

LESSONS LEARNED

REASON FOR INVESTIGATION

Citizens have voiced concerns and newspaper articles have reported on postponements and changes in the construction sites of a competition pool and performing arts facility at Bear River High School (BRHS). The Measure A, Nevada Joint Union High School District (District) bond measure, passed on March 5, 2002, provided for the new construction at BRHS.

The 2004-2005 Grand Jury wanted to determine the current status of the project at BRHS, the causes of the delays, why members of the community were confused and possibly misled regarding the building site locations, and what can be learned from this experience.

METHOD OF INVESTIGATION

The Grand Jury interviewed current and past representatives from the District, the Nevada County Superintendent of Schools, members of the planning groups for the BRHS project and a member of the NTD ARCHITECTS (NTD) contracted for the project.

The Grand Jury reviewed Measure A language, minutes from school board and design committee meetings, the District Facility Improvement Plan, soil reports, architectural site plans and other related documents.

Members of the Grand Jury conducted on-site visits, attended school board meetings and a Measure A Bond oversight committee meeting.

BACKGROUND

In 1986, the District opened BRHS to accommodate students in the southern part of Nevada County. Building funds were limited at the time of initial construction so the needs of the school were not fully addressed. The campus experienced continuous enrollment growth. On April 2, 2001 a ten-acre parcel fronting Magnolia Road and adjacent to the campus was purchased to accommodate expansion.

At the November 14, 2001 District board meeting, the Trustees approved the District Facility Improvement Plan (10/17/01) as prepared by NTD. The plan outlined priorities for facility improvements at the three district campuses, Nevada Union High School, Sierra Foothill High School and BRHS. At the same meeting, the Trustees ordered an election and established specifications of the election order. The purpose was, “to enhance educational opportunities for students”.

FINDINGS

- 1. From September 2001 to March 2002, activities took place in the community to discuss the Bond election. The District Facility Improvement Plan and drawings were used to promote Measure A in many of these informational meetings.**
- 2. The District plan showed the placement of the competition pool and performing arts building located on the recently acquired ten-acre parcel fronting Magnolia Road. However, cost estimates were based on construction of the competition pool being on the existing campus adjacent to the gym.**
- 3. The ballot and proposition language of Measure A for improvements at BRHS stated, “construct and furnish an addition to BRHS, including a new performing arts building and aquatic center.” The budget in the District Facility Improvement Plan however, identified the improvements as “pool facility,” “competition pool,” “community pool,” “aquatic center,” “performing arts auditorium” and “performing arts theater.”**
- 4. Of the \$15 million provided by Measure A, \$7 million was allocated “to construct and furnish an addition to Bear River High School, including a new performing arts building and aquatic center.”**
- 5. After the voters approved Measure A, District officials learned that finishing the BRHS project on the ten-acre parcel could cost as much as \$2 million more than budgeted. These costs were largely due to extensive grading and the compliance requirements in the Americans with Disabilities Act. The District made the decision to locate the competition pool and performing arts building to the rear of the existing campus. This action had been recommended by the design committee on October 21, 2002. Announcement of the relocation occurred at a public forum in February, 2003.**
- 6. The project design committee requested the District place a job sign on site to inform the community of the project’s progress. This did not occur.**
- 7. The District was aware of previous lead deposits at the site found during the construction of the library prior to 2002. The levels were within the safety requirements set by the Department of Toxic Substances Control in effect at that time. New and more stringent standards resulted in the required removal of lead contaminated soil at the performing arts building site and arsenic contaminated soil found in test borings at the competition pool site.**
- 8. From the date of the Measure A Bond proposal to present, the District has experienced top level administrative turnover.**

9. **Construction of the performing arts building was finally initiated in March 2005 with completion expected in 15 months. Construction of the competition pool is anticipated to begin in May 2005 with completion expected in 9 months. The facilities will be available to the public when not in use for school activities and outside of school hours.**
10. **The Grand Jury was unable to locate the District's Bear River High School Master Plan.**

CONCLUSIONS

1. **The architectural renderings used in the campaign to pass Measure A led members of the community to conclude that the new facilities were to be placed on the ten-acre property fronting Magnolia Road.**
2. **The budget estimate for the competition pool was displayed in the District Facility Improvement Plan with a budget notation "school only, adjacent to existing gym". The notation was not obvious and was generally overlooked. No budget estimate for a pool located on the ten-acre parcel was presented. No plot map or drawing or discussion in the plan depicted a competition pool located on the main campus. This appears to have resulted in confusion and misinterpretation among the south county community.**
3. **The lack of consistent terminology, e.g. "competition pool," "community pool" and "pool facility" in regards to facility improvement at BRHS also added to confusion and unclear community expectations.**
4. **The placement of the competition pool on the existing campus near the gymnasium will allow for use of present locker room facilities and eliminate the need for new team rooms and toilet facilities. Locating the performing arts facility adjacent to existing classrooms will provide additional waiting and changing space for performers.**
5. **The necessary removal of contaminated soil at the project site resulted in additional expenses and a delay in construction.**
6. **The communication between District and the community regarding the project's status was less than desirable. Lack of full, open and timely communication with the public regarding budgets and plan changes caused misunderstandings.**
7. **The turnover of top level administrators in the District contributed to less than full attention being given to public relations and communications.**

