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**FILED/ENDORSED**  
OCT 30 2023  
By: H. PEMELTON  
Deputy Clerk

5 Attorneys for Plaintiffs  
6 DANIELLE CREEDON and ALEX M. DAVIS

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SACRAMENTO

10 DANIELLE CREEDON, an individual and as  
11 a taxpayer on behalf of herself and the  
12 taxpayers of the San Juan Unified School  
13 District; ALEX M. DAVIS, an individual and  
14 as a taxpayer on behalf of herself and the  
15 taxpayers of the San Juan Unified School  
16 District,

17 Plaintiffs,

18 v.

19 SAN JUAN UNIFIED SCHOOL DISTRICT, a  
20 California Unified School District; DOES 1-  
21 50, inclusive,

22 Defendants

Case No. 34-2023-0333102-CU-MC-GDS

**PLAINTIFFS' NOTICE OF MOTION AND  
MOTION FOR SUMMARY  
ADJUDICATION OF THE FIRST AND  
SECOND CAUSES OF ACTION OF THE  
FIRST AMENDED COMPLAINT**

Date: December 14, 2023  
Time: 9:00 a.m.  
Dept: 54  
Judge: Hon. Christopher E. Krueger  
Trial Date: None set  
Complaint filed: January 17, 2023

**RESERVATION I.D. NO. A333102-002**

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1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:  
2 YOU ARE HEREBY NOTIFIED THAT on December 14, 2023, in Department 54 of the  
3 Sacramento County Superior Court, located at 813 – 6<sup>th</sup> Street, Sacramento, California, 95814,  
4 Plaintiffs Danielle Creedon and Alex M. Davis (Plaintiffs) will move the Court, pursuant to Code  
5 of Civil Procedure section 437c and California Rules of Court, Rule 3.1350, for summary  
6 adjudication of the first and second causes of action in the First Amended Complaint. This  
7 motion is made on the grounds that there are no triable issues of material fact, and Plaintiffs are  
8 entitled to summary adjudication as a matter of law as to the first and second causes of action in  
9 the First Amended Complaint.

10 Plaintiffs will move the Court for an order adjudicating each of the following causes of  
11 action:

12 **Plaintiffs’ First Cause of Action for Declaratory Relief for Bond Waste Prevention**  
13 **(Education Code Section 15284)**

14 Plaintiffs are entitled to summary adjudication as a matter of law as to the First Cause of  
15 Action because Measure P and the Facilities Master Plan do not identify the construction of  
16 Katherine Johnson Middle School at the Creekside location on the Project List, in violation of  
17 Article XIII A, Section 1, subd. (b)(3)(B) of the California Constitution.

18 **Plaintiffs’ Second Cause of Action for Declaratory Relief for Taxpayer Waste (Code**  
19 **Civ. Proc. Section 526a)**

20 Plaintiffs are entitled to summary adjudication as a matter of law as to the Second Cause  
21 of Action because Measure P and the Facilities Master Plan do not identify the construction of  
22 Katherine Johnson Middle School at the Creekside location on the Project List, in violation of  
23 Article XIII A, Section 1, subd. (b)(3)(B) of the California Constitution.

24 This motion will be based on this Notice of Motion and Motion; the Memorandum of  
25 Points and Authorities in Support; the Separate Statement of Undisputed Material Facts; the  
26 Compendium of Evidence in Support of the Motion; the Declarations of Timothy V. Kassouni,  
27 Danielle Creedon, and Alex M. Davis; and upon such other matters as may be presented to the  
28 Court at the time of the hearing.

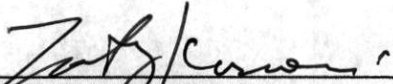
1 Sacramento County Local Rule 1.06(a) provides:

2 Pursuant to Local Rule 1.06 (A), the court will make a tentative  
3 ruling on the merits of this matter by 2:00 p.m., the court day before  
4 the hearing. The complete text of the tentative rulings for the  
5 department may be downloaded off the court's website. If the party  
6 does not have online access, they may call the dedicated phone  
7 number for the department as referenced in the local telephone  
8 directory between the hours of 2:00 p.m. and 4:00 p.m. on the court  
9 day before the hearing and receive the tentative ruling. If you do  
10 not call the court and the opposing party by 4:00 p.m. the court day  
11 before the hearing, no hearing will be held.

12 DATED: OCTOBER 30, 2023

KASSOUNI LAW

13 By:

14   
15 \_\_\_\_\_  
16 TIMOTHY V. KASSOUNI  
17 Attorneys for Plaintiffs  
18 DANIELLE CREEDON and ALEX M. DAVIS

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SACRAMENTO COUNTY

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REVA M. LANG  
Attorney at Law  
1701 HAAS AVENUE

BA:

DATE: OCTOBER 30 2023

КВАРТАЛ 1701

before the hearing on petition (1) of the  
not said the court and the affidavit filed by 4:00 p.m. the court day  
and before the hearing and receive the tentative ruling. If you do  
question, please the points of law and the facts in the court  
minutes of the proceeding as referenced in the local telephone  
does not rule on the issues. First, will you the decision before  
proceeding will be forwarded off the court's calendar. If the court  
the hearing. The complete text of the tentative ruling for the  
input on the website of this matter by 4:00 p.m. the court day before  
Friday to 1:00 p.m. (PST) the court will make a tentative  
decision. Contact Rev. Lang (916) 441-1111.

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DANIELLE CREEDON and ALEX M. DAVIS  
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SACRAMENTO

10 DANIELLE CREEDON, an individual and as  
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18 50, inclusive,

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**PLAINTIFFS' MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT OF MOTION FOR SUMMARY  
ADJUDICATION OF THE FIRST AND  
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Date: December 14, 2023  
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Trial Date: None set  
Complaint filed: January 17, 2023

**RESERVATION I.D. NO. A333102-002**

## INTRODUCTION

1  
2 Article XIII A, Section 1, subd. (b)(3)(B) of the California Constitution (Proposition 39),  
3 requires any local bond measure to include a “list of the *specific school facilities projects to be*  
4 *funded* and certification that the school district board, community college board, or county office  
5 of education has evaluated safety, class size reduction, and information technology needs in  
6 developing that list.” (Emphasis added.) Bond expenditures are limited to the specific school  
7 projects set forth in the bond measure. (California Constitution, Art. XIII A, section 1, subd.  
8 (b)(3)(C).)

9 In the 2016 election, the voters approved a ballot measure, Measure P, which allowed  
10 Defendant San Juan Unified School District (“District”) to incur bonded indebtedness up to a  
11 maximum amount of \$750,000,000. (Plaintiffs’ Undisputed Material Facts (“UMF”) 2, 18.)

12 In their operative First Amended Complaint (“FAC”), Plaintiffs Danielle Creedon and  
13 Alex M. Davis (“Plaintiffs”) contend that the District is prohibited from using Measure P funds  
14 to construct a new middle school at the “Creekside” location because it is not a specific school  
15 facilities project identified in Measure P, or in the District’s Facilities Master Plan. Plaintiffs  
16 pled a First Cause of Action for Declaratory Relief for School Bond Waste Prevention  
17 (Education Code Section 15284), and a Second Cause of Action for Declaratory Relief for  
18 Taxpayer Waste (Code Civ. Proc. Section 526a). Plaintiffs seek summary adjudication of these  
19 two causes of action.

20 The Court will recall that it previously denied the District’s demurrer to these two causes  
21 of action, finding in part that the “District concedes that the Project List set forth in Measure P  
22 does not describe any new middle school to be constructed at the Creekside location...”, and  
23 that “[t]here is nothing in Measure P or the District’s 2014 Facilities Master Plan that would alert  
24 a voter that a completely new middle school was going to be constructed...” (August 3, 2023,  
25 Minute Order; Compendium of Evidence at Ex. D.)

26 It should also be noted that the relief sought by Plaintiffs is not to halt construction of a  
27 middle school at the Creekside location; rather, it is to prevent the District from using Measure P  
28 bond money to fund the construction.

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1 As will be shown, there are no triable issues of fact that the plain language of Measure P,  
2 and the Facilities Master Plan, do not specifically identify the Creekside middle school project.  
3 The District has conceded that it has approved the construction of a new middle school at the  
4 Creekside location. (UMF 3, 19.) Measure P and Facilities Master Plan (the only documents  
5 available to voters when considering Measure P) establish on their face Plaintiffs' entitlement to  
6 summary adjudication of the First and Second Causes of Action. Summary judgment is granted  
7 "when there is no triable issue as to any material fact and the moving party is entitled to  
8 judgment as a matter of law." *Prilliman v. United Airlines, Inc.* (1997) 53 Cal.App.4<sup>th</sup> 935, 951.)  
9

### 10 STATEMENT OF FACTS

11 Plaintiffs Danielle Creedon and Alex. M. Davis are individuals who reside and own  
12 property within the District, are taxpayers within the District, and have paid real property and  
13 sales taxes within the District. (UMF ¶¶ 1, 17.)

14 In August 2016, the San Juan Unified School District approved Measure P, seeking voter  
15 approval for the issuance of up to \$750 million in bonds to finance new construction projects and  
16 repair or modernize the District's aging and outdated facilities. (UMF ¶¶ 2, 18.)

17 After voters approved Measure P, the District approved various projects, including the  
18 construction of a new school at Creekside to house a middle school. (UMF ¶¶ 3, 19.)

19 Measure P is the funding source for the Katherine Johnson Middle School Project  
20 ("Project"). (UMF ¶¶ 4, 20.)

21 The Project is described by the District's Bond Oversight Committee (BOC) as  
22 "Abatement and demolition of existing facilities and construction of a new middle school new  
23 middle school campus. The work consists of (5) new buildings that includes an Administration  
24 building, Classroom buildings, Science/Makers Lab/Library building, Multi-Purpose Room  
25 building housing a Kitchen area, Music room, Locker room and PE classroom. In addition to site  
26 improvements that include new underground utilities, site concrete, parking and bus drop off,  
27 exterior learning area, basketball courts, track and field area." (UMF ¶¶ 5, 21.)  
28

1 In 2014, the District adopted a Facilities Master Plan, which included sections for  
2 “Encina High School” and “Creekside Elementary School.” (UMF ¶¶ 6, 22.)

3 Measure P does not identify “Creekside” as a middle school. (UMF ¶¶ 7, 23.)

4 Measure P identifies “Creekside” only under the heading “Other Facilities.” (UMF ¶¶ 8,  
5 24.)

6 The only reference to “Encina” in Measure P is “Encina Preparatory High School” under  
7 the heading “High Schools.” (UMF ¶¶ 9, 25.)

8 The Facilities Master Plan section for “Creekside Elementary School” does not identify it  
9 as a middle school. (UMF ¶¶ 10, 26.)

10 The Facilities Master Plan section for “Creekside Elementary School” does not identify  
11 any “Katherine Johnson” middle school at its location. (UMF ¶¶ 11, 27.)

12 The Facilities Master Plan sections for “Creekside Elementary School” and “Encina High  
13 School” do not identify as a project the relocation of any Encina campus students to a new  
14 school to be constructed at the Creekside location. (UMF ¶¶ 12, 28.)

15 The Facilities Master Plan’s “Projects and Costs” information relative to Encina  
16 Preparatory High only lists under the heading “Project Description” on-site improvements.  
17 (UMF ¶¶ 13, 29.)

18 The Facilities Master Plan lists Creekside as an elementary school used by a charter  
19 school, Pathway to Choices, that provides options for those with development disabilities. (UMF  
20 ¶¶ 14, 30.)

21 The Facilities Master Plan provides that the “Creekside site and buildings are in a state of  
22 advanced deterioration and a significant amount of work is required to bring this facility and site  
23 up to the condition needed for students and faculty to use as a genuine teaching facility.” (UMF  
24 ¶¶ 15, 31.)

25 Counsel for Plaintiffs, Timothy Kassouni, visited the Creekside site periodically over the  
26 last three months and observed construction in progress. (UMF ¶¶ 16, 32.)  
27  
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ARGUMENT

**A. MEASURE P ON ITS FACE DOES NOT “CLEARLY APPRISE” THE VOTERS OF A NEW MIDDLE SCHOOL PROJECT AT THE CREEKSIDE LOCATION**

The “usual method of funding new school construction in California has been for school districts to obtain voter approval for the issuance of general obligation bonds. ... The bonds are repaid by an annual levy of an ad valorem tax on real (and certain personal) property located within the area of the district.” (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356, 1395.)

Article XIII A, section 1, subdivision (b), of the California Constitution provides an exception to the 1% ad valorem tax limit on real property to the extent certain bonds are approved by the voters, including:

(2) Bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(3) Bonded indebtedness incurred by a school district ... for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by 55 percent of the voters of the district ... voting on the proposition on or after the effective date of the measure adding this paragraph. ***This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:***

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b)(3), and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) ***A list of the specific school facilities projects to be funded and certification that the school district board ... has evaluated safety, class size reduction, and information technology needs in developing that list.***

(C) A requirement that the school district board ... conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(D) A requirement that the school district board ... conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of

1 those proceeds have been expended for the school facilities projects.” (Emphasis  
2 added.)

3 Article XIII A, section 1, subd. (b)(3) was added when California voters passed Proposition 39  
4 on November 7, 2000. (Prop. 39, § 4, as approved by voters, Gen. Elec. (Nov. 7, 2000); Cal.  
5 Const., art. XIII A, § 1, subd. (b), par. (3).) Prior to November 2000, school districts, like other  
6 government agencies, were required to attain a two-thirds vote for bonds to acquire or improve  
7 real property. (Cal. Const., art. XIII A, § 1, subd. (b), par. (2). (See *Taxpayers for Accountable*  
8 *School Bond Spending v. San Diego Unified School District* (2013) 215 Cal.App.4th 1013, 1025  
9 (*Taxpayers*); *Foothill-De Anza Community College Dist. v. Emerich* (2007) 158 Cal.App.4th 11,  
10 19.) Education Code sections 15264 through 15284 implement Proposition 39. (*Taxpayers*,  
11 *supra*, 215 Cal.App.4<sup>th</sup> at 1025.)

12 The text under the “Project List” heading on page 2 of Measure P provides in part:

13 “The Bond Project List below describes the projects the San Juan Unified School District  
14 proposes to finance with proceeds of over approves bonds....The Board may undertake  
15 repairs, improvements, acquisitions, demolitions, relocations, new construction, and/or  
16 furnishing or equipping of school facilities, to complete each or any of the projects listed  
17 below as may be determined desirable by the District at the time the project is  
18 undertaken....**The following projects, in addition to the projects contemplated by the  
19 District’s 2014 facility master plan, which are hereby incorporated herein by  
20 reference, are authorized at all current and future district owned properties and  
21 facilities, including but not limited to: (age of school in parentheses):**

22 (Emphasis in original).

23 Page 3 of Measure P contains the following categories of “projects”: Elementary Schools;  
24 K-8 Schools; Middle Schools; High Schools; Other Facilities; and District-Owned Charter  
25 Facilities. There is no reference to Katherine Johnson Middle School or Encina Middle School,  
26 anywhere on the list. Indeed, there is no reference to the construction of *any* new middle school  
27 at the Creekside location, or the relocation of Encina Middle School students to a newly  
28 constructed school at the Creekside location.

For the District to establish that it has complied with the specificity requirement of  
Article XIII A, Section 1, subd. (b)(3)(B), the Project list in Measure P must “*clearly apprise* the  
voters, the auditors, and public oversight committees of the types of projects for which the  
money is intended to be used....” (*Foothill-De Anza Community College District v. Emerich*  
(2007) 158 Cal.App.4<sup>th</sup> 11, 24.)

1 Yet the “Project List” submitted for voter review and approval fails to identify any new  
2 middle school named “Katherine Johnson” in the “Middle Schools” heading in the Project List;  
3 fails to identify “Katherine Johnson” as any school which requires improvement, demolition, or  
4 reconstruction; fails to identify “Katherine Johnson” as an existing middle school to be relocated  
5 to another location; and fails to identify Encina Middle School in the “Middle Schools” heading  
6 in the Project List as a school to be relocated to the Creekside site. There is *nothing* identifying  
7 the project at all, let alone the constitutionally mandated list of “specific school facilities projects  
8 to be funded.”

9 The inclusion of *Encina Preparatory High School* under the “High Schools” heading in  
10 Measure P does not clearly apprise the voters that Measure P funds can be used for the  
11 construction of a new *middle school* named after Katherine Johnson, to be located several miles  
12 from Encina High School. Likewise, the inclusion of “Creekside” under the “Other Facilities”  
13 heading in the project list does not on its face inform the voters that a new middle school could  
14 be constructed at this location. “Other Facilities” is itemized separately from “High Schools”  
15 and “Middle Schools.” Voters could have no conceivable understanding under the plain  
16 language of Measure P that the reference to “Creekside” in the “Other Facilities” category meant  
17 the creation of a new middle to be comprised of students from another school such as Encina  
18 High School.

19 **B. THE FACILITIES MASTER PLAN ON ITS FACE DOES NOT “CLEARLY**  
20 **APPRISE” THE VOTERS OF A NEW MIDDLE SCHOOL CONSTRUCTION**  
21 **PROJECT AT THE CREEKSIDE LOCATION**

22 Further, the 2014 Facility Master Plan (Master Plan) references no such projects.  
23 Nothing in the Master Plan refers to the demolition of the school at the existing Creekside  
24 location, and the relocation of students from the Encina Middle School to a new Katherine  
25 Johnson Middle School. On the contrary, the Master Plan’s “Projects and Costs” information  
26 relative to Encina High School only list under the heading “Project Description” items such as  
27 track and field turf, library reconfiguration, a cafeteria shade structure, a wrestling room, and a  
28 fitness center. (UMF 13, 29.)

