).

Ron Anderson, the President of Taxpayers for Accountable School Bond Spending was pleased with the ruling stating:

 "This is a major victory for taxpayers, students, parents, and the neighboring community. The message is simple: Don't tell us that the bond measure is for school repair and ADA compliance, and then spend millions of dollars on installing new football stadium lights that facilitates the use of the field and stadium for entertainment venues that may not even be school related. There were plenty of projects listed on the bond measure that have yet to be completed that addressed the concern of providing a healthy learning environment for our children." Mr. Anderson notes that 8 other local high schools had been slated to receive football stadium lights under the District's interpretation of Proposition S.   Many have already been erected using Prop S money. The District's handling of Proposition Z bond money, passed by voters in 2012, is also presumably impacted by the court's decision since the language used in Prop Z is the same as in Prop S.

The case now goes back to Superior Court Judge Timothy Taylor who has been ordered to grant a judgment compelling the SDUSD to comply with the bond expenditure rules and prepare an EIR should it wish to keep the stadium lighting at Hoover High.

Contact Ron Anderson (619) 283-9981 or attorney Craig A. Sherman (619) 702-7892 for further information.

The full opinion can be found on the court's website at
http://www.courts.ca.gov/opinions/archive/D060999.PDF

* Taxpayers For Accountable School Bond Spending is a nonprofit group with members and supporters residing throughout the city and multiple SDUSD school site communities who 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.