8. **The new performing arts and competition pool facilities will enhance the educational program at BRHS. The decisions made by the District administration and the Board in changing the locations of these facilities to the main campus save substantial money for the District with benefits to the students.**

RECOMMENDATIONS

1. **The Nevada Joint Union High School District (District) should ensure that future campaign information presented to the public is supported by accurate, comprehensive and complete data.**
2. **The District should alleviate misunderstandings with the community by making a greater effort for full, open and timely communications.**
3. **The District should heed the lessons learned in this episode, applicable to new construction on any campus and be more thorough in estimating construction costs, especially when the data are for use in supporting a bond election.**
4. **The District should sponsor and conduct studies and public forums to plan any future expansion of needed facilities. Meetings pertaining to BRHS should address appropriate use of the ten-acre parcel on Magnolia Road.**
5. **The District should ensure that there is a current Master Plan for Bear River High School that includes the ten acre parcel.**

RESPONSE REQUIRED

Nevada Joint Union High School District Board of Trustees – June 20, 2005



NEVADA JOINT UNION
HIGH SCHOOL DISTRICT

Margaret H. Deetz, Superintendent

RECEIVED

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REC

6-13-05 EE

June 15, 2005

Honorable Ersel L. Edwards, Presiding Judge
Nevada County Superior Court
201 Church Street
Nevada City, CA 95959

Subject: 2004-2005 Civil Grand Jury Report Entitled "Lessons Learned"

Dear Judge Edwards:

In accordance with California Penal Code Section 933.05(b), the Nevada Joint Union High School District Board of Trustees respectfully submits a response to the 2004-2005 Civil Grand Jury Report entitled, "Lessons Learned".

The Board of Trustees and District Administration agree with the Report Findings 1 through 10. Listed below are the specific responses to each recommendation.

Civil Grand Jury Recommendations and District Responses

Recommendation No. 1

The Nevada Joint Union High School District (District) should ensure that future campaign information presented to the public is supported by accurate, comprehensive, and complete data.

District Response No. 1

The recommendation has not been implemented, as at present there are no planned future campaigns. However, the District will take steps to ensure that any future campaign information is accurate, comprehensive and complete.

Recommendation No. 2

The District should alleviate misunderstandings with the community by making a greater effort for full, open and timely communications.

District Response No. 2

The recommendation has been implemented. The District is making an effort to provide full, open and timely communications with the community.

The Board of Trustees, top-level District administrators, and school leaders have made it a priority to provide consistent communications through the use of community meetings, electronic mail, and automated phone messages. In addition, we are working hard to nurture our relationships with local news media.

Recommendation No. 3

The District should heed the lessons learned in this episode, applicable to new construction on any campus and be more thorough in estimating construction costs, especially when the data are for use in supporting a bond election.

District Response No. 3

The recommendation has been implemented. The district truly regrets this unfortunate episode. This District is being thorough in estimating construction costs. In fact, the District recently awarded a construction contract for the Modernization of the Sierra Foothill campus, and we are pleased to report that the project is within budget. The District will also be more diligent in selecting and monitoring architect plans and proposals.

Recommendation No. 4

The District should sponsor and conduct studies and public forums to plan any future expansion of needed facilities. Meetings pertaining to BRHS should address appropriate use of the ten-acre parcel on Magnolia Road.

District Response No. 4

This recommendation has not yet been implemented. However, with the planning of any future expansion, the District agrees with the recommendation to sponsor and conduct studies and public forums. Any meetings pertaining to BRHS will address appropriate use of the ten-acre parcel on Magnolia Road. In fact, the same studies and forums will apply with any future plans for facilities expansion at any site in the district.

Recommendation No. 5

The District should ensure that there is a current Master Plan for Bear River High School that includes the ten-acre parcel.

District Response No. 5

The recommendation has not been implemented. The district agrees with the need to develop a multi-year master plan for all facilities. During the 2005-2006 school year, the District will form a Facilities Master Plan Committee, which will include community members. The goal of the Committee will be to develop and publish a Facilities Master Plan for the Nevada Joint Union High School District, including any plans for the ten-acre parcel at Bear River High School.

Honorable Ersel L. Edwards
Nevada County Superior Court

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This concludes the recommendation and response section. Please contact Assistant Superintendent Karen Suenram, at 273-3351, extension 210, if you need further information or clarification from the Board of Trustees.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Miller". The signature is fluid and cursive, with a large initial "D" and "M".

Dan Miller
Governing Board President