1 With respect to the Master Plan's reference to "Creekside" (Compendium of Evidence at  
2 Ex. E), several points must be made. First, page 3 of the document refers to a "Creekside  
3 *Elementary* School" as well as a reference to the site being used for a "charter school program  
4 that provides options for those with developmental disabilities." Nothing refers to the site as  
5 being the location of a middle school. Second, nothing in the document references demolition of  
6 the site for the construction of a new middle school, and the discontinuation of the location as  
7 an aid for the developmentally disabled. On the contrary, the document at p. 6 concludes that  
8 the "Creekside site and buildings are in a state of advanced deterioration and a significant  
9 amount of work is required to bring this facility and site up to the condition needed for students  
10 and faculty to use as a genuine teaching facility."

11 The foregoing illustrates the failure of the District to "*clearly apprise* the voters, the  
12 auditors, and public oversight committees of the types of projects for which the money is  
13 intended to be used...." (*Foothill-De Anza Community College District v. Emerich, supra*, 158  
14 Cal.App.4<sup>th</sup> at 24.) No voter could read the Project List, and the Master Plan, and have any  
15 understanding that the school for the developmentally disabled at the Creekside location would  
16 be demolished, and a brand-new middle school constructed with students being imported from  
17 Encina Middle School. As noted above, even if a savvy voter reviewed the Master Plan to  
18 determined what project was being proposed for Encina Preparatory High School, the only  
19 information listed consists of on-site improvements.

20  
21 **C. PLAINTIFFS HAVE ESTABLISHED, THROUGH UNDISPUTED FACTS,  
22 THEIR CLAIMS FOR BOND WASTE PREVENTION AND TAXPAYER WASTE**

23 Plaintiffs' First Cause of Action for Declaratory Relief (Bond Waste Prevention) has  
24 been established pursuant to Education Code Section 15284. Subsection (a) provides:

25 (a) An action to obtain an order restraining and preventing any expenditure of funds  
26 received by a school district or community college district through the sale of bonds  
27 authorized by this chapter pursuant to paragraph (3) of subdivision (b) of Section 1 of  
28 Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article  
XVI of the California Constitution may be maintained against any officer, agent, or other  
person acting on behalf of, that school district or community college district, by a citizen

1 residing in the school or community college district who is assessed and is liable to pay  
2 an ad valorem tax on real property within the school or community college district, or  
3 who has paid an ad valorem tax on real property within the school or community college  
4 district within one year before the commencement of the action if it appears by the  
5 complaint or affidavits that *any of the following conditions are present:*

6 (1) An expenditure of funds received by a school district or community college  
7 district through the sale of bonds authorized by this chapter is for purposes other than  
8 those specified in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the  
9 California Constitution.

10 (2) The expenditure is not in compliance with paragraph (3) of subdivision (b) of  
11 Section 1 of Article XIII A of the California Constitution.

12 (3) That an expenditure in violation of paragraph (3) of subdivision (b) of Section 1  
13 of Article XIII A of the California Constitution will be made or will continue to be made  
14 during the litigation that would produce waste or great or irreparable injury.

15 It is undisputed that the District has reserved Measure P bond money for the construction  
16 of the Katherine Johnson Middle School. (UMF 4, 20; Compendium of Evidence at Ex. 3, pp.4,  
17 26.) The District's own Bond Oversight Committee prepared an outline of the source of funds  
18 for the school, and a description of the use of the funds. The project is described as "055-9512-  
19 P1-K. Johnson New Construction." The "Fund Source" is identified as "Measure P Fund Rule";  
20 the "Total Reserved" is \$60,000,000; and the "Project Status" is "Construction." (Id.) The  
21 "Project Information" states:

22 "Abatement and demolition of existing facilities and construction of a new middle school  
23 new middle school campus. The work consists of (5) new buildings that includes an  
24 Administration building, Classroom buildings, Science/Makers Lab/Library building,  
25 Multi-Purpose Room building housing a Kitchen area, Music room, Locker room and PE  
26 classroom. In addition to site improvements that include new underground utilities, site  
27 concrete, parking and bus drop off, exterior learning area, basketball courts, track and  
28 field area."

(Id.)

Plaintiffs' Second Cause of Action for Declaratory Relief (Taxpayer Waste) has likewise  
been established pursuant to Code Civ. Proc. Section 526a, which provides:

(a) An action to obtain a judgment, restraining and preventing any illegal expenditure  
of, waste of, or injury to, the estate, funds, or other property of a local agency, may be  
maintained against any officer thereof, or any agent, or other person, acting in its behalf,

1 either by a resident therein, or by a corporation, who is assessed for and is liable to pay,  
2 or, within one year before the commencement of the action, has paid, a tax that funds the  
defendant local agency, including, but not limited to, the following:

3 (1) An income tax.

4 (2) A sales and use tax or transaction and use tax initially paid by a consumer  
5 to a retailer.

6 (3) A property tax, including a property tax paid by a tenant or lessee to a  
7 landlord or lessor pursuant to the terms of a written lease.

8 (4) A business license tax.

9 (b) This section does not affect any right of action in favor of a local agency, or any  
10 public officer; provided, that no injunction shall be granted restraining the offering for  
11 sale, sale, or issuance of any municipal bonds for public improvements or public utilities.

12 (c) An action brought pursuant to this section to enjoin a public improvement project  
13 shall take special precedence over all civil matters on the calendar of the court except  
those matters to which equal precedence on the calendar is granted by law.

14 (d) For purposes of this section, the following definitions apply:

15 (1) "Local agency" means a city, town, county, or city and county, or a  
16 district, public authority, or any other political subdivision in the state.

17 (2) "Resident" means a person who lives, works, owns property, or attends  
18 school in the jurisdiction of the defendant local agency.

19 As Measure P and the Master Plan fail to identify the Katherine Johnson Middle School  
20 Project, the Court should grant summary adjudication of the First and Second Causes of Action.  
21 Construction at the Creekside site is ongoing, and this Court should ensure that Measure P funds  
22 are not used.

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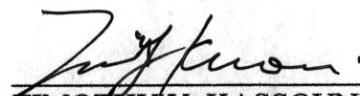
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**CONCLUSION**

For the foregoing reasons, the Court should grant Plaintiffs' motion for summary adjudication of the First and Second Causes of action of the FAC.

DATED: OCTOBER 30, 2023

KASSOUNI LAW

By:   
TIMOTHY V. KASSOUNI  
Attorneys for Plaintiffs  
DANIELLE CREEDON and ALEX M. DAVIS

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 DEPARTMENT OF CORRECTIONS AND REFORMATION

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 ADDRESS FOR SERVICE  
 LYONIA A. KYZSOBIITVA

DAVID A. OSLER  
 1032

KYZSOBIITVA

jurisdiction of the First and Second Divisions of each of the JCS

For the reasons set forth, the Court should grant Plaintiff's petition for writ of

correction



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6 Attorneys for Plaintiffs  
DANIELLE CREEDON and ALEX M. DAVIS  
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SACRAMENTO

10 DANIELLE CREEDON, an individual and as  
11 a taxpayer on behalf of herself and the  
12 taxpayers of the San Juan Unified School  
District; ALEX M. DAVIS, an individual and  
13 as a taxpayer on behalf of herself and the  
14 taxpayers of the San Juan Unified School  
District,

15 Plaintiffs,

16 v.

17 SAN JUAN UNIFIED SCHOOL DISTRICT, a  
California Unified School District; DOES 1-  
18 50, inclusive,

19 Defendants

Case No. 34-2023-0333102-CU-MC-GDS

**PLAINTIFFS' SEPARATE STATEMENT  
OF UNDISPUTED MATERIAL FACTS IN  
SUPPORT OF MOTION FOR SUMMARY  
ADJUDICATION OF THE FIRST AND  
SECOND CAUSES OF ACTION OF THE  
FIRST AMENDED COMPLAINT**

Date: December 14, 2023  
Time: 9:00 a.m.  
Dept: 54  
Judge: Hon. Christopher E. Krueger  
Trial Date: None set  
Complaint filed: January 17, 2023

**RESERVATION I.D. NO. A333102-002**

1 Plaintiffs Danielle Creedon and Alex M. Davis submit the following separate statement  
 2 of undisputed material facts, together with references to supporting evidence, in support of their  
 3 motion for summary adjudication of the First Cause of Action of the First Amended Complaint  
 4 for Declaratory Relief (Bond Waste Prevention, Education Code Section 15284).

5 **Plaintiffs' First Cause of Action for Declaratory Relief for Bond Waste Prevention**  
 6 **(Education Code Section 15284)**

7 Plaintiffs are entitled to summary adjudication as a matter of law as to the First Cause of  
 8 Action because Measure P and the Facilities Master Plan do not identify the construction of  
 9 Katherine Johnson Middle School at the Creekside location on the Project List, in violation of  
 10 Article XIII A, Section 1, subd. (b)(3)(B) of the California Constitution.

<b><u>Plaintiffs' Material Facts and Supporting Evidence:</u></b>	<b><u>Defendant's Response and Supporting Evidence:</u></b>
11 12 13 14 1. Plaintiffs Danielle Creedon and Alex. M. Davis are individuals who reside and own property within the District, are taxpayers within the District, and have paid real property and sales taxes within the District. 15 16 17 (Declaration of Alex M. Davis at ¶ 1; 18 Declaration of Danielle Creedon at ¶ 1.) 19	
20 2. In August 2016, the San Juan Unified School District approved Measure P, seeking voter approval for the issuance of up to \$750 million in bonds to finance new construction projects and repair or modernize the District's aging and outdated facilities. 21 22 23 24 (Declaration of Timothy V. Kassouni at ¶ 2; 25 District Points and Authorities in Support of Demurrer; Compendium of Evidence at Ex. A, p. 1:1-4.) 26 27	
28 3. After voters approved Measure P, the	

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<p>District approved various projects, including the construction of a new school at Creekside to house a middle school.</p> <p>(Declaration of Timothy V. Kassouni at ¶ 2; District Points and Authorities in Support of Demurrer; Compendium of Evidence at Ex. A, p. 1:2-9.)</p>	
<p>4. Measure P is the funding source for the Katherine Johnson Middle School Project (“Project”).</p> <p>(Kassouni Dec. at ¶ 4; Bond Oversight Matter Agenda; Compendium of Evidence at Ex. C, pp. 4 and 26.)</p>	
<p>5. The Project is described by the District’s Bond Oversight Committee (BOC) as “Abatement and demolition of existing facilities and construction of a new middle school new middle school campus. The work consists of (5) new buildings that includes an Administration building, Classroom buildings, Science/Makers Lab/Library building, Multi-Purpose Room building housing a Kitchen area, Music room, Locker room and PE classroom. In addition to site improvements that include new underground utilities, site concrete, parking and bus drop off, exterior learning area, basketball courts, track and field area.”</p> <p>(Kassouni Dec. at ¶ 4; Bond Oversight Matter Agenda; Compendium of Evidence at Ex. C, p. 26.)</p>	
<p>6. In 2014, the District adopted a Facilities Master Plan, which included sections for “Encina High School” and “Creekside Elementary School.”</p> <p>(Kassouni Dec. at ¶¶ 6-7; Compendium of</p>	

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Evidence at Exhibits E-F)	
7. Measure P does not identify “Creekside” as a middle school.  (Kassouni Dec. at ¶ 3; Compendium of Evidence at Exhibit B)	
8. Measure P identifies “Creekside” only under the heading “Other Facilities.”  (Kassouni Dec. at ¶ 3; Compendium of Evidence at Exhibit B)	
9. The only reference to “Encina” in Measure P is “Encina Preparatory High School” under the heading “High Schools.”  (Kassouni Dec. at ¶ 3; Compendium of Evidence at Exhibit B)	
10. The Facilities Master Plan section for “Creekside Elementary School” does not identify it as a middle school.  (Kassouni Dec. at ¶ 6; Compendium of Evidence at Exhibit E)	
11. The Facilities Master Plan section for “Creekside Elementary School” does not identify any “Katherine Johnson” middle school at its location.  (Kassouni Dec. at ¶ 6; Compendium of Evidence at Exhibit E)	
12. The Facilities Master Plan sections for “Creekside Elementary School” and “Encina High School” do not identify as a project the relocation of any Encina campus students to a new school to be constructed at the Creekside	

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<p>location.  (Kassouni Dec. at ¶¶ 6-7; Compendium of Evidence at Exhibit E)</p>	
<p>13. The Facilities Master Plan’s “Projects and Costs” information relative to Encina Preparatory High only lists under the heading “Project Description” on-site improvements.  (Kassouni Dec. at ¶ 7; Compendium of Evidence at Exhibit F, pp. 11, 18-19)</p>	
<p>14. The Facilities Master Plan lists Creekside as an elementary school used by a charter school, Pathway to Choices, that provides options for those with development disabilities.  (Kassouni Dec. at ¶ 6; Compendium of Evidence at Exhibit E)</p>	
<p>15. The Facilities Master Plan provides that the “Creekside site and buildings are in a state of advanced deterioration and a significant amount of work is required to bring this facility and site up to the condition needed for students and faculty to use as a genuine teaching facility.”  (Kassouni Dec. at ¶ 6; Compendium of Evidence at Exhibit E, p.7)</p>	
<p>16. Counsel for Plaintiffs, Timothy Kassouni, visited the Creekside site periodically over the last three months and observed construction in progress.  (Kassouni Dec. at ¶ 8.)</p>	

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Plaintiffs Danielle Creedon and Alex M. Davis submit the following separate statement of undisputed material facts, together with references to supporting evidence, in support of their motion for summary adjudication of the Second Cause of Action of the First Amended Complaint for Declaratory Relief (Taxpayer Waste, Code Civ. Proc. Section 526a).

**Plaintiffs' Second Cause of Action for Declaratory Relief for Taxpayer Waste**  
**(Code Civ. Proc. Section 526a)**

Plaintiffs are entitled to summary adjudication as a matter of law as to the Second Cause of Action because Measure P and the Facilities Master Plan do not identify the construction of Katherine Johnson Middle School at the Creekside location on the Project List, in violation of Article XIII A, Section 1, subd. (b)(3)(B) of the California Constitution.

<b><u>Plaintiffs' Material Facts and Supporting Evidence:</u></b>	<b><u>Defendant's Response and Supporting Evidence:</u></b>
<p>17. Plaintiffs Danielle Creedon and Alex. M. Davis are individuals who reside and own property within the District, are taxpayers within the District, and have paid real property and sales taxes within the District.</p> <p>(Declaration of Alex M. Davis at ¶ 1;            Declaration of Danielle Creedon at ¶ 1.)</p>	
<p>18. In August 2016, the San Juan Unified School District approved Measure P, seeking voter approval for the issuance of up to \$750 million in bonds to finance new construction projects and repair or modernize the District's aging and outdated facilities.</p> <p>(Declaration of Timothy V. Kassouni at ¶ 2;            District Points and Authorities in Support of Demurrer; Compendium of Evidence at Ex. A, p. 1:1-4.)</p>	

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<p>19. After voters approved Measure P, the District approved various projects, including the construction of a new school at Creekside to house a middle school.</p> <p>(Declaration of Timothy V. Kassouni at ¶ 2; District Points and Authorities in Support of Demurrer; Compendium of Evidence at Ex. A, p. 1:2-9.)</p>	
<p>20. Measure P is the funding source for the Katherine Johnson Middle School Project (“Project”).</p> <p>(Kassouni Dec. at ¶ 4; Bond Oversight Matter Agenda; Compendium of Evidence at Ex. C, pp. 4 and 26.)</p>	
<p>21. The Project is described by the District’s Bond Oversight Committee (BOC) as “Abatement and demolition of existing facilities and construction of a new middle school new middle school campus. The work consists of (5) new buildings that includes an Administration building, Classroom buildings, Science/Makers Lab/Library building, Multi-Purpose Room building housing a Kitchen area, Music room, Locker room and PE classroom. In addition to site improvements that include new underground utilities, site concrete, parking and bus drop off, exterior learning area, basketball courts, track and field area.”</p> <p>(Kassouni Dec. at ¶ 4; Bond Oversight Matter Agenda; Compendium of Evidence at Ex. C, p. 26.)</p>	
<p>22. In 2014, the District adopted a Facilities Master Plan, which included sections for “Encina High School” and “Creekside</p>	

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<p>Elementary School.”           (Kassouni Dec. at ¶¶ 6-7; Compendium of Evidence at Exhibits E-F)</p>	
<p>23. Measure P does not identify “Creekside” as a middle school.           (Kassouni Dec. at ¶ 3; Compendium of Evidence at Exhibit B)</p>	
<p>24. Measure P identifies “Creekside” only under the heading “Other Facilities.”           (Kassouni Dec. at ¶ 3; Compendium of Evidence at Exhibit B)</p>	
<p>25. The only reference to “Encina” in Measure P is “Encina Preparatory High School” under the heading “High Schools.”           (Kassouni Dec. at ¶ 3; Compendium of Evidence at Exhibit B)</p>	
<p>26. The Facilities Master Plan section for “Creekside Elementary School” does not identify it as a middle school.           (Kassouni Dec. at ¶¶ 6-7; Compendium of Evidence at Exhibit E)</p>	
<p>27. The Facilities Master Plan section for “Creekside Elementary School” does not identify any “Katherine Johnson” middle school at its location.           (Kassouni Dec. at ¶¶ 6-7; Compendium of Evidence at Exhibit E)</p>	
<p>28. The Facilities Master Plan sections for “Creekside Elementary School” and “Encina</p>	




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<p>High School” do not identify as a project the relocation of any Encina campus students to a new school to be constructed at the Creekside location.</p> <p>(Kassouni Dec. at ¶¶ 6-7; Compendium of Evidence at Exhibit E)</p>	
<p>29. The Facilities Master Plan’s “Projects and Costs” information relative to Encina Preparatory High only lists under the heading “Project Description” on-site improvements.</p> <p>(Kassouni Dec. at ¶ 7; Compendium of Evidence at Exhibit F, pp. 11, 18-19)</p>	
<p>30. The Facilities Master Plan lists Creekside as an elementary school used by a charter school, Pathway to Choices, that provides options for those with development disabilities.</p> <p>(Kassouni Dec. at ¶ 6; Compendium of Evidence at Exhibit E)</p>	
<p>31. The Facilities Master Plan provides that the “Creekside site and buildings are in a state of advanced deterioration and a significant amount of work is required to bring this facility and site up to the condition needed for students and faculty to use as a genuine teaching facility.”</p> <p>(Kassouni Dec. at ¶ 6; Compendium of Evidence at Exhibit E, p.7)</p>	
<p>32. Counsel for Plaintiffs, Timothy Kassouni, visited the Creekside site periodically over the last three months and observed construction in progress.</p> <p>(Kassouni Dec. at ¶ 8.)</p>	

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DATED: OCTOBER 30 2023

KASSOUNI LAW

By:   
TIMOTHY V. KASSOUNI  
Attorneys for Plaintiffs  
DANIELLE CREEDON and ALEX M. DAVIS

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W. J. HUNTER  
1000 4th St, Sacramento, CA 95814  
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DAVID E. SHELTON and ALEX M. DAVIS  
Attorneys for Plaintiff  
JENNIFER A. KASSONIS  
Attorney for Defendant

FILED: OCTOBER 30 2023

W. J. HUNTER

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6 Attorneys for Plaintiffs  
DANIELLE CREEDON and ALEX M. DAVIS

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SACRAMENTO

10 DANIELLE CREEDON, an individual and as  
11 a taxpayer on behalf of herself and the  
12 taxpayers of the San Juan Unified School  
District; ALEX M. DAVIS, an individual and  
13 as a taxpayer on behalf of herself and the  
14 taxpayers of the San Juan Unified School  
District,  
15 Plaintiffs,  
16 v.  
17 SAN JUAN UNIFIED SCHOOL DISTRICT, a  
California Unified School District; DOES 1-  
18 50, inclusive,  
19 Defendants

Case No. 34-2023-0333102-CU-MC-GDS

**DECLARATION OF TIMOTHY V.  
KASSOUNI IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY  
ADJUDICATION OF THE FIRST AND  
SECOND CAUSES OF ACTION OF THE  
FIRST AMENDED COMPLAINT**

Date: December 14, 2023  
Time: 9:00 a.m.  
Dept: 54  
Judge: Hon. Christopher E. Krueger  
Trial Date: None set  
Complaint filed: January 17, 2023

**RESERVATION I.D. NO. A333102-002**

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Sacramento, CA 95814  
Tel: (916) 930-0030 ♦ Fax: (916) 930-0033

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1 I, Timothy V. Kassouni, declare as follows:

2 1. I am an attorney admitted to practice before this Court. I represent Plaintiffs in  
3 this action. I make the following declaration of my own personal knowledge. If called as a  
4 witness, I could and would testify to the following.

