

Press Release

Contact: Ronald Anderson, President and Chair of Litigation Committee of Taxpayers for Accountable School Bond Spending, Inc.

Website: www.tfasbs.org
Email: tfasbs@gmail.com
Voice: 619-283-9981

Attorney: Craig A. Sherman
Office No.: 619-702-7892

Community Group and Taxpayer Accountability Group Appeals Decision of Trial Judge Re Multiple Actions of San Diego Unified School District

Community Public Interest Group Demands Accountability for School District Actions Affecting Neighboring and Adjacent Residential Communities

SAN DIEGO -- Taxpayers for Accountable School Bond Spending filed an appeal Wednesday, November 23, 2011 in the state Court of Appeal, Fourth District seeking to enforce planning, zoning, environmental compliance under the California Environmental Quality Act (CEQA), and abuses of restrictive State Prop 39 school bond spending, against the San Diego Unified School District. The lawsuit arises initially from actions of the School District seeking to use restricted and previously undisclosed Prop S tax bond money (local measure entitled the "San Diego School Repair and Safety Measure" appearing on 11/4/08 general election ballot) on stadium lighting and full athletic facilities redevelopment projects, for most every high school in the District. In doing so, the District is alleged to be violating both school bond spending rules (as set forth in the State Constitution) and, to make matters worse, is ignoring planning, zoning and CEQA laws designed and required to protect neighborhoods, homeowners, and the general public.

More specifically, the School District defined, promoted, and analyzed (via CEQA environmental review) the Herbert Hoover High School Athletic Facilities Upgrades Project that, (1) limited the number of night events, and (2) implemented event traffic, crowd, and neighborhood impact control plans. But upon approval there were no CEQA environmental or event controls adopted or required as mitigation conditions for the project. When pressed, the School still cannot produce any semblance of a past or present event or traffic control plan. Even worse, at the School Board adoption of the project, the Board indicated that it would not limit nighttime (or daytime) field use, keeping their options open for non school related field rental or even converting it to joint city park uses. While these lack of controls and possible future expanded uses are not incredibly offensive or unreasonable on their face, they are alleged to be a far cry from what was billed to the community upon passage of the Prop S bond measure and during CEQA review as to what would be built, and how it would be used. Taxpayers allege this to be unlawful and bait-and-switch. With no enforceable mitigation measures or committed project controls, the net effect of project approval cannot be considered a full and good faith disclosure about the possible impacts that may arise at Hoover.

The initial Herbert Hoover High School Athletic Facilities Upgrades Project approved in January 2011 was for Hoover High School located in the Mid City community of Talmadge. While the School District made statements it would limit the number of full stadium lighting events, it refused to commit to any conditions and limit the same, so as to keep its options open for renting out commercially to third parties, joint city park use, or any other unlimited number of community functions.

Then, later in May of 2011, without defining or conducting any review of potential neighborhood and environmental impacts, the School District decided to exempt itself from all local and regional planning and zoning rules for future athletic facilities development projects at Herbert Hoover High School and 11 other below listed High Schools throughout the District, without even defining (or being able to define) the projects or what they were exempting:

Claremont High School Stadium and Sports Facility Improvements
4150 Ute Dr., San Diego, CA 92117

Crawford High School Stadium and Sports Facility Improvements
4191 Colts Way, San Diego, CA 92115

Kearny High School Stadium and Sports Facility Improvements
7651 Wellington St., San Diego, CA 92111

LaJolla High School Whole Site Modernization
750 Nautilus St., San Diego, CA 92037

Madison High School Stadium Improvements
4833 Doliva Drive, San Diego, CA 92117

Mission Bay High School Stadium and Sports Facility Improvements
2475 Grand Ave., San Diego, CA 92109

Morse High School Stadium Improvements
6905 Skyline Dr., San Diego, CA 92114

Patrick Henry High School Stadium and Sports Facility Improvements
6702 Wandermere Drive, San Diego, CA 92120

Point Loma High School Stadium Restroom/Concession Stand Improvements
2335 Chatsworth Blvd., San Diego, CA 92106

Serra High School Whole Site Modernization
5156 Santo Road, San Diego, CA 92124

University City High School Stadium and Sports Facility Improvements
6949 Genesee Ave., San Diego, CA 92122

The Taxpayers for Accountable School Bond Spending is litigating whether the School District actions and projects, as approved by the District in January and May of this year, are in compliance with City of San Diego zoning ordinances, the California Environmental Quality Act, and restrictive legal prohibition against spending the \$2.1 billion Prop S bond money on whole school athletic stadium and lighting development projects, or whatever else the District expands the projects to after the fact. What the public did approve was specific Code Compliance, ADA and Safety Upgrades set forth in the 2008 Proposition S “School Repair and Safety Measure.”

The athletic stadium facilities projects the district is implementing are significantly broader in scope, including buildings, parking, scoreboards, concessions, and controversial permanent stadium lighting (on poles in excess of 90 feet high) that were not disclosed in the \$2.1 billion school bond measure and would have impacted its popularity and passage.

The Taxpayers for Accountable School Bond Spending is a member and supporter organization that strives to improve accountability of the School District in both the raising and spending of taxpayer funds. It is comprised of numerous volunteers and hundreds of named contributing supporters throughout the San Diego community. The Taxpayers group also supports a website that provides information to the community and acts as a forum for identifying and solving community problems created by the School District related to its expansion and spending abuses of the \$2.1 billion school bond fund.

The Taxpayers for Accountable School Bond Spending is in the midst of a successful fund raising campaign and continues its need to raise the funds necessary to continue its fight against School District abuses. More information is available online at www.tfasbs.org.

###