5 2. Attached as Exhibit A to the Compendium of Evidence in Support of Plaintiffs'  
6 Motion for Summary Adjudication of the First and Second Causes of Action of the First  
7 Amended Complaint ("Compendium") is a true and correct copy of Defendant San Juan Unified  
8 School District's ("District") points and authorities in support of demurrer to First Amended  
9 Complaint, as served on me by counsel for the District.

10 3. Attached as Exhibit B to the Compendium is a true and correct copy of Measure  
11 P, as produced to me directly by counsel for the District.

12 4. Attached as Exhibit C to the Compendium is a true and correct copy of District's  
13 Bond Oversight Committee (BOC's) agenda of March 16, 2023, which includes at pp. 4 and 26  
14 references to the Katherine Johnson Middle School project. I personally downloaded and copied  
15 this document from the District's website by using the following two addresses:

16 <https://www.sanjuan.edu/our-district/construction-news/bond-citizens-oversight-committee> and  
17 then

18 [https://resources.finalsite.net/images/v1686940520/sanjuanedu/vwz3vg4zt8un8x9fxbnr/BOC Pa](https://resources.finalsite.net/images/v1686940520/sanjuanedu/vwz3vg4zt8un8x9fxbnr/BOC_Pa)  
19 [cket\\_05182023.pdf](https://resources.finalsite.net/images/v1686940520/sanjuanedu/vwz3vg4zt8un8x9fxbnr/BOC_Packet_05182023.pdf)

20 5. Attached as Exhibit D to the Compendium is a true and correct copy of this  
21 Court's Minute Order of August 3, 2023, which I personally downloaded from the Sacramento  
22 County Court's website.

23 6. Attached as Exhibit E to the Compendium is a true and correct copy of the  
24 Facilities Master Plan section related to "Creekside Elementary School," as produced to me  
25 directly by counsel for the District.

26 7. Attached as Exhibit F to the Compendium is a true and correct copy of the  
27 Facilities Master Plan section related to "Encina High School" as personally downloaded by me  
28 from the District's website [sanjuan.edu/fmp](https://www.sanjuan.edu/fmp) in January 2023. The District's website does not

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currently contain the Facilities Master Plan, and this section related to “Encina High School” was not produced to me by the District.

8. I have observed the Creekside school site periodically over the last three months, and construction is ongoing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 30th day of October, 2023, at Sacramento, California.

  
TIMOTHY V. KASSOUNI

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SACRAMENTO COUNTY

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1800 V. A. 01010101  
152 Capitol Mall, Ste 401  
KAZDORNI, A.

DECLARATION OF JUDICIAL A. KAZDORNI

I, the undersigned, do hereby certify that I am a Judge of the Superior Court of California, County of Sacramento, and that I am duly qualified to perform the duties of my office. I have been appointed to the office of Judge of the Superior Court of California, County of Sacramento, and I have taken the oath of office and the oath of the State of California. I have also taken the oath of the County of Sacramento. I have been appointed to the office of Judge of the Superior Court of California, County of Sacramento, and I have taken the oath of office and the oath of the State of California. I have also taken the oath of the County of Sacramento. I have been appointed to the office of Judge of the Superior Court of California, County of Sacramento, and I have taken the oath of office and the oath of the State of California. I have also taken the oath of the County of Sacramento.

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7 E-Mail: Timothy@Kassounilaw.com

8 Attorneys for Plaintiffs  
9 DANIELLE CREEDON and ALEX M. DAVIS

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SACRAMENTO

12 DANIELLE CREEDON, an individual and as  
13 a taxpayer on behalf of herself and the  
14 taxpayers of the San Juan Unified School  
15 District; ALEX M. DAVIS, an individual and  
16 as a taxpayer on behalf of herself and the  
17 taxpayers of the San Juan Unified School  
18 District,

19 Plaintiffs,

20 v.

21 SAN JUAN UNIFIED SCHOOL DISTRICT, a  
22 California Unified School District; DOES 1-  
23 50, inclusive,

24 Defendants

Case No. 34-2023-0333102-CU-MC-GDS

**DECLARATION OF DANIELLE  
CREEDON IN SUPPORT OF MOTION  
FOR SUMMARY ADJUDICATION OF  
THE FIRST AND SECOND CAUSES OF  
ACTION OF THE FIRST AMENDED  
COMPLAINT**

Date: December 14, 2023  
Time: 9:00 a.m.  
Dept: 54  
Judge: Hon. Christopher E. Krueger  
Trial Date: None set  
Complaint filed: January 17, 2023

**RESERVATION I.D. NO. A333102-002**



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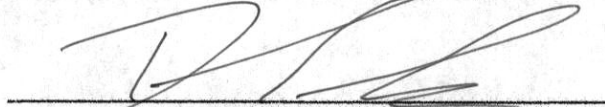
DECLARATION OF DANIELLE CREEDON

I, Danielle Creedon, declare as follows:

1. I am a plaintiff in Sacramento County Superior Court Case No. 34-2023-0333102-CU-MC-GDS.
2. I am an individual who resides and owns real property within the County of Sacramento and within the boundaries of the San Juan Unified School District.
3. I am a taxpayer within said geographical area of the San Juan Unified School District, and have paid real property and sales taxes within the last two fiscal and calendar tax years.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 30, 2023, at Sacramento, California.

  
\_\_\_\_\_  
DANIELLE CREEDON

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DEPARTMENT OF PUBLIC SAFETY

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FOR THE COURT

IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

VS.

IN RE: THE ESTATE OF [Name], Deceased

Case No. [Case Number]

FILED FOR THE COURT

BY: [Name]

GDSSC-103-00-002

DATE OF FILING: OCTOBER 30, 2023

FILED AT: SACRAMENTO, CALIFORNIA

DEPARTMENT OF PUBLIC SAFETY

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9 DANIELLE CREEDON and ALEX M. DAVIS

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SACRAMENTO

12 DANIELLE CREEDON, an individual and as  
13 a taxpayer on behalf of herself and the  
14 taxpayers of the San Juan Unified School  
15 District; ALEX M. DAVIS, an individual and  
16 as a taxpayer on behalf of herself and the  
17 taxpayers of the San Juan Unified School  
18 District,

19 Plaintiffs,

20 v.

21 SAN JUAN UNIFIED SCHOOL DISTRICT, a  
22 California Unified School District; DOES 1-  
23 50, inclusive,

24 Defendants

Case No. 34-2023-0333102-CU-MC-GDS

**DECLARATION OF ALEX M. DAVIS IN  
SUPPORT OF MOTION FOR SUMMARY  
ADJUDICATION OF THE FIRST AND  
SECOND CAUSES OF ACTION OF THE  
FIRST AMENDED COMPLAINT**

Date: December 14, 2023  
Time: 9:00 a.m.  
Dept: 54  
Judge: Hon. Christopher E. Krueger  
Trial Date: None set  
Complaint filed: January 17, 2023

**RESERVATION I.D. NO. A333102-002**

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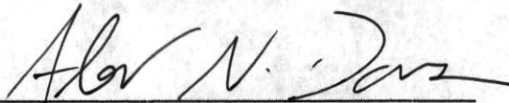
DECLARATION OF ALEX M. DAVIS

I, Alex M. Davis, declare as follows:

1. I am a plaintiff in Sacramento County Superior Court Case No. 34-2023-0333102-CU-MC-GDS.
2. I am an individual who resides and owns real property within the County of Sacramento and within the boundaries of the San Juan Unified School District.
3. I am a taxpayer within said geographical area of the San Juan Unified School District, and have paid real property and sales taxes within the last two fiscal and calendar tax years.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 30, 2023, at Sacramento, California.



\_\_\_\_\_  
ALEX M. DAVIS

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ALEX W. DAVIS

*[Handwritten signature]*

Executed on October 30, 2023, at Sacramento, California.

Declared as true and correct.

I declare under penalty of perjury under the laws of the State of California that the  
contents of this declaration are true and correct.

Declarant and the declarant's property and sales taxes within the last two years and intended  
to use the property for residential purposes within the geographical area of the San Juan Unified School  
District.

3. I am a resident within and geographical area of the San Juan Unified School  
District and within the boundaries of the San Juan Unified School District.

4. I am an individual who resides and owns real property within the County of  
Sacramento, California.

5. I am a party in Sacramento County Superior Court Case No. 23-3023-  
0333107-CJ-MC-CD2.

I, Alex W. Davis, declare as follows:

1st (419) 438-0030 • Fax: (419) 438-0032  
2nd (419) 438-0031 • Fax: (419) 438-0033  
3rd (419) 438-0034 • Fax: (419) 438-0035  
4th (419) 438-0036 • Fax: (419) 438-0037  
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6 Attorneys for Plaintiffs  
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SACRAMENTO

10 DANIELLE CREEDON, an individual and as  
11 a taxpayer on behalf of herself and the  
12 taxpayers of the San Juan Unified School  
District; ALEX M. DAVIS, an individual and  
13 as a taxpayer on behalf of herself and the  
14 taxpayers of the San Juan Unified School  
District,

15 Plaintiffs,

16 v.

17 SAN JUAN UNIFIED SCHOOL DISTRICT, a  
California Unified School District; DOES 1-  
18 50, inclusive,

19 Defendants  
20

Case No. 34-2023-0333102-CU-MC-GDS

**PLAINTIFFS' COMPENDIUM OF  
EVIDENCE IN SUPPORT OF MOTION  
FOR SUMMARY ADJUDICATION OF  
THE FIRST AND SECOND CAUSES OF  
ACTION OF THE FIRST AMENDED  
COMPLAINT**

Date: December 14, 2023  
Time: 9:00 a.m.  
Dept: 54  
Judge: Hon. Christopher E. Krueger  
Trial Date: None set  
Complaint filed: January 17, 2023

**RESERVATION I.D. NO. A333102-002**

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Pursuant to Rules of Court, rule 3.1350(g), Plaintiffs Danielle Creedon and Alex M. Davis submit the following evidence in support of their Motion for Summary Adjudication, as authenticated in the separately filed Declaration of Timothy V. Kassouni:

Exhibit A: Defendant San Juan Unified School District's points and authorities in support of demurrer to First Amended Complaint.

Exhibit B: Measure P.

Exhibit C: San Juan Unified School District's Bond Oversight Committee agenda of March 16, 2023.

Exhibit D: Minute Order of August 3, 2023.

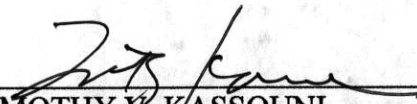
Exhibit E: Facilities Master Plan section related to "Creekside Elementary School."

Exhibit F: Facilities Master Plan section related to "Encina High School."

DATED: OCTOBER 30 2023

KASSOUNI LAW

By:

  
TIMOTHY V. KASSOUNI  
Attorneys for Plaintiffs  
DANIELLE CREEDON and ALEX M. DAVIS

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W. CHLOEZA  
1000 1/2 Street  
Sacramento, CA 95811  
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EXHIBIT B: ORDER OF SUMMARY JUDGMENT

DATED OCTOBER 27, 2023

KAROLINE G...

- EXHIBIT A: Petition for Summary Judgment
- EXHIBIT B: Order of Summary Judgment
- EXHIBIT C: Affidavit of Plaintiff
- EXHIBIT D: Affidavit of Defendant
- EXHIBIT E: Declaration of Plaintiff
- EXHIBIT F: Declaration of Defendant
- EXHIBIT G: Affidavit of Plaintiff
- EXHIBIT H: Affidavit of Defendant
- EXHIBIT I: Declaration of Plaintiff
- EXHIBIT J: Declaration of Defendant



**EXHIBIT A**

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14 COUNTY OF SACRAMENTO

15  
16 DANIELLE CREEDON, an individual and as a  
taxpayer on behalf of herself and the taxpayers  
17 of the San Juan Unified School District; ALEX  
M. DAVIS, an individual and as a taxpayer on  
18 behalf of herself and the taxpayers of the San  
Juan Unified School District,

19 Plaintiffs,

20 v.

21 SAN JUAN UNIFIED SCHOOL DISTRICT, a  
22 California Unified School District; DOES 1-50,  
inclusive,

23 Defendants.  
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Case No. 34-2023-00333102-CU-MC-GDS

**DEFENDANT SAN JUAN UNIFIED  
SCHOOL DISTRICT'S  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
DEMURRER TO PLAINTIFFS' FIRST  
AMENDED COMPLAINT**

Unlimited Jurisdiction

Date: July 13, 2023  
Time: 9:00 a.m.  
Dept: 54  
Judge: Hon. Christopher E. Krueger  
Trial Date: None set  
Complaint Filed: January 17, 2023

**RESERVATION ID NO. 2723409**

*Entitled to Calendar Preference per Educ.  
Code § 15284(b) and C.C.P. § 526a(c).*

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1 **I. INTRODUCTION**

2 In August 2016, the San Juan Unified School District (“District”) approved “Measure P,”  
3 seeking voter approval for the issuance of up to \$750 million in bonds to finance new  
4 construction projects and repair or modernize the District’s aging and outdated facilities. Prior to  
5 placing Measure P on the ballot, the District prepared a Bond Project List that included  
6 authorizations for relocations, new construction, and other improvements to the District’s Encina  
7 Preparatory High School (“Encina”) and Creekside (“Creekside”) sites. After voters approved  
8 Measure P, the District approved various projects, including the construction of a new school at  
9 Creekside to house a middle school that was administratively, but not physically, separated from  
10 Encina (the “Project”). Although the District changed the name of the school to the Katherine  
11 Johnson Middle School (“KJMS”) to honor a female, African-American mathematician whose  
12 calculations were critical to the success of NASA’s first and many subsequent crewed  
13 spaceflights (as depicted in the 2016 film “Hidden Figures”), the current and future locations of  
14 the middle school—Encina and Creekside, respectively—were both identified as project sites in  
15 Measure P.

16 This lawsuit by Plaintiffs Danielle Creedon and Alex M. Davis (“Plaintiffs”) is part of a  
17 concerted effort by a handful of residents to stop the Project.<sup>1</sup> In their First Amended Complaint  
18 (“FAC”), Plaintiffs seek an injunction and declaratory relief based on claims of school bond  
19 waste prevention (Education Code § 15284) and taxpayer waste (Code Civ. Proc. § 526a). These  
20 claims all fail.

21 Plaintiffs’ principal theory, supporting Counts I and II, is that the Project is an illegal  
22 expenditure of public funds because it was not included in the project list for Measure P (“Project  
23 List,” FAC Ex. B at 3-5). However, the plain language of Measure P authorizes the Project. The  
24 Project List unambiguously authorizes the District to engage in the construction of new  
25 classrooms and facilities at *any* District-owned property, including Creekside specifically.

26  
27 <sup>1</sup> A second, related reverse-validation action under Cal. Code Civ. Proc. sections 860 *et seq.* is  
28 pending in this Court and challenges a lease-leaseback agreement between the District and their  
chosen developer for the Project, Flint Builders, Inc. Plaintiffs’ counsel in that action is the same  
as in this action. *See* Notice of Related Case, Dkt. No. 8.

1 Measure P also expressly includes the type of construction work that will be performed on the  
2 Project and allows relocations of schools like the KJMS. Moreover, Plaintiffs' argument that the  
3 specific phrase "Katherine Johnson Middle School" does not appear on the Project List is  
4 meritless. From 2011 to 2021, KJMS was part of Encina, which operated a grade 6-12 program.  
5 KJMS was only recently separated and renamed. Measure P, which passed in 2016, clearly lists  
6 "Encina Preparatory High" as a school eligible for projects on the Project List.

7 Plaintiffs' alternative theories also fail. First, Plaintiffs allege in Count III that spending  
8 on the Project is illegal because the District had two vacancies on the Bond Oversight Committee  
9 (the "BOC"), the District's statutorily-required citizens' oversight committee. This theory fails  
10 because the Education Code only provides a cause of action for a *willful* failure to *appoint* a BOC  
11 after the initial election. There is no authority for Plaintiffs' theory that mere vacancies on the  
12 BOC amount to a failure to *appoint* that renders all bond spending, or specific projects, invalid.  
13 Plaintiffs also have not alleged that the vacancies were a result of the District's willfulness. Even  
14 if they had, the BOC is now fully constituted after the District Board of Education (the "Board")  
15 filled those vacancies on March 28, 2023, so the declaratory and injunctive relief sought is moot.  
16 Plaintiffs also allege that the Project was not "certified" by the Board for safety, reduction in class  
17 size, and information technology needs (Counts IV, V). This claim, too, fails because Measure P  
18 contains just such a certification for **all** projects on the Project List—which includes the Project.  
19 Plaintiffs also allege the BOC failed to report that the Project was not on the Project List (Count  
20 III) and was not "certified" (Counts IV, V). These claims fail because the Project is, as discussed,  
21 on the Project List and Measure P contained the requisite certification.

22 In sum, the Court should sustain the District's demurrer because the Project is neither  
23 illegal nor wasteful. Further, the Court should not grant leave to amend because Plaintiffs have  
24 no good faith basis to allege additional facts that would show a violation of any applicable laws.

## 25 **II. FACTUAL BACKGROUND AND ALLEGATIONS OF THE COMPLAINT**

### 26 **A. Measure P Background And Scope**

27 California school districts are empowered to issue school construction bonds, following  
28 voter approval, under Proposition 39 (Cal. Const. art. XIII A, § (1)(b)) and Education Code

1 section 15264, *et seq.*; FAC ¶¶ 14-15, 48.<sup>2</sup> In connection with such bonds, school districts  
2 seeking funding must identify the projects to be funded. *Id.* ¶ 18. In August 2016, the District  
3 authorized Measure P, seeking voter approval for the issuance of up to \$750 million in bonds to  
4 finance projects listed in the Project List. *Id.* ¶ 21. Before placing Measure P on the ballot, the  
5 District prepared the Project List, as required. *Id.* ¶ 22. The Board certified in the text of  
6 Measure P “that it has evaluated the facilities needs of the District . . . . In the course of its  
7 evaluation, the [Board] took safety, class size reduction and information technology needs into  
8 consideration while developing the Bond Project List.” FAC Ex. B at 2.

9 The text of the Project List includes descriptions of the projects Measure P would fund.  
10 *Id.* at 3-5. The Project List is expansive in its scope. It begins with a broad description of the  
11 purpose and intended use of Measure P bond funds:

12 The Bond Project List contains more projects than the District  
13 currently estimates the Bonds can fund to provide flexibility should  
14 additional efficiencies be realized or should District priorities  
15 change. The Board may undertake repairs, improvements,  
16 acquisitions, demolitions, *relocations*, *new construction*, and/or  
furnishing or equipping of school facilities, to complete each or any  
of the projects listed below *as may be determined desirable by the  
District at the time the project is undertaken.*

17 *Id.* at 3 (emphasis added). The Project List authorizes the District to undertake listed activities at  
18 “all current and future district owned properties and facilities”—including the Encina and  
19 Creekside sites that are the current and future locations of the KJMS. *Id.*; FAC ¶¶ 28-30.

20 Additionally, Measure P provides a specific list of the types of projects that can be  
21 undertaken at any District site. The District may, for example, “[u]pgrade or replace building  
22 components”; “[u]pgrade classrooms, labs, and restrooms”; upgrade water, sewer, and electrical  
23 utilities; improve landscaping; and install or improve parking (including “new parking”). FAC  
24 Ex. B. at 4. The District can add “classrooms and facilitates for all District schools, buildings,  
25 and sites”; “acqui[re] real property”; and proceed with “new replacement construction if . . .  
26 preferable considering the building’s age, condition and other relevant factors” (a determination  
27

28 <sup>2</sup> In considering a demurrer, the Court accepts factual allegations in the Complaint as true.  
*Morgan Phillips, Inc. v. JAMS/Endispute, L.L.C.*, 140 Cal. App. 4th 795, 798 (2006).



1 left to the District's discretion). *Id.* The District also may engage in work incidental to these  
2 activities such as "demolition of existing facilities and reconstruction of facilities" and "necessary  
3 site preparation/restoration in connection with new construction." *Id.* at 5.

4 On November 8, 2016, the voters passed Measure P. FAC ¶ 49.

5 **B. The District's BOC**

6 Proposition 39 and its implementing statutes require the appointment of a citizen's  
7 oversight committee to oversee and report on the expenditure of bond funds. Specifically,  
8 Education Code section 15278(a) requires the Board to "establish and appoint members to an  
9 independent citizens' oversight committee, pursuant to Section 15282, within 60 days of the date  
10 that the governing board enters the election results on its minutes." Education Code section  
11 15282(a) calls for a seven-member committee, including *inter alia* an "active member of a bona  
12 fide taxpayers' organization" and a member who is "both a parent or guardian of a child enrolled  
13 in the school district and active in a parent-teacher organization." See FAC ¶ 58. Subsection (b)  
14 bars employees, officials, vendors, contractors, or consultants of the District from serving on the  
15 citizens' oversight committee. Educ. Code § 15282(b); see FAC ¶ 64. Plaintiffs allege that under  
16 "Education Code § 15278, the core duties of a bond oversight committee are: (1) to inform the  
17 public on the district's expenditures of bond revenue; (2) to actively review and report on the  
18 propriety of expenditures of taxpayers' money for school construction; and (3) advise the public  
19 as to whether a school district is in compliance with [Proposition 39]." FAC ¶ 52. The District's  
20 citizens' oversight committee is the BOC. FAC ¶ 2.

21 Plaintiffs allege on information and belief that "for three years no member of a parent-  
22 teacher organization has been seated on the BOC, although . . . one or more PTA members has  
23 applied for the position" and that "since 2020 no member of a taxpayer association has been  
24 seated on the BOC." *Id.* ¶¶ 59, 60. Plaintiffs contend that the District's website advertises  
25 applications for the BOC but returns a "404 error when one attempts to access an application."<sup>3</sup>  
26 *Id.* ¶ 62. In addition, Plaintiffs allege "[o]n information and belief, post-Measure-P, one or more

27  
28 <sup>3</sup> The link on the District's website is not broken and was not when the Complaint was filed.  
Request for Judicial Notice ("RJN") at 4, 6; *id.* Exs. E, F (printout of District's BOC website with  
link to application, and a printout of the first page of the application available at the link).

1 BOC members were District employees, and one or more BOC members were District vendors,”  
2 although Plaintiffs do not identify these individuals, when they served on the BOC, or provide  
3 any details on their alleged relationship to the District. *Id.* ¶ 65. Plaintiffs allege these  
4 circumstances have existed since at least December 16, 2021, when “the District presented  
5 information to the BOC that it would be building” the KJMS, and that because of this,  
6 expenditures of Measure P bond funds on the Project are illegal. *Id.* ¶ 66. Judicially noticeable  
7 Board meeting minutes indicate that the Board appointed a taxpayer member and a PTO member  
8 to the BOC during its March 28, 2023 meeting. *See* RJN Ex. B at 2503.<sup>4</sup>

9 **C. The Project**

10 The Project involves construction of a middle school at the site of the former Creekside  
11 Elementary School. FAC ¶¶ 30, 109. In the District’s 2014 Facility Master Plan’s (“Master  
12 Plan”) report on Creekside, which is judicially noticeable because it was incorporated by  
13 reference into the Project List and the FAC repeatedly relies on its contents, Creekside received  
14 an “F” grade overall. RJN at 4-5, Ex. A at 6-7. This means “[v]irtually all systems are broken or  
15 inoperative and *cannot be repaired. If reparable, the costs to do so are prohibitive.*” *Id.* Ex. A  
16 at 61 (emphasis added).

17 The District’s plan is for the KJMS to relocate to Creekside after the Project is completed.  
18 FAC ¶ 30. This will be the culmination of a years’ long process to separate grades 6-8 from the  
19 Encina Preparatory High School. According to judicially noticeable Board meeting minutes, in  
20 2011, the District converted Encina to a grade 6-12 program to accommodate middle school  
21 students from the recently-closed Jonas Salk Middle School. FAC ¶ 36; RJN Ex. C at 1500.  
22 Measure P passed in 2016, and listed Encina on the Project List. FAC ¶ 49, Ex. B at 3. In March  
23 2021, the Board approved the administrative separation of grades 6-8 from the Encina to form  
24 Encina Middle School. RJN Ex. D at 2321 (2021 Board minutes approving separation and  
25 renaming process). The Board subsequently renamed the newly-formed administrative unit from  
26 Encina Middle School to the KJMS. FAC ¶ 28. Upon completion of the Project, the KJMS will

27 \_\_\_\_\_  
28 <sup>4</sup> The Court may take notice of the official Board materials reflecting the Board’s separation and  
renaming of the KJMS from Encina as “official acts” of the Board. Evid. Code § 452(c); *See*  
RJN at 3-5.

1 be physically, as well as administratively, separate.

2 **D. Plaintiffs' Claims**

3 Plaintiffs allege five counts for injunctive and declaratory relief against the District for  
4 school bond waste prevention (Cal. Educ. Code § 15284) and taxpayer waste (Cal. Code Civ.  
5 Proc. § 526a). Counts I and II include a Section 15284 claim and a Section 526a claim,  
6 respectively, based on the theory that the Project is not on the Project List. FAC ¶¶ 72-85, 86-99.  
7 Count III is a Section 15284 claim based on the theories that (a) the BOC was missing a taxpayer  
8 association member and a PTO member, (b) unnamed BOC members were not qualified because  
9 of their status as District employees or vendors, and (c) that the BOC failed to report that the  
10 Project was not on the Project list.<sup>5</sup> *Id.* ¶¶ 59-66, 100-104. Counts IV and V are a Section 15284  
11 and a Section 526a claim, respectively, both of which are based on the theories that the Board  
12 failed to “certify” the Project and the BOC failed to report this failure. *Id.* ¶¶ 105-115, 116-126.

13 **III. LEGAL STANDARD**

14 None of Plaintiffs' claims can survive a demurrer. A court must sustain a demurrer if  
15 “[t]he pleading does not state facts sufficient to constitute a cause of action.” Civ. Proc. Code  
16 § 430.10(e); *Balikov v. S. Cal. Gas Co.*, 94 Cal. App. 4th 816, 819 (2001). In addition to the  
17 matters on the face of the complaint, the court may also grant a demurrer based on “any matter of  
18 which the court . . . may take judicial notice.” Civ. Proc. Code § 430.30(a). In testing the  
19 sufficiency of a complaint, the court “treats [a] demurrer as admitting all material facts properly  
20 pleaded,” but “does not . . . assume the truth of contentions, deductions or conclusions of law.”  
21 *Aubry v. Tri-City Hosp. Dist.*, 2 Cal. 4th 962, 967 (1992). “A ‘[p]laintiff may allege on  
22 information and belief any matters that are not within his personal knowledge, *if he has*  
23 *information leading him to believe that the allegations are true,*’ and thus a pleading made on

24 \_\_\_\_\_  
25 <sup>5</sup> Although none of their causes of action are based on these allegations, Plaintiffs allege that the  
26 BOC has not published an “annual report” for the 2021-2022 school year, and that “no BOC  
27 minutes or reports indicate that the BOC has determined that bond proceeds have only been spent  
28 on the school facilities projects listed in the Bond Project List.” FAC ¶¶ 56, 69. These  
allegations are false as demonstrated by the BOC’s 2021/2022 Report itself, which is a public  
record subject to judicial notice. Educ. Code § 15280(b); RJN Ex. G at 2 (2021/2022 BOC report  
finding bond funds were appropriately spent). Moreover, the BOC’s 2021/2022 Annual Report  
and others are all available on the District’s BOC website. *See* RJN Ex. E at 1.

1 information and belief is insufficient if it ‘merely assert[s] the facts so alleged without alleging  
2 such information that “lead[s] [the plaintiff] to believe that the allegations are true.” *Gomes v.*  
3 *Countrywide Home Loans, Inc.*, 192 Cal. App. 4th 1149, 1158–59 (2011) (emphasis and brackets  
4 in original) (quoting *Doe v. City of L.A.*, 42 Cal. 4th 531, 550, 551 n.5 (2007)). “Doubt in the  
5 complaint may be resolved against plaintiff and facts not alleged are presumed not to exist.”  
6 *Kramer v. Intuit Inc.*, 121 Cal. App. 4th 574, 578 (2004).

7 When a court sustains a demurrer, it should grant leave to amend only if there is a  
8 “reasonable possibility” that the plaintiff can state a legally sufficient cause of action. *Vaillette v.*  
9 *Fireman’s Fund Ins. Co.*, 18 Cal. App. 4th 680, 685 (1993); *Goodman v. Kennedy*, 18 Cal. 3d  
10 335, 349 (1976) (citation omitted). However, “the burden is on plaintiff to show *in what manner*  
11 [he or she] can amend the complaint, and *how* that amendment will change the legal effect of the  
12 pleading.” Cal. Prac. Guide: Civ. Proc. Before Trial, Ch. 7(I)-A at ¶ 7:130 (The Rutter Group  
13 2020) (emphasis in original) (citing *Goodman*, 18 Cal. 3d at 349; *Medina v. Safe-Guard Prods.*  
14 *Int’l, Inc.*, 164 Cal. App. 4th 105, 112 n.8 (2008)).

#### 15 **IV. ARGUMENT**

##### 16 **A. Counts I And II Fail Because The Plain Language Of Measure P Authorizes** 17 **The KJMS Project**

18 Ordinary principles of statutory interpretation apply to a voter-approved bond measure  
19 like Measure P. *Monette-Shaw v. San Francisco Bd. of Supervisors*, 139 Cal. App. 4th 1210,  
20 1215 (2006) (observing in considering a bond measure, “this case turns on application of settled  
21 principles of statutory interpretation as applied to [a] bond measure”). Words must be given their  
22 plain ordinary meaning. *Foothill-De Anza Cmty. Coll. Dist. v. Emerich*, 158 Cal. App. 4th 11,  
23 18-19 (2007). When the statutory language is unambiguous, a court’s inquiry ends. *See id.* The  
24 language must be construed in the context of the statute as a whole, consistent with the overall  
25 scheme. *See id.*; *McLaughlin v. State Bd. of Educ.*, 75 Cal. App. 4th 196, 211 (1999).

26 Plaintiffs allege that neither the Project List nor the Master Plan include the construction  
27 of a new middle school generally, or specifically at Creekside, or refer to “Encina Middle School”  
28 or the “Katherine Johnson Middle School.” FAC ¶¶ 25-30. This conclusion is based on an

1 unduly narrow and myopic reading of Measure P. When examined “with reference to the entire  
2 scheme,” it is abundantly clear that Measure P authorizes the Project. *McLaughlin*, 75 Cal. App.  
3 4th at 211.

4 Measure P’s “scheme” moves from general to specific. It starts with a general description  
5 of the types of projects it authorizes, which include “repairs, improvements, acquisitions,  
6 demolitions, *relocations*, *new construction*, and/or furnishing or equipping of school facilities.”  
7 FAC Ex. B at 3 (emphasis added). It then clarifies that listed types of projects may be completed  
8 “at all current and future district owned properties and facilities, including, but not limited to”  
9 specific facilities on an extensive list. *Id.* at 3. This list includes *both* Creekside and Encina,  
10 which housed grades 6-8 of the KJMS before its administrative separation and renaming in 2021.  
11 See RJN Ex. C at 1500; RJN Ex. D at 2321; FAC ¶ 28; Part I.C, above.

12 Measure P then provides a list of specific projects that can be undertaken at these  
13 facilities, and that list clearly contemplates new construction. It includes:

- 14 • The construction of “[a]dditional classrooms and facilities for *all* District schools,  
15 buildings, and sites.” FAC Ex. B at 4 (emphasis added). Creekside is listed as one of  
16 the existing sites. *Id.* at 3.
- 17 • The upgrading of “District facilities, including but not limited to: restrooms, floors and  
18 roofs, structural repairs and improvements, windows, doors, and door locks . . . food  
19 service storage, preparation, and serving areas, food service equipment, administrative  
20 facilities, multi-purpose educational facilities, physical education/athletic facilities;  
21 education support facilities, counseling areas, student services areas, locker rooms, . . .  
22 etc.” *Id.* at 4.
- 23 • “New replacement construction if replacement and new construction is preferable  
24 considering the building’s age, condition and other relevant factors” for projects  
25 “involving modernization or renovation of a building or the major portion of a  
26 building.” *Id.*
- 27 • “Demolition of existing facilities and reconstruction of facilities scheduled for  
28 modernization, if the Board of Education determines that such an approach would be

1 more cost-effective in creating more enhanced and operationally efficient campuses.”

2 *Id.* at 5.

- 3 • “Necessary site preparation/restoration in connection with new construction,
- 4 renovation or remodeling.” *Id.*
- 5 • “Furnishing and equipping of newly constructed classrooms and facilities, and
- 6 replacing worn/broken/out of date furniture and equipment.” *Id.*
- 7 • “[A]cquisition of real property” where, under the clause regarding future district
- 8 owned properties, any of the foregoing activities can be performed. *Id.* at 4.

9 Such language unambiguously authorizes the Project. *See Foothill*, 158 Cal. App. 4th at 23-24  
10 (holding similar language in a bond project list properly authorized certain types of projects). It  
11 authorizes the District to undertake any and all of the foregoing new construction activities. FAC  
12 Ex. B at 3-5. And, it authorizes that new construction at all current and future District-owned  
13 facilities, including Creekside, which is the Project site and has been a District property for  
14 decades. *Id.* at 27.

15 Plaintiffs argue that the Project is not authorized because the Project List does not use the  
16 words “Katherine Johnson Middle School” or “Encina Middle School.” FAC ¶¶ 25-30. But the  
17 fact that *the Creekside site* where the actual construction will take place is listed is enough.  
18 Moreover, the middle school that would later become Encina Middle School and KJMS was part  
19 of Encina Preparatory High School when Measure P was passed in 2016. *See* RJN Ex. C at 1500  
20 (grades 6-8 were added to Encina in 2011); *Id.* Ex. D at 2321 (grades 6-8 were administratively  
21 separated from Encina in 2021). The administrative change to separate and re-name the middle  
22 school after Measure P passed does not negate the fact that “Encina Preparatory High”—and by  
23 extension the KJMS that was then part of Encina—are on the Project List. FAC Ex. B at 3.

24 In essence, Plaintiffs argue that the District is not allowed to spend bond funds on a school  
25 if it separates the administration of the school, changes its name (FAC ¶¶ 26, 28-29), or changes  
26 the use of District property (FAC ¶ 30). This novel position finds no support in the law.

27 The FAC cites *Taxpayers for Accountable Sch. Bond Spending v. San Diego Unified Sch.*  
28 *Dist.*, 215 Cal. App. 4th 1013, 1028-31 (2013) in support of Plaintiffs’ theory that the Project

1 does not appear on the Project List. That case has no bearing on this issue. The *Taxpayers* court  
2 upheld a taxpayer waste challenge to the installation of new field lighting at a high school football  
3 stadium, finding it was not authorized on the bond project list. *Id.* The court concluded that none  
4 of the listed projects could reasonably be read to encompass field lighting, and that field lighting  
5 was not “incidental to and necessary” to an authorized project for upgrades to the football field  
6 for compliance with ADA regulations. *Id.* at 1028, 1030-31.

7 Unlike the field lights in *Taxpayers*, the Project is expressly authorized by the language in  
8 Measure P permitting construction of, *inter alia*, “[a]dditional classrooms and facilities for *all*  
9 District schools, buildings, and sites” and “[n]ew replacement construction if replacement and  
10 new construction is preferable” to renovation in the District’s discretion. FAC Ex. B at 4  
11 (emphasis added). Measure P’s language also expressly permits these activities at Creekside. *Id.*  
12 at 3. Moreover, Measure P’s Project List is not limited to construction of new school facilities. It  
13 also allows *relocation* of school facilities. *Id.* at 3. So, the District is expressly permitted to  
14 relocate the existing KJMS from Encina to the new classrooms and facilities under construction at  
15 Creekside. *Id.*

16 At bottom, Plaintiffs challenge the District’s *discretion* to relocate the middle school to  
17 the Creekside site and construct new facilities instead of modernizing the old, deteriorated  
18 facilities. See FAC ¶ 22 (Measure P does not include the phrase “construction of a new middle  
19 school”). But, such discretion is expressly permitted by Measure P for projects within its scope.  
20 FAC Ex. B at 3 (“The Board may undertake . . . demolitions, relocations, new construction . . . of  
21 school facilities, to complete each or any of the projects listed below as may be determined  
22 desirable by the District at the time the project is undertaken”); *id.* at 4 (“the District shall be  
23 authorized to proceed with new replacement construction if . . . preferable considering the  
24 building’s age, condition and other relevant factors”); RJN Ex. A at 7, 61 (Creekside received an  
25 “F” grade in the Master Plan—meaning it’s effectively a tear down). Further, discretionary  
26 determinations cannot form the basis of a taxpayer waste claim under Code of Civil Procedure  
27 section 526a (i.e., Count II) because they do not constitute “waste” as a matter of law. *Cf. Schmid*  
28 *v. City & Cnty. of S.F.*, 60 Cal. App. 5th 470, 495 (2021) (“A [taxpayer waste claim under Code

1 Civ. Proc. § 526a] does not lie to attack exercises of administrative discretion and may not be  
2 employed to interfere with policymaking.”). And discretionary decisions are not “waste” under  
3 Education Code section 15284 (i.e., Count I), so long as that discretion is exercised within the  
4 bounds of the Project List, as it is here.

5 In short, Plaintiffs fail to state a valid claim that Measure P does not authorize the Project,  
6 and the Court should sustain the District’s demurrer as to Counts I and II without leave to amend.

7 **B. Count III Fails Because There Is No Cause Of Action For Mere Vacancies On**  
8 **A Properly Constituted BOC, The BOC Is Fully Constituted, And It Is No**  
9 **Violation For The BOC To Fail To Report A Nonexistent Violation**

10 Plaintiffs’ Count III is a school bond waste prevention claim for declaratory and injunctive  
11 relief premised on violations of Education Code sections 15284, 15282(a), and 15287.<sup>6</sup> Plaintiffs  
12 offer three theories in support of this claim: (1) the “BOC undertook official acts without requisite  
13 members” (i.e., a taxpayer organization member and a PTO member); (2) the BOC had “members  
14 who otherwise cannot hold such positions under law” (i.e., District employees and vendors); and  
15 (3) the BOC “failed to determine that bond funds have been used for the Project, when it is not on  
16 the Bond Project list.” FAC ¶ 101. Each of these theories fails for multiple reasons.

17 As a threshold matter, of the three statutes Plaintiffs invoke, only Education Code section  
18 15284(a)(4) confers a private right of action. Section 15284(a)(4) allows an injunction preventing  
19 expenditures of bond funds where “[t]he governing board of a school district or community  
20 college has *willfully failed to appoint the citizens’ oversight committee in violation of the*  
21 *requirements of Section 15278.*” (Emphasis added). Section 15278(a) requires the district’s board  
22 to appoint a citizens’ oversight committee within 60 days of the entry of bond measure election  
23 results in its minutes. To state a claim under Section 15284, a plaintiff must allege that (1) the  
24 district failed to “appoint” a BOC; and (2) the failure was “willful.” Educ. Code § 15284(a)(4).

25 Here, Plaintiffs do not allege the Board failed to appoint the BOC within the 60-day  
26 timeframe or even that the BOC was incomplete at that time. Rather, Plaintiffs allege only that

27 <sup>6</sup> There is no Section 15287 under the Education Code, therefore Count III is uncertain to the  
28 extent it is based on that purported authority. Civ. Proc. Code § 430.10(f). Plaintiffs presumably  
meant to refer to Education Code section 15278, which concerns the establishment, duties, and  
powers of citizens’ oversight committees like the BOC. Educ. Code § 15278(a).



1 the BOC was not properly constituted while the Project was under consideration (i.e., December  
2 2021 to December 2022, FAC ¶¶ 10-13, 101) because (1) the BOC was, until recently, missing a  
3 taxpayer member and PTO member, or (2) was at some unspecified point in time staffed with  
4 unidentified members “who otherwise [could] not hold such positions under law” (i.e., District  
5 employees or vendors). *Id.* ¶¶ 59-60, 65, 101. Plaintiffs claim that this renders any spending on  
6 the Project illegal. *Id.* ¶ 102.

7 As to the first theory regarding taxpayer and PTO member vacancies, Plaintiffs do not and  
8 cannot cite legal authority establishing that a vacancy on the committee constitutes a willful  
9 failure to *appoint* the committee under Education Code sections 15278 and 15284(a)(4). Indeed,  
10 no statutes, regulations, or cases state that the BOC cannot operate when a vacancy exists, or that  
11 bond funds can only be spent when all positions on a BOC are filled.

12 It is little wonder that no such authority exists. An interpretation of the law that holds a  
13 vacancy on a BOC precludes use of bond funds would unreasonably interfere with school  
14 improvements. For example, under that interpretation, payment on all bond-funded school  
15 projects in progress would become illegal and come to a halt any time a vacancy occurred. This  
16 would dramatically increase costs of projects by forcing school districts to pay delay costs while  
17 contractors wait for a vacancy to be filled. School administrators would be unable to rely on the  
18 timely completion of new or remodeled facilities before a given school year, because construction  
19 could be forced to stop at any time. It would leave dangerous construction sites open at locations  
20 where children may be present (in the case of renovations), until the BOC vacancy is filled. It  
21 would allow a single dissenting BOC member to bring all projects to a halt simply by resigning.  
22 Any vacancy—regardless of the reasons—would delay necessary bond-funded improvements,  
23 potentially for months, while a person qualified and willing to fill a vacant position is identified.  
24 Because interpreting a vacancy as a failure to appoint would have such dramatic consequences,  
25 and because the language of the statute (failure to “appoint”) is not reasonably susceptible to that  
26 interpretation, it must be rejected.

27 Additionally, Plaintiffs do not allege the Board “willfully” failed to appoint a BOC. *See*  
28 FAC ¶¶ 100-104. In fact, the word “willful” does not appear anywhere in the FAC, and

1 Plaintiffs' factual allegations do not meet the standard for willfulness under California law.  
2 "[W]illful misconduct is not marked by a mere absence of care," requiring instead "a more  
3 positive intent . . . to do an act with a positive, active and absolute disregard of its  
4 consequences." *Acosta v. Glenfed Dev. Corp.*, 128 Cal. App. 4th 1278, 1294 (2005) (quoting  
5 *Calvillo-Silva v. Home Grocery*, 19 Cal. 4th 714, 729-30 (1998)); *People v. Garcia*, 25 Cal. 4th  
6 744, 753 (2001) ("The word 'willfully' when applied to the intent with which an act is done or  
7 omitted means with a purpose or willingness ... to make the omission in question."). Plaintiffs  
8 allege 1) the vacancies, 2) the BOC's consideration of one applicant, and 3) that Plaintiffs were  
9 unable to access an application for BOC membership on the District's website. FAC ¶¶ 59, 60,  
10 62. However, the mere existence and length of vacancies does not reflect a willful failure to fill  
11 the vacancies, which can be explained by, for example, the demands on time for BOC members,  
12 the timing during the COVID-19 pandemic, a lack of qualified applicants, or *many* other reasons  
13 beyond the Board's purposeful failure to appoint a full BOC. *See Kramer*, 121 Cal. App. 4th at  
14 578 (in ruling on a demurrer, "facts not alleged are presumed not to exist."). Plaintiffs do not and  
15 cannot allege that the District acted in any way that meets the definition of "willful." *Acosta*, 128  
16 Cal. App. 4th at 1294; *Garcia*, 25 Cal. 4th at 753.

17 Moreover, Plaintiffs seek injunctive and declaratory relief, which are forward-looking  
18 forms of relief. *See, e.g., Scripps Health v. Marin*, 72 Cal. App. 4th 324, 332 (1999)  
19 ("[I]njunctive relief lies only to prevent threatened injury and has no application to wrongs that  
20 have been completed. . . . Indeed, a change in circumstances at the time of the hearing, rendering  
21 injunctive relief moot or unnecessary, justifies denial of the request."); *Kirkwood v. Cal. State*  
22 *Auto. Ass'n Inter-Ins. Bureau*, 193 Cal. App. 4th 49, 59 (2011) ("Declaratory relief operates  
23 prospectively . . . to declare rather than execute rights"). To the extent Plaintiffs seek declaratory  
24 relief that the vacancies must be filled, or injunctive relief preventing expenditures until the  
25 vacancies are filled, the cause of action is moot. The Board appointed a taxpayer member and  
26 PTO member to the BOC at its March 28, 2023 meeting. RJN Ex. B at 2503. The BOC now has  
27 a full complement of required members under Education Code section 15282(a). That means that  
28 if the challenged approvals of Measure P bond spending from November and December 2022

1 (FAC. ¶¶ 11-13) are legally deficient only because of the BOC vacancies, the Board could simply  
2 re-approve the spending now and cure the defect.

3 Count III challenges the Board's authority to approve and spend bond funds while the  
4 BOC had vacancies. *Id.* ¶¶ 101-104. But the BOC's approval is not required for the Board to  
5 approve spending, and the BOC has no veto power. Indeed, the BOC's authority is limited to  
6 reviewing and reporting on expenditures. Educ. Code §§ 15278-15282. And the fully constituted  
7 BOC can still review and report on the Project expenditures in due course going forward.

8 Plaintiffs' second theory—that one or more BOC members were District employees  
9 and/or vendors—is pled on information and belief. FAC ¶ 65. Information and belief allegations  
10 are permissible only if Plaintiffs allege the facts and information that leads them to believe the  
11 allegations are true. *Gomes*, 192 Cal. App. 4th at 1158–59. Plaintiffs have not done so here.  
12 Indeed, Plaintiffs do not even identify which BOC members they claim were District employees  
13 or vendors, when they served on the BOC, or any other facts that would tend to support this  
14 allegation (or tie it to the Project). And, even if they could allege such facts, Plaintiffs have not  
15 cited and cannot cite authority holding that this amounts to an actionable willful failure to appoint  
16 a BOC under Education Code section 15284(a)(4). Plaintiffs offer no allegations that the  
17 approval of the unidentified, purportedly disqualified BOC member was due to the District's  
18 active disregard of the consequences or a purposeful omission, as required by *Acosta* or *Garcia*,  
19 as opposed to a blameless occurrence after appointment (such as a BOC member's company  
20 winning a low bid contract) or mere negligence. *Acosta*, 128 Cal. App. 4th at 1294; *Garcia*, 25  
21 Cal. 4th at 753. Without some factual basis to support their information and belief allegations  
22 and statutory basis to support their claim, Plaintiffs' Count III cannot survive.

23 Plaintiffs' third theory that the District committed waste because the BOC allegedly failed  
24 to report that the KJMS Project is not on the Project List (FAC ¶ 101) fails because (1) Section  
25 15284 does not allow claims based on a mere reporting failure (Educ. Code § 15284(a)); and (2)  
26 there is no failure to report because the Project is on the Project List (*see* Part IV.A above).

27 For the foregoing reasons, the District's demurrer to Count III should be sustained without  
28 leave to amend.

1           **C. Counts IV And V Fail Because Measure P Contains The Only Required**  
2           **Certification And There Is No Failure To Certify For The BOC To Report**

3           Plaintiffs' Count IV under Education Code section 15284 and Count V under Code of  
4 Civil Procedure section 526a are both premised on allegations that (a) the Project was not  
5 "certified as having been evaluated for safety, class size reduction, or information technology  
6 needs;" and (b) the BOC failed to report on this alleged lapse. FAC ¶¶ 106-112, 117-123.

7           These claims fail because Measure P includes the only required certification. Proposition  
8 39 requires "certification that the school district board . . . has evaluated safety, class size  
9 reduction, and information technology needs in developing" the *Project List* (not individual  
10 projects). Cal. Const. art. XIII A, § 1(b)(3)(B). Measure P includes just such a certification: "The  
11 [Board] hereby certifies that it has evaluated the facilities needs of the District, and the priority of  
12 addressing each of these needs. In the course of its evaluation, the Board of Education took  
13 safety, class size reduction and information technology needs into consideration while developing  
14 the Bond Project List." FAC Ex. B at 2. The law requires nothing more.

15           Plaintiffs' theory that the BOC failed to report that the *Project* was not certified similarly  
16 fails because (1) Measure P had the only required certification, (2) the Project is included in the  
17 Project List (*see* Part IV.A, above), and (3) there is no private cause of action for a BOC's failure  
18 to report (*see* Part IV.B, above).

19           **V. CONCLUSION**

20           In sum, for all the foregoing reasons, the Court should sustain the District's demurrer  
21 without leave to amend and grant such other and further relief as the Court deems just and proper  
22 under the circumstances.

23           Dated: April 17, 2023

ORRICK, HERRINGTON & SUTCLIFFE LLP

24           By: 

25           \_\_\_\_\_  
26           KHAI LEQUANG  
27           KRISTOPHER R. WOOD  
28           Attorneys for Defendant  
              SAN JUAN UNIFIED SCHOOL DISTRICT

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**PROOF OF ELECTRONIC SERVICE**

I am over the age of eighteen years and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, 2050 Main Street, Suite 1100, Irvine, California 92614-8255.

On April 17, 2023, I served the foregoing document described as:

**DEFENDANT SAN JUAN UNIFIED SCHOOL DISTRICT'S  
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
DEMURRER TO PLAINTIFFS' FIRST AMENDED COMPLAINT**

upon the interested parties in this action, by electronically transmitting true and correct copies thereof in Adobe PDF format to the electronic addresses set forth below. Service via email is based upon the express agreement between the parties.

Timothy V. Kassouni, Esq.  
Timothy@Kassounilaw.com  
KASSOUNI LAW  
455 Capitol Mall, Suite 604  
Sacramento, CA 95814  
Tel: 916-930-0030

Attorney for Plaintiffs,  
DANIELLE CREEDON and ALEX M.  
DAVIS

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 17th day of April, 2023, at Irvine, California.

  
Valerie Cloyd

**EXHIBIT B**

## SAN JUAN UNIFIED SCHOOL DISTRICT

### MEASURE P

**P** "San Juan Unified School District Classroom Repair/Student Safety Measure. To repair/upgrade all schools by: repairing aging/deteriorating classrooms/bathrooms/leaky roofs/plumbing/drinking fountains/water pipes/electrical wiring; upgrading classroom technology, math/science/computer labs, vocational education classrooms, and outdated fire safety/security systems; removing asbestos/lead paint; and, repairing, constructing, and acquiring educational facilities/equipment, shall San Juan Unified School District issue \$750,000,000 in bonds at legal rates, requiring annual independent financial audits, citizens oversight, and keeping all funds local?"

### IMPARTIAL ANALYSIS OF MEASURE P

(San Juan Unified School District – School Bond Measure)

Prepared by County Counsel

Measure P, if approved by the voters, would allow the San Juan Unified School District ("District") to incur bonded indebtedness up to a maximum amount of \$750,000,000. The proceeds from the issuance and sale of such general obligation bonds could only be used for the construction, reconstruction, rehabilitation or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities.

No funds derived from bond sales may be used for general school operating expenses, including administrator and teacher salaries, or for any purpose or project other than those expressly stated in the measure. Measure P lists the school facility improvement projects within the District intended to be financed by bond sales.

To assure that funds are spent only as specified in the measure, Measure P requires: 1) the appointment of a citizen's oversight committee and 2) completion of annual independent performance and financial audits.

If Measure P is passed, the actual dates of sale and the amount of bonds sold would be governed by the District based on the need for construction funds and other factors. If Measure P is approved, the tax rates necessary for payment of principal and interest on any bonds sold will be largely dictated by the timing of the bond sales, the amount sold at a given sale, market interest rates at the time of each sale (although in no event greater than the maximum bond interest rate allowed by law), as well as actual assessed valuation of taxable property in the District over the term of repayment.

Passage of Measure P requires approval by fifty-five percent of the voters voting thereon.

### FULL TEXT OF MEASURE P

FULL TEXT BALLOT PROPOSITION  
OF THE SAN JUAN UNIFIED SCHOOL DISTRICT  
ELECTION NOVEMBER 8, 2016

**This Proposition may be known and referred to as the "San Juan Unified School District Classroom Repair / Student Safety Measure" or as "Measure P".**

### FINDINGS

The San Juan Unified School District 2014 Master Plan shows the district has more than \$2.4 billion in facility needs, including the need to rehabilitate many schools that are now over 60 years old and in need of significant improvements.

**Upgrade needs** include fixing deteriorating classrooms, leaky roofs, water pipes, plumbing, bathrooms, and electrical wiring; removing asbestos and lead paint; and replacing outdated fire safety systems.

**21st Century Learning needs** include technological upgrades to classrooms, science labs and computer labs to meet modern educational standards.

**School Safety & Security needs** include installing security fencing, cameras, lighting, and other essential security systems.

Funds from the measure are subject to strict accountability, including independent annual financial audits, citizens' oversight, and a prohibition against using bond funds for administrators' salaries or pensions. All funds will be spent locally to improve neighborhood schools, and cannot be taken by state politicians.

### **BOND AUTHORIZATION**

By approval of this proposition by at least 55% of the registered voters voting on the proposition, the San Juan Unified School District (the "District") shall be authorized to issue and sell bonds of up to \$750,000,000 in aggregate principal amount to provide financing for the specific school facilities projects listed in the Bond Project List, and in order to qualify to receive State matching grant funds, subject to all of the accountability safeguards specified below.

### **ACCOUNTABILITY SAFEGUARDS**

The provisions in this section are specifically included in this proposition in order that the District's voters and taxpayers may be assured that their money will be spent wisely to address specific facilities needs of the District, all in compliance with the requirements of Article XIII A, Section 1(b)(3) of the State Constitution, and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following).

**Evaluation of Needs.** The Board of Education hereby certifies that it has evaluated the facilities needs of the District, and the priority of addressing each of these needs. In the course of its evaluation, the Board of Education took safety, class size reduction and information technology needs into consideration while developing the Bond Project List.

**Independent Citizens' Oversight Committee.** The Board of Education shall establish an independent Citizens' Oversight Committee (pursuant to Education Code Section 15278 and following), to ensure bond proceeds are spent only for the school facilities projects listed in the Bond Project List. The committee shall be established within 60 days of the date on which the Board of Education enters the election results on its minutes.

**Annual Performance Audits.** The Board of Education shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in the Bond Project List.

**Annual Financial Audits.** The Board of Education shall conduct an annual, independent financial audit of the bond proceeds (which shall be separate from the District's regular annual financial audit) until all of those proceeds have been spent for the school facilities projects listed in the Bond Project List.

**Special Bond Proceeds Account: Annual Report to Board.** Upon approval of this proposition and the sale of any bonds approved, the Board of Education shall take actions necessary pursuant to Government Code Section 53410 and following to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent or the Chief Business Officer of the District (or such other employee as may perform substantially similar duties) shall cause a report to be filed with the Board no later than April 1 of each year, commencing April 1, 2018, stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as such officer shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Board.

### **FURTHER SPECIFICATIONS**

**Specific Purposes.** All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to Education Code Section 15100, and shall constitute the specific purposes of the bonds, and proceeds of the bonds shall be spent only for such purposes, pursuant to Government Code Section 53410.

**Joint Use.** The District may enter into agreements with the County of Sacramento or other public agencies or nonprofit organizations for joint use of school facilities financed with the proceeds of the bonds in accordance with Education Code Section 17077.42 (or any successor provision). The District may seek State grant funds for eligible joint-use projects as permitted by law, and this proposition hereby specifies and acknowledges that bond funds will or may be used to fund all or a portion of the local share for any eligible joint-use projects identified in the Bond Project List or as otherwise permitted by California State regulations, as the Board of Education shall determine.

**Rate of Interest.** The bonds shall bear interest at a rate per annum not exceeding the statutory maximum, payable at the time or times permitted by law.

**Term of Bonds.** The number of years the whole or any part of the bonds are to run shall not exceed the legal limit, though this shall not preclude bonds from being sold which mature prior to the legal limit.



## PROJECT LIST

The Bond Project List below describes the projects the San Juan Unified School District proposes to finance with proceeds of voter approved bonds. Listed projects will be completed as needed at a particular District site according to District established priorities, and the order in which such projects appear on the Bond Project List is not an indication of priority for funding or completion. The final cost of each project will be determined as plans are finalized, construction bids/proposals are awarded, and projects are completed. Certain construction funds expected from non-bond sources, including State grant funds for eligible projects, have not yet been secured. Until all project costs and funding sources are known, the District cannot determine the amount of bond proceeds available to be spent on each project, nor guarantee that the bonds will provide sufficient funds to allow completion of all listed projects. Completion of some projects may be subject to further government approvals by State officials and boards, to environmental review, and to input from the public. For these reasons, inclusion of a project on the Bond Project List is not a guarantee that the project will be funded or completed. The Bond Project List contains more projects than the District currently estimates the Bonds can fund to provide flexibility should additional efficiencies be realized or should District priorities change. The Board may undertake repairs, improvements, acquisitions, demolitions, relocations, new construction, and/or furnishing or equipping of school facilities, to complete each or any of the projects listed below as may be determined desirable by the District at the time the project is undertaken. All authorized repairs are capital expenditures. The Board of Education may make changes to the Bond Project List in the future consistent with the projects specified in the proposition. Section headings are not part of the project list and are provided for convenience only.

**The following projects, in addition to the projects contemplated by the District's 2014 facility master plan, which are hereby incorporated herein by reference, are authorized at all current and future district owned properties and facilities, including, but not limited to:**

**(age of school noted in parentheses)**

### Elementary Schools

Arlington Heights Elementary (57)  
Cambridge Heights Elementary (46)  
Cameron Ranch Elementary (52)  
Carmichael Elementary (74)  
Carriage Drive Elementary (30)  
Cottage Elementary (63)  
Cowan Fundamental Elementary (57)  
Coyle Avenue Elementary (53)  
Del Dayo Elementary (65)  
Del Paso Manor Elementary (65)  
Deterding Elementary (63)  
Harry Dewey Fund. Elementary (60)  
Dyer-Kelly Elementary (67)  
Grand Oaks Elementary  
Green Oaks Fundamental Elementary (57)  
Greer Elementary (56)  
Howe Avenue Elementary (65)  
Thomas Kelly Elementary (56)  
Earl Le Gette Elementary School (59)  
Mariemont Elementary (63)  
Mariposa Avenue Elementary (66)  
Mission Avenue Open (62)  
Northridge Elementary (57)  
Oakview Community Elementary (56)  
Ottomon Elementary (30)  
Pasadena Avenue Elementary (55)  
Charles Peck Elementary (55)  
Pershing Elementary (55)  
Albert Schweitzer Elementary (55)  
Skycrest Elementary (57)  
Trajan Elementary (34)  
Twin Lakes Elementary (28)  
Whitney Avenue Elementary (62)

### K-8 Schools

Gold River Discovery Center (22)  
Kingswood K-8 (56)  
Lichen K-8 (54)  
Orangevale Open K-8 (64)  
Sierra Oaks K-8 (56)  
Starr King K-8 (60)  
Thomas Edison Language Institute (57)  
Woodside K-8 (38)

### Middle Schools

Arcade Fundamental Middle School (78)  
Arden Middle School (78)  
John Barrett Middle School (59)  
Andrew Carnegie Middle School (53)  
Winston Churchill Middle School (53)  
Louis Pasteur Middle School (52)  
Will Rogers Middle School (53)  
Sylvan Middle School (78)

### High Schools

Bella Vista High School (55)  
Casa Roble Fundamental High School (50)  
Del Campo High School (53)  
El Camino Fundamental High School (65)  
El Sereno High School (68)  
Encina Preparatory High (57)  
La Entrada (64)  
Mesa Verde High School (42)  
Mira Loma High School (56)  
Rio Americano High School (52)  
San Juan High School (103)

### Other Facilities

La Vista Center (64)  
Laurel Ruff - Community  
Transition Programs (62)  
Ralph Richardson Center (59)  
Sunrise Tech Center (64)  
Creekside (63)

### District-Owned Charter Facilities

Coleman (59)  
Littlejohn (59)  
Old Orangevale (79)  
Palisades (57)  
Winterstein Adult (64)  
Billy Mitchell (56)

## **SCHOOL REPAIR, HEALTH, AND SAFETY PROJECTS**

- Upgrade or replace building components including, but not limited to, roofs, flooring, windows, siding, structural systems, paving, plumbing, irrigation, electrical systems, interior and exterior paint, and facades.
- Fire and safety system acquisition, upgrades and repairs, including, but not limited to: fire alarms, fire hydrants, security systems, and safety systems.
- Upgrade classrooms, labs, and restrooms.
- Remove hazardous materials from school buildings and grounds, including but not limited to: asbestos and lead.
- Building improvements, including but not limited to: restrooms, structural repairs and improvements, doors, and door locks, food service storage, preparation, and serving areas, food service equipment, administrative areas, counselling areas, student services areas, locker rooms, including showers and lockers, portable classrooms (including acquisition), etc.
- Plumbing acquisition, upgrades, and repairs, including but not limited to: water and sewage drainage, valves, back flow prevention, laterals, storm drains, water mains, sinks, water heaters, neutralization tanks, shower heads and other fixtures, etc.
- HVAC system acquisition, upgrades, and repairs, including but not limited to: boilers, gas lines, control systems, automation systems, chilled water coils, control valves, etc.
- Physical education and athletic facility upgrades, including but not limited to: gymnasiums and team-rooms, field and other outdoor lighting, tennis courts, tracks and fields, pools and pool equipment (including chlorine rooms), bleachers, etc.
- Landscape and water conservation improvements including but not limited to: tree mitigation, walkways, walkway covers, ramps, soil stabilization, soil mitigation, fencing, new or upgraded irrigation systems, uneven paving and concrete, etc.
- Multi-purpose rooms.
- Americans with Disabilities Act required or recommended improvements.
- Parking, pick-up and drop off, and ingress/ egress, including, but not limited to: new parking, re-lining and re-sealing parking lots, redesigning pick-up and drop-off areas, widening roads, etc.
- Furniture and equipment acquisition and/or replacement

## **SCHOOL, CLASSROOM AND SUPPORT FACILITY UPGRADE PROJECTS**

- District facilities, including but not limited to: restrooms, floors and roofs, structural repairs and improvements, windows, doors, and door locks, asbestos mitigation, facade improvements, food service storage, preparation, and serving areas, food service equipment, administrative facilities, multi-purpose educational facilities, physical education/athletic facilities; education support facilities, counselling areas, student services areas, locker rooms, including showers and lockers, portable classrooms (including acquisition), etc.
- Additional classrooms and facilities for all District schools, buildings, and sites.
- Acquisition of real property.
- Prepayment of lease payments.
- For any project involving modernization or renovation of a building or the major portion of a building, the District shall be authorized to proceed with new replacement construction if replacement and new construction is preferable considering the building's age, condition and other relevant factors.

## **21st CENTURY CLASSROOM TECHNOLOGY, ENERGY EFFICIENCY, AND VOCATIONAL EDUCATION PROJECTS**

- Technology and computer labs, including, but not limited to, such items deemed necessary for technological interaction, such as classroom computers, displays, electronic notebooks or tablets specific to the curriculum.
- Electrical systems and electrical infrastructure upgrades, repairs and acquisition, including, but not limited to: back-up generators, outdoor lighting, electrical wiring, and electrical panels.
- Technology equipment and infrastructure acquisition, upgrades and repairs, including, but not limited to, computer systems, networking infrastructure, cabling, and wireless access.
- Security fencing, security alarms, security camera systems, and ingress/egress control.
- Energy efficiency projects, including, but not limited to: solar energy generation facilities, energy management systems, electrical charging stations, energy efficient lighting systems, energy efficient windows, window shades, etc.

## **INCIDENTAL WORK AUTHORIZED AT ALL SITES**

(at which Projects listed above are undertaken)

Each project listed above includes allocable costs such as election and bond issuance costs, architectural, engineering, inspection and similar planning costs; construction management (whether by the District or a third-party), annual financial and performance audits, a contingency for unforeseen design and construction cost escalation and other costs necessary, incidental or related to the completion of the listed projects and otherwise permitted by law, including but not limited to:

- Remove hazardous materials, e.g., asbestos, lead, etc., where necessary
- Address unforeseen conditions revealed by construction/ modernization (e.g., plumbing or gas line breaks, dry-rot, seismic, structural, etc.)
- Other improvements required to comply with building codes
- Furnishing and equipping of newly constructed classrooms and facilities, and replacing worn/broken/ out of date furniture and equipment
- Acquisition of any of the facilities on the Bond Project List through temporary lease, lease- lease-back, or lease-purchase arrangements, or execute purchase option under a lease for any of these authorized facilities
- Demolition of existing facilities and reconstruction of facilities scheduled for modernization, if the Board of Education determines that such an approach would be more cost-effective in creating more enhanced and operationally efficient campuses.
- Rental and/or construction of temporary classrooms , locations, and facilities (including modular classrooms, or district offices) as needed to house district students and/or staff displaced during construction
- Necessary site preparation/ restoration in connection with new construction, renovation or remodeling, or installation or removal of modular classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of way to the property.

The Bond Project List shall be considered a part of this ballot proposition, and shall be reproduced in any official document required to contain the full statement of the bond proposition. A copy of the District's 2014 Facility Master Plan may be obtained from the Senior Director of Facilities, Maintenance & Transportation of the District.

### **TAX RATE STATEMENT**

An election will be held in the San Juan Unified School District (the "District") on November 8, 2016, to authorize the sale of up to \$750,000,000 in bonds of the District to finance school facilities as described in the proposition. If the bonds are approved, the District expects to issue the Bonds in six series over time. Principal and interest on the bonds will be payable from the proceeds of taxes levied upon the taxable property in the District. The following information is provided in compliance with Sections 9400 through 9404 of the California Elections Code.

1. The best estimate of the tax which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 6 cents per \$100 (\$60 per \$100,000) of assessed valuation in fiscal year 2017-2018.
2. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 6 cents per \$100 (\$60 per \$100,000) of assessed valuation in fiscal year 2030-2031.
3. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is 6 cents per \$100 (\$60 per \$100,000) of assessed valuation beginning in fiscal year 2017-2018.
4. The best estimate of the total debt service, including the principal and interest, that would be required to be repaid if all of the bonds are issued and sold is \$1,230,000,000.

Voters should note that estimated tax rates are based on the ASSESSED VALUE of taxable property on the County's official tax rolls, not on the property's market value, which could be more or less than the assessed value. In addition, taxpayers eligible for a property tax exemption, such as the homeowner's exemption, will be taxed at a lower effective tax rate than described above. Certain taxpayers may also be eligible to postpone payment of taxes. Property owners should consult their own property tax bills and tax advisors to determine their property's assessed value and any applicable tax exemptions. The estimated rates presented above apply only to the taxes levied to pay bonds authorized by this measure. Additional taxes will be levied to pay bonds issued pursuant to previous, concurrent, and future authorizations.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The actual tax rates and the years in which they will apply, and the actual total debt service, may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on need for construction funds and other factors, including the legal limitations on bonds approved by a 55% affirmative vote. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

Dated: 8/9, 2016.

s/Kent Kern  
Superintendent of Schools  
San Juan Unified School District

### ARGUMENT IN FAVOR OF MEASURE P

What do our local schools and the first televisions have in common? *They were both created in the 1950s.*

Many of our local schools are over 60 years old and need significant repairs and upgrades! *Experts say there is over \$2.4 billion in health and safety needs.*

Yes on P repairs deteriorating classrooms, leaky roofs, water pipes, plumbing, bathrooms, and electrical wiring.

Yes on P removes asbestos and lead paint.

Yes on P replaces outdated security and fire safety systems so children can learn in safe and healthy classrooms.

*School safety and security are also a concern. Many of our local schools have outdated,unreliable security features.*

Yes on P installs security fencing, cameras, lighting, and other security upgrades to ensure safe and secure learning environments.

*Many of our local schools currently lack the technology needed to prepare students for 21<sup>st</sup> Century jobs and careers.*

Yes on P upgrades classrooms, science labs and computer labs and improves electrical systems and wiring for computers and internet access - ensuring *all* students have access to 21<sup>st</sup> Century learning.

Yes on P includes *Tough Accountability* and *Taxpayer Safeguards* including an Independent Citizens' Oversight Committee and annual independent audits to ensure all funds are spent as promised to the community. *Measure P* requires all funds go to improving our schools. No Money can be spent on administrators' salaries or pensions.

*It's Simple. Children Deserve Safe And Healthy Schools!*

Join Arden-Arcade, Carmichael, Citrus Heights, Fair Oaks, Orangevale, and Gold River community leaders, realtors, business owners, and school board, in voting Yes on P for safe, healthy local schools!

s/Shannan Brown  
President, San Juan Teachers Association, 2011 California Teacher of the Year

s/Eric Bakke  
Chair, San Juan USD Citizens' Oversight Committee

s/Richard Cowan  
Class of 1964, San Juan Alumni Association President

s/Felicia Wimberly  
Former President (PTA) Parent Teachers Association, Northridge Elementary School

s/Mark McKibbin  
Class of 2016, Valedictorian Casa Roble High School

**NO REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE P WAS FILED  
NO ARGUMENT AGAINST MEASURE P WAS FILED**

**EXHIBIT C**



**San Juan**  
Unified School District

# San Juan Unified School District Bond Oversight Committee

- |  |   |
|--|---|
| <input type="checkbox"/> Timothy Slape, Chair            | <input type="checkbox"/> Kyle Knight    |
| <input type="checkbox"/> Elizabeth Colegrove, Vice Chair | <input type="checkbox"/> Karen McMillen |
| <input type="checkbox"/> Lynn Castiaux                   |   |
| <input type="checkbox"/> Tom Follett                     |   |

## AGENDA

**March 16, 2023 – 6:00p.m.**  
**John Barrett Middle School (Library)**  
**4243 Barrett Road, Carmichael, CA 95608**

- |              |  |               |
|--------------|--|---------------|
| <b>I.</b>    | <b>Tour of School Site</b>   | <b>6:00pm</b> |
| <b>II.</b>   | <b>Roll Call and Quorum Count</b>  | <b>6:20pm</b> |
| <b>III.</b>  | <b>Elections, Chair and Vice Chair – Nicholas Arps</b>                                       | <b>6:25pm</b> |
| <b>IV.</b>   | <b>Approval of the September 20, 2022, Minutes – Chair</b><br>(Material Provided: Pages 2-3) | <b>6:30pm</b> |
| <b>V.</b>    | <b>Public Comments – Chair</b>   | <b>6:35pm</b> |
| <b>VI.</b>   | <b>Announcements – Chair and Nicholas Arps</b>   | <b>6:40pm</b> |
| <b>VII.</b>  | <b>Bond Audit – Gilbert &amp; Associates</b><br>(Material Provided: Separate Attachments)    | <b>6:45pm</b> |
| <b>VIII.</b> | <b>Financial Report – Cherie Chenoweth</b><br>(Material Provided: Pages 3-48)                | <b>7:00pm</b> |
| <b>IX.</b>   | <b>Bond Project Updates – Nicholas Arps</b><br>(Material Provided: Pages 49-60)              | <b>7:20pm</b> |
| <b>X.</b>    | <b>Future Agenda Items – Chair</b>   | <b>7:50pm</b> |
| <b>XI.</b>   | <b>Next Meeting and Location – Chair</b>   | <b>7:55pm</b> |
| <b>XII.</b>  | <b>Adjourn Meeting – Chair</b>   | <b>8:00pm</b> |

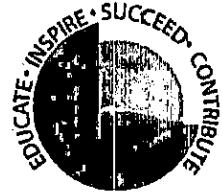
\* Public comments are welcome at BOC meetings. Each agenda allows time for visitor comments at the beginning of the meeting, as well as during consideration of specific agenda items. To give everyone a chance to be heard, we ask that you limit your comments to two minutes. To speak to the Committee, you must fill out a "Request to Address the BOC" card, which is available at each meeting. This card will be given to the Chair. You will be called at the appropriate time.

**SAN JUAN UNIFIED SCHOOL DISTRICT  
BOND OVERSIGHT COMMITTEE (BOC)**

Del Campo High School – Library/Media Center

September 20, 2022

6:00pm



**San Juan**  
Unified School District

**SJUSD BOC MEETING MINUTES**

Committee Member	Present	Absent	SJUSD Staff	Present	Absent
Timothy Slape – Chairperson – Community / At-Large Representative	X		Zima Creason – Board of Education Member	X	
Elizabeth Colegrove – Vice Chairperson – Parent Representative	X		Frank Camarda – Chief Operations Officer		X
Lynn Castiaux – Senior Citizen Representative	X		Nicholas Arps – Director of Facilities, Construction & Modernization	X	
Tom Follett – Community / At-Large Representative		X	Cherie Chenoweth – Business Operations Supervisor	X	
Kyle Knight – Business Member Representative	X		Cassy Baumgart – Administrative Assistant to Frank Camarda		X
Karen McMillen – Community / At-Large Representative		X	Cara Duncan – Administrative Assistant to Nicholas Arps	X	

**Others In Attendance:** Colin Bross, Director of Maintenance and Operations-SJUSD

1. **Tour of Site, Call to Order, Roll Call, Quorum Count – Nicholas Arps and Timothy Slape**
  - Mr. Arps conducted a tour of the site for the Members at 6:06, and the Meeting was called to order at 6:40pm, by Mr. Slape. Roll Call was taken; and with four (4) members present, a quorum was reached.
2. **Public Comments – Nicholas Arps and Timothy Slape**
  - There were no public comments.
3. **Approval of Minutes – Timothy Slape**
  - Ms. Colegrove moved that the Minutes from the June 21, 2022, Meeting be approved; and Ms. Castiaux Seconded, with the Minutes passing by unanimous vote.
4. **Announcements – Nicholas Arps and Timothy Slape**
  - Mr. Slape and Mr. Arps interviewed Amy Sagraves to fill a position with the BOC. An applicant for the Taxpayers' Association Member is in progress for a possible December appointment.

- Board Member Zima Creason stated how proud she is of the Committee and happy about the progress being made. She also announced that the Board of Education was moving from a five to seven-member Board, and we will have a new Superintendent.

#### **5. Financial Report – Cherie Chenoweth**

- Ms. Chenoweth stated that this will be the last year of Measure N, which is coming to a close with the furniture for the Transitional Kindergarten classrooms.
- There will be no more construction at the end of the year.
- Measure J is still being audited, but Measure S is still open, while Measure P has about \$200 Million available, so all new projects will be from Measure P.
- Ms. Castiaux asked how long the Bond funds last. Ms. Chenoweth explained SJUSD is very fortunate to have continuous Bond money available.
- Ms. Chenoweth stated that the Auditors are on site now conducting their work.
- Mr. Slape asked if there are different funds for the various different Projects. Ms. Chenoweth said that we bundle all of them together, and the audits are done one year after Projects begin.
- No further questions were asked at this time.

#### **6. Project Construction Update – Nicholas Arps**

- Mr. Arps stated the Department is working on Master Plan Projects.
- Ms. Castiaux asked about solar panels. Mr. Arps stated that we have an agreement with SMUD, and we already have some electric vehicle plugs in place. The process is continuing.
- Mr. Arps took the Members through a brief overview of the current Projects by category:
- Construction Projects – Barrett MS Science Building, MP/Cafeteria (will have a private tour and ribbon-cutting soon); Mesa Verde HS Stadium Groundbreaking; Mira Loma HS & Casa Roble HS Tennis Courts and new fencing; Starr King K-8 Transitional Kindergarten/Kinder Wing with four new bathrooms and play structures; Rio Americano HS CTE, Wood/Mechanic/Bio Medical Lab; LeGette ES Groundbreaking MP Room, Kinder Wing and MOD; Oakview ES and Laurel Ruff have aging buildings with dryrot-new roofing
- Design Projects – KJMS CEQA process/Adult Ed (Encina Campus EIR); Arcade MS; Cole (Charter School operated by CMP), Mariemont ES with State Matching Funds
- IT/M&O/Transportation Projects – Districtwide HVAC Controller and Intrusion Alarm Upgrades; Electric Buses Charging Stations (future); Howe ES, Will Rogers MS, Lichen ES Light MODs and ongoing Wireless Upgrades
- No further questions were asked at this time.

#### **7. Future Agenda Items – Timothy Slape**

- There were no suggestions at this time.

#### **8. Schedule Next Meeting & Location – Nicholas Arps**

- Ms. Castiaux and Ms. Colegrove suggested Barrett MS as the next meeting location. The Committee agreed Barrett Middle School would be the next meeting location on the pre-selected date of Thursday, December 15, 2022.

#### **9. Adjourn Meeting – Timothy Slape**

- Mr. Slape called for a motion to adjourn the Meeting; Ms. Colegrove so motioned, Mr. Knight Seconded; and the Meeting was adjourned at 7:09pm.



## Measure P Cost Summary

As of 1/17/2023

Proj. Number	Name	Sum of Current Budget	Available Budget	Available Commit.	Sum of Paid To Date
001-9512-P1	Arcade New Construction	\$65,000,000.00	\$55,959,084.43	\$5,442,035.00	\$3,598,880.57
002-9512-P1 (CW)	ARDEN - New Construction	\$68,000,000.00	\$0.00	\$2,186,929.11	\$65,813,070.89
004-9495-P1 (CW)	BARRETT - MOD	\$32,371,100.00	\$346,592.33	\$8,738,928.63	\$23,285,579.04
004-9512-P1 (CW)	BARRETT - New Construction	\$32,124,100.00	\$494,443.10	\$5,161,551.29	\$26,468,105.61
206-9311-P1 (CW)	BELLA VISTA - Energy Efficient (solar parking)	\$2,321,020.21	\$0.00	\$0.00	\$2,321,020.21
206-9513-P1 (CW)	BELLA VISTA - Outdoor Learning (Football Field)	\$9,833,675.56	\$0.00	\$0.00	\$9,833,675.56
209-9495-P1 (CW)	CASA - MOD (OCR case 09-18-1076)	\$3,650,000.00	\$3,262,266.00	\$150,383.00	\$237,351.00
209-9513-P1	Casa Roble Outdoor Learning (Tennis Court)	\$1,398,000.00	\$121,421.00	\$121,231.96	\$1,155,347.04
106-9495-P1	Coleman (CMP Charter) MOD	\$15,000,000.00	\$13,724,723.49	\$568,621.00	\$706,655.51
108-9512-P1 (CW)	COTTAGE - New Construction (4 classes)	\$3,825,857.44	\$0.00	\$0.00	\$3,825,857.44
108-9568-P1 (CW)	COTTAGE - Portable	\$3,850.00	\$0.00	\$0.00	\$3,850.00
207-9513-P1	Del Campo Outdoor Learning (CRT)	\$3,807,000.00	\$125,641.13	\$3,430,747.55	\$250,611.32
207-9605-P1	Del Campo Roofing (DM)	\$2,470,000.00	\$2,470,000.00	\$0.00	\$0.00
111-9568-P1 (CW)	DEL PASO - Portable	\$273,229.00	\$0.00	\$0.00	\$273,229.00
111-9332-P1 (CW)	DEL PASO MANOR - Full Site Renovation	\$47,033,676.00	\$0.00	\$2,498,230.25	\$44,535,445.75
500-9495-P1	District Office MOD (Boardroom)	\$350,000.00	\$38,429.84	\$204,025.00	\$107,545.16
392-9233-P1 (CW)	DISTRICT WIDE - DM (HVAC Controller upgrade)	\$2,605,787.72	\$0.00	\$0.00	\$2,605,787.72
392-9233-P2 (CW)	DISTRICT WIDE - DM (Intrusion Upgrade Region1)	\$281,615.50	\$0.00	\$0.00	\$281,615.50
392-9739-P (CW)	DISTRICT WIDE - Tech Service (MDF)	\$954,197.00	\$0.00	\$0.00	\$954,197.00
392-9739-P1	District Wide (Tech Service) Access Point (HP Aruba)	\$2,870,000.00	\$230,051.63	\$538,317.68	\$2,101,630.69
392-9390-P1	District Wide DM (HVAC Controls) Phase 2	\$3,000,000.00	\$2,850,000.00	\$126,675.00	\$23,325.00
392-9233-P3	District Wide DM (Intrusion Upgrade Region 2)	\$394,447.52	\$0.00	\$0.00	\$394,447.52
392-9233-P4	District Wide DM Intrusion Upgrade Region 3	\$376,620.20	\$0.00	\$0.00	\$376,620.20
201-9513-P1	El Camino Outdoor Learning (CRT)	\$2,500,000.00	\$1,962,957.00	\$308,821.80	\$228,221.20
202-9495-P2	Encina MOD (CTE Construction)	\$3,000,000.00	\$2,783,519.09	\$140,639.33	\$75,841.58
202-9495-P1	Encina MOD (Planning)	\$67,867.16	\$0.00	\$0.00	\$67,867.16
202-9568-P1	Encina Portables (Adult Ed Relocated)	\$2,550,000.00	\$2,266,666.42	\$114,336.03	\$168,997.55
202-9605-P1	Encina Roofing (DM)	\$2,195,000.00	\$2,051,300.00	\$143,700.00	\$0.00
172-9605-P1	Gold River Roofing (DM)	\$1,176,000.00	\$1,176,000.00	\$0.00	\$0.00
172-9739-P1	Gold River Tech Service	\$352,500.00	\$298,500.00	\$50,700.00	\$3,300.00
123-9568-P1 (CW)	HOWE - Portables	\$385,639.52	\$0.00	\$0.00	\$385,639.52
123-9233-P1	Howe Ave DM (floor, paint, furniture)	\$2,825,000.00	\$203,830.87	\$305,648.53	\$2,315,520.60
055-9495-P1	K. Johnson MOD	\$39,223.32	\$0.00	\$0.00	\$39,223.32
055-9495-P2	K. Johnson MOD (Admin)	\$288,290.70	\$0.00	\$0.00	\$288,290.70
055-9512-P1	K. Johnson New Construction	\$60,000,000.00	\$42,262,912.68	\$15,850,753.41	\$1,886,333.91
163-9233-P1	Laurel Ruff DM (roofing)	\$1,600,000.00	\$250,218.78	\$203,310.85	\$1,146,470.37
127-9495-P1	Le Gette MOD	\$15,157,344.00	\$1,412,395.94	\$11,642,529.73	\$2,102,418.33
127-9512-P1	Le Gette New Construction	\$30,005,670.00	\$1,529,043.82	\$18,394,563.97	\$10,082,062.21
159-9233-P2	Lichen DM (Kinder)	\$998,500.00	\$167,970.72	\$193,828.89	\$636,700.39
159-9233-P1	Lichen DM (paint, floor, furniture)	\$1,915,000.00	\$259,179.43	\$187,243.69	\$1,468,576.88
128-9495-P1 (CW)	LITTLEJOHN - MOD	\$9,894,814.56	\$0.00	\$0.00	\$9,894,814.56

## Measure P Cost Summary

As of 1/17/2023

Proj-Number	Name	Sum of Current Budget	Available Budget	Available Commit	Sum of Paid To Date
130-9495-P1	Marionet MOD	\$15,000,000.00	\$13,425,073.09	\$1,251,763.18	\$323,163.73
130-9495-P2	Marionet MOD (interim housing)	\$1,835,000.00	\$1,233,169.36	\$546,263.14	\$55,263.50
131-9605-P1	Mariposa Roofing (DM)	\$1,131,000.00	\$1,131,000.00	\$0.00	\$0.00
210-9513-P1 (CW)	MESA VERDE - Outdoor Learning	\$27,878,420.00	\$595,820.75	\$18,538,570.63	\$8,744,028.62
210-9495-P1	Mesa Verde MOD (Locker-RM)	\$1,435,000.00	\$1,283,309.80	\$62,325.00	\$89,365.20
205-9390-P1 (CW)	MIRA LOMA - HVAC (gym) (CW)	\$4,072,297.72	\$0.00	\$0.00	\$4,072,297.72
205-9495-P1	Mira Loma MOD (Locker-RM)	\$3,180,000.00	\$2,922,590.00	\$104,625.00	\$152,785.00
205-9513-P1	Mira Loma Outdoor Learning (Tennis Court)	\$4,019,000.00	\$283,977.62	\$248,692.42	\$3,486,329.96
137-9233-P1	Oakview DM (Roofing)	\$1,770,000.00	\$93,387.64	\$280,937.36	\$1,395,675.00
065-9412-P1	Pasteur Infrastructure (slab repair)	\$300,000.00	\$286,250.00	\$1,875.00	\$11,875.00
Measure P	Program Measure P	\$40,000,000.00	\$31,937,665.84	\$483,788.96	\$7,578,545.20
208-9513-P1 (CW)	RIO AMERICANO - Outdoor Learning (Football Field)	\$9,672,327.05	\$0.00	\$0.00	\$9,672,327.05
208-9495-P1	Rio MOD (CTE)	\$3,721,000.00	\$251,703.19	\$1,401,484.49	\$2,067,812.32
208-9495-P2	Rio MOD (Health)	\$2,432,000.00	\$165,700.78	\$734,530.12	\$1,531,769.10
208-9495-P3	Rio MOD (Manufacturing)	\$2,830,500.00	\$92,242.84	\$969,353.30	\$1,768,903.86
208-9716-P1	Rio Student Safety (Parking)	\$1,900,000.00	\$1,832,350.00	\$67,650.00	\$0.00
204-9390-P1 (CW)	SAN JUAN - HVAC (gym) (CW)	\$4,243,352.25	\$0.00	\$0.00	\$4,243,352.25
204-9513-P1 (CW)	SAN JUAN - Outdoor Learning	\$713,028.33	\$0.00	\$0.00	\$713,028.33
147-9512-P1	Starr King New Construction (Kinder wing)	\$6,308,000.00	\$400,941.59	\$812,709.07	\$5,094,349.34
421-9739-P1	TECH SERVICE - Infrastructure	\$856,713.06	\$0.00	\$0.00	\$856,713.06
409-9275-P1	Transportation Electrical	\$1,458,000.00	\$308,541.27	\$476,727.03	\$672,731.70
060-9233-P1	Will Rogers DM (paint, floors, Furniture)	\$3,285,000.00	\$41,883.70	\$318,630.18	\$2,924,486.12
153-9495-P1 (CW)	WINTERSTEIN - MOD	\$12,636,404.29	\$0.00	\$0.00	\$12,636,404.29
		\$583,572,068.11	\$192,532,755.17	\$103,003,980.58	\$288,035,332.36

**Arcade Fundamental Middle School**

3500 Edison Avenue  
Sacramento, CA 95821



**001-9512-P1 - Arcade New Construction**

Project Details		Description
Fund Source	Measure P Fund Rule	A new campus style middle school with classroom buildings, science and makers space classroom buildings, an administration and library building and a multipurpose building. Sitework includes upgraded underground utilities, accessible hard courts as well as new, play fields, driveways and parking lots.
Total Reserved	\$85,000,000.00	
Project Status	Construction	
DSA Number	#02-120476	
Bid Package Number	ZZ-218	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	REL Start Date	Acc. Start Date
Programming						
Design	4/11/2022	11/30/2022			4/26/2022	
Bid/RFP/Award	2/28/2022	5/16/2022			2/24/2022	5/16/2022
Pre-Construction	5/17/2022	10/24/2022			5/16/2022	
Construction	10/23/2022	11/29/2024		2/27/2025	10/26/2022	
Punchlist	6/3/2024	8/2/2024				
Close-out	8/1/2024	11/4/2024				
Post-Construction	12/2/2024	11/3/2025				
Project Complete		11/29/2024				

Project Cost Summary				
Description	Contract Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$65,000,000.00	\$55,959,084.43	\$5,442,035.00	\$3,598,800.57

Arden Middle School  
 1640 Watt Avenue  
 Sacramento, CA 95864



## 002-9512-P1 (CW) - ARDEN - New Construction

Project Details		Project Information		
Fund Source	Measure P Fund Rule	New Middle School		
Total Reserved	\$68,000,000.00			
Project Status	Close-out			
DSA Number	02-117939			
Bid Package Number	19-138			
		Project Cost Summary		
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$68,000,000.00	\$0.00	\$2,186,929.11	\$65,813,070.89

Barrett, John  
 4243 Barrett Road  
 Carmichael, CA 95608



## 004-9495-P1 (CW) - BARRETT - MOD

Project Details		Description
Fund Source	Measure P, Fund 001	Modernization the whole site
Total Reserved	\$32,371,100.00	
Project Status	Construction	
DSA Number	02-118610	
Bid Package Number	20-108	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	10/30/2018	3/22/2019				
Design	9/16/2019	3/23/2020	3/26/2020	10/23/2020	10/16/2020	4/14/2021
Bid/RFP/Award	4/29/2020	12/31/2022	6/14/2021	12/30/2022		
Pre-Construction	3/3/2020	6/9/2021			3/3/2020	6/9/2021
Construction	6/10/2021	12/31/2022			6/10/2021	
Punchlist	1/3/2023	4/28/2023				
Close Out	1/3/2022	5/6/2022				
Post-Construction	1/1/2023	12/31/2023				
Project Completion	5/1/2023	4/30/2024				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$32,371,100.00	\$346,592.33	\$8,738,928.63	\$23,285,579.04

Barrett, John  
 4243 Barrett Road  
 Carmichael, CA 95608



## 004-9512-P1 (CW) - BARRETT - New Construction

Project Details		Description
Fund Source	Measure P Fund Rule	New construction of science wing and MP building
Total Reserved	\$32,124,100.00	
Project Status	Construction	
DSA Number	02-118610	
Bid Package Number	20-108	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	10/30/2018	3/22/2019			10/30/2018	3/22/2019
Design	9/15/2019	9/23/2020	3/26/2020	6/21/2020	3/26/2020	4/14/2021
Bid/ RFP/Award	3/3/2020	6/8/2021			3/3/2020	4/29/2021
Pre-Construction	3/3/2020	4/29/2021			3/3/2020	6/9/2021
Construction	6/11/2021	4/28/2023	6/10/2021	4/28/2023	6/11/2021	
Punchlist	1/3/2022	4/28/2023				
Close Out	1/3/2022	5/6/2022				
Post-Construction	1/1/2023	12/31/2023				
Project Completion	10/30/2018	4/30/2024				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$32,124,100.00	\$494,443.10	\$5,161,551.29	\$26,468,105.61

## 209-9495-P1 (CW) - CASA - MOD (OCR case 09-18-1076)

Project Information						
Project Details			Description			
Fund Source	Measure P Fund Rule		Modernization of boys and girls locker-rooms			
Total Reserved	\$3,650,000.00					
Project Status	Design					
DSA Number	02-119628					
Bid Package Number						
Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	7/19/2021	3/24/2022				
Design	7/19/2021	3/24/2022				
Bid/RFP/Award	2/6/2023	4/11/2023				
Pre-Construction						
Construction	5/1/2023	12/31/2023				
Punchlist	1/1/2024	2/28/2024				
Close Out	1/1/2024	6/30/2024				
Post-Construction						
Project Cost Summary						
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date		
<b>TOTAL</b>	<b>\$3,650,000.00</b>	<b>\$3,262,266.00</b>	<b>\$150,383.00</b>	<b>\$237,351.00</b>		



## 209-9513-P1 - Casa Roble Outdoor Learning (Tennis Court)

Project Information						
Project Details		Description				
Fund Source	Measure P Fund Rule	the modernization of the existing tennis courts and existing parking lot resurfacing.				
Total Reserved	\$1,398,000.00					
Project Status	Punchlist					
DSA Number	02-119686					
Bid Package Number	22-206					
Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. End Date
Programming	7/15/2021	7/28/2021			7/15/2021	7/28/2021
Design	9/3/2021	12/23/2021			9/3/2021	12/23/2021
Bid/RFP/Award	11/12/2021	2/17/2022	1/26/2022	6/6/2022	4/26/2022	6/6/2022
Pre-Construction						
Construction	2/18/2022	4/21/2022	6/9/2022	8/30/2022	6/8/2022	8/30/2022
Punchlist	8/31/2022	9/11/2022			8/31/2022	
Close-out	9/2/2022	9/8/2022			9/2/2022	
Post-Construction						
Project Complete	9/9/2022	9/9/2022			9/9/2022	
Project Cost Summary						
Account	Current Budget Amount	Available Budget	Available Commitments	Paid to Date		
TOTAL	\$1,398,000.00	\$121,421.00	\$121,231.96	\$1,155,347.04		



**Thomas Coleman**  
 6545 Beech Avenue  
 Orangevale, CA 95625



## 106-9495-P1 - Coleman (CMP Charter) MOD

Project Details		Description
Fund Source	Measure P Fund Rule	Full campus modernization to include new ADA parking and accessible concrete; landscaping and fencing; classroom modifications and beautification; roofing removal and replacement; new HVAC; exterior building repaint; and fire alarm upgrades
Total Reserved	\$15,000,000.00	
Project Status	Design	
DSA Number	02-120765	
Bid Package Number		

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming					11/10/2021	4/22/2022
Design					4/11/2022	4/21/2023
Bid/RFP/Award					1/31/2023	3/28/2023
Pre-Construction					4/1/2023	6/13/2023
Construction	6/19/2023	3/22/2024				
Punchlist	3/25/2024	5/31/2024				
Close-out	6/3/2024	12/31/2024				
Post-Construction	6/3/2024	5/31/2025				
Project Complete		6/30/2025				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
<b>TOTAL</b>	\$15,000,000.00	\$13,724,723.49	\$568,621.00	\$706,655.51

## 207-9513-P1 - Del Campo Outdoor Learning (CRT)

Project Information		
Project Details		Description
Fund Source	Measure P Fund Rule	New Concession, restroom, ticket booth at the stadium
Total Reserved	\$3,807,000.00	
Project Status	Pre-Construction	
DSA Number	02-119903	
Bid Package Number	23-202	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming					10/1/2021	1/31/2022
Design	3/7/2022	8/4/2022				
Bid/RFP/Award					9/2/2022	10/25/2022
Pre-Construction						
Construction	11/1/2022	7/31/2023			11/1/2022	
Punchlist	7/31/2022	8/31/2022				
Close-out	7/31/2023	8/31/2023				
Post-Construction						
Project Complete	8/31/2023	12/28/2023				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
<b>TOTAL</b>	<b>\$3,807,000.00</b>	<b>\$125,641.13</b>	<b>\$3,430,747.55</b>	<b>\$250,811.32</b>



## 207-9605-P1 - Del Campo Roofing (DM)

Project Details		Description
Fund Source	Measure P Fund Rule	Re-roof at the Admin, Library, and Counseling buildings.
Total Reserved	\$2,470,000.00	
Project Status	Design	
DSA Number	N/A	
Bid Package Number		

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	9/6/2022	11/11/2022			9/6/2022	11/11/2022
Design	11/14/2022	3/8/2023			11/14/2022	
Bid/RFP/Award	3/10/2023	4/25/2023				
Pre-Construction						
Construction	6/8/2023	8/29/2023				
Punchlist	10/3/2023	11/1/2023				
Close-out	10/3/2023	11/30/2023				
Post-Construction						
Project Complete	12/31/2023	12/31/2023				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
<b>TOTAL</b>	\$2,470,000.00	\$2,346,800.00	\$123,200.00	\$0.00

**Del Paso Manor**  
 2700 Maryal Drive  
 Sacramento, CA 95821



## 111-9332-P1 (CW) - DEL PASO MANOR - Full Site Renovation

Project Information				
Project Details		Description		
Fund Source	Measure P Fund Rule	157728		
Total Reserved	\$47,033,676.00			
Project Status	Close-out			
DSA Number	02-116816			
Bid Package Number	17-133			
Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Funds to Date
<b>TOTAL</b>	<b>\$47,033,676.00</b>	<b>\$0.00</b>	<b>\$2,498,230.25</b>	<b>\$44,535,445.75</b>



## 500-9495-P1 - District Office MOD (Boardroom)

Project Details		Description
Fund Source	Measure P Fund Rule	Upgrade Dais to accommodate 2 new board members. The Audio Visual system to be upgraded to include new wireless microphones, new audio and video presentation systems. Electrical and Low-Voltage in-floor infrastructure to be added for new boardroom layout.
Total Reserved	\$350,000.00	
Project Status	Construction	
DSA Number	N/A	
Bid Package Number	23-203	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	2/1/2022	5/26/2022	2/1/2022	5/26/2022	2/1/2022	5/26/2022
Design - Dais and AV upgrade	7/1/2022	8/18/2022	8/31/2022	9/28/2022	5/9/2022	
Dais reworked	7/1/2022	8/3/2022	7/1/2022	7/29/2022	7/1/2022	7/29/2022
Bid - AV upgrade	8/19/2022	10/17/2022	8/19/2022	10/25/2022	10/18/2022	10/18/2022
Installation	12/24/2022	1/3/2023	2/24/2023	3/16/2023		
Punchlist	1/4/2023	1/4/2023	3/17/2023	3/22/2023		
Commissioning and training	1/5/2023	1/6/2023	3/31/2023	4/6/2023		
Project complete	1/9/2023	2/6/2023	4/7/2023	4/7/2023		
Closeout	1/12/2023	2/10/2023	4/2/2023	5/4/2023		

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$350,000.00	\$38,429.34	\$204,025.00	\$107,545.16



## 392-9739-P1 - District Wide (Tech Service) Access Point (HP Aruba)

Project Information						
Project Details		Description				
Fund Source	Measure P Fund Rate	Wireless access point (HP/Aruba) upgrades at multiple sites				
Total Reserved	\$2,870,000.00					
Project Status	Construction					
DSA Number	N/A					
Bid Package Number	20-111					
Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming						
Design						
Bid/RFP/Award						
Pre-Construction						
Construction						
Punchlist						
Close-out						
Post-Construction						
Project Complete						
Project Cost Summary						
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date		
<b>TOTAL</b>	\$2,870,000.00	\$230,051.63	\$538,317.68	\$2,101,630.69		



## 392-9390-P1 - District Wide DM (HVAC Controls) Phase 2

Project Information						
Project Details			Description			
Fund Source	Measure P Fund Rule	Upgrade HVAC Individual unit controllers at multiple District campuses				
Total Reserved	\$2,695,787.72					
Project Status	Programming					
DSA Number	N/A					
Bid Package Number	Piggyback/Sole Source					
Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming						
Design						
Bid/RFPAward						
Pre-Construction						
Construction						
Punchlist						
Close-out						
Post-Construction						
Project Complete						
Project Cost Summary						
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date		
<b>TOTAL</b>	\$3,000,000.00	\$2,850,000.00	\$126,075.00	\$23,325.00		

**El Camino Fundamental**

4300 El Camino Avenue  
Sacramento, CA 95821



**201-9513-P1 - El Camino Outdoor Learning (CRT)**

Project Details		Description
Fund Source	Measure P Fund Rule	Project has been put on hold pending fire flow approval. New Concession, Restrooms, Ticket Booth at stadium
Total Reserved	\$2,500,000.00	
Project Status	Design	
DSA Number		
Bid Package Number		

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming						
Design						
Bid/RFP/Award						
Pre-Construction						
Construction						
Punchlist						
Close-out						
Post-Construction						
Project Complete						

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$2,500,000.00	\$1,962,957.00	\$308,821.80	\$228,221.20





## 202-9495-P2 - Encina MOD (CTE Construction)

Project Information		
Project Details	Measure P Fund Rule	Description
Fund Source	Measure P Fund Rule	PH 1 - Furniture and lighting, light mod of Room F1. This will require us to move out the custodian and all items out of this room so furniture can be set up. Also will require some electrical work (wall outlets and/or ceiling cord reels). Complete by start of school this Fall 2022. PH 2 - Actual construction in Room F1 to properly create the construction CTE program. Complete fall 2023. PH 3 - Future CTE programs in the adjacent rooms after the completion and relocation of students to the new KJMS.
Total Reserved	\$3,000,000.00	
Project Status	Design	
DSA Number		
Bid Package Number		

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	4/6/2022	4/29/2022				
Design		2/28/2023			10/5/2022	
Bid/RFP/Award						
Pre-Construction						
Construction						
Punchlist						
Close-out						
Post-Construction						
Project Complete						

Project Cost Summary				
Category	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
<b>TOTAL</b>	\$3,000,000.00	\$2,783,519.09	\$140,639.33	\$75,841.58



## 202-9568-P1 - Encina Portables (Adult Ed Relocated)

Project Details		Description
Fund Source	Measure P Fund Rate	Relocating portables from Creekside and Hemlock Annex to Encina HS for adult education replacement of Creekside.
Total Reserved	\$2,550,000.00	
Project Status	Design	
DSA Number	02-120395	
Bid Package Number	23-208	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming						
Design	9/8/2022	9/12/2022				11/15/2022
Bid/RFP/Award	9/12/2022	10/31/2022			12/2/2022	1/24/2023
Pre-Construction						
Construction	11/1/2022	12/22/2022			1/30/2023	6/30/2023
Punchlist	1/6/2023	1/31/2023			7/5/2023	7/19/2023
Close-out	7/5/2023	8/31/2023				
Post-Construction						
Project Complete	9/30/2023	9/30/2023				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$2,550,000.00	\$2,266,666.42	\$114,336.03	\$168,997.55



## 202-9605-P1 - Encina Roofing (DM)

Project Details		Description
Fund Source	Measure P Fund Rule	Re-roof at the Admin, Library, and six (6) Classroom wings.
Total Reserved	\$2,195,000.00	
Project Status	Design	
DSA Number	N/A	
Bid Package Number		

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming					9/8/2022	11/11/2022
Design		3/8/2023				
Bid/RFP/Award	3/1/2023	4/25/2023				
Pre-Construction						
Construction	6/8/2023	9/29/2023				
Punchlist	10/3/2023	11/1/2023				
Close-out	10/3/2023	11/30/2023				
Post-Construction						
Project Complete	12/31/2023	12/31/2023				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
<b>TOTAL</b>	<b>\$2,195,000.00</b>	<b>\$2,051,300.00</b>	<b>\$143,700.00</b>	<b>\$0.00</b>

**Gold River Discovery Center**

2200 Roaring Camp Drive  
Rancho Cordova, CA 95670



**172-9605-P1 - Gold River Roofing (DM)**

Project Details		Description
Fund Source	Measure P Fund Rule	Re-roof at the Classroom pods, NP/Admin/Office.
Total Reserved	\$1,176,000.00	
Project Status	Design	
DSA Number	NA	
Bid Package Number		

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming					9/6/2022	11/11/2022
Design		3/6/2023				
Bid/RFP/Award	3/16/2023	4/25/2023				
Pre-Construction						
Construction	6/9/2023	9/29/2023				
Punchlist	10/3/2023	11/1/2023				
Close-out	10/3/2023	11/30/2023				
Post-Construction						
Project Complete	12/31/2023	12/31/2023				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$1,176,000.00	\$1,694,800.00	\$91,200.00	\$0.00

**Gold River Discovery Center**

2200 Roaring Camp Drive  
 Rancho Cordova, CA 95670



**172-9739-P1 - Gold River Tech Service**

Project Details		Description
Fund Source	Measure P Fund Rule	Upgrade existing data infrastructure cable plant. Replace all existing fiber backbone cables. Remove all existing Category 5, 5e data cabling and install new Cat6A cabling based on current District design standards for classroom, wireless access, audio-visual, intercom, CCTV, fire alarm, intrusion alarm, irrigation, etc. IP system connections. It is anticipated that existing data racks / cabinets can be reused. This project will not upgrade data infrastructure hardware components, but focus only on cabling infrastructure. Project installation will be done during non-school hours to minimize disruption to the functionality of the school campus during regular school hours.
Total Reserved	\$352,500.00	
Project Status	Bid/RFP/Award	
DSA Number		
Bid Package Number	23-208	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	ACC Start Date	Acc. Close Date
Planning	11/4/2022	11/17/2022			11/4/2022	11/17/2022
Design	11/18/2022	1/12/2023			11/18/2022	
Bid/RFP/Award	1/5/2023	2/14/2023			1/5/2023	
Bid Approval/NTP	2/14/2023	2/14/2023				
Construction	2/15/2023	4/5/2023				
Prepare MDF/IDF new infrastructure cabling	2/21/2023	2/22/2023				
Punchlist & Final turnover to District	4/4/2023	4/6/2023				
Close-out	4/7/2023	5/11/2023				
Project Complete	5/11/2023	5/11/2023				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$352,500.00	\$298,500.00	\$50,700.00	\$3,300.00



## 123-9233-P1 - Howe Ave DM (floor, paint, furniture)

Project Details		Description
Fund Source	Measure P Fund Rule	Site wide new furniture, flooring, and paint
Total Reserved	\$2,825,000.00	
Project Status	Punchlist	
DSA Number	n/a	
Bid Package Number	22-212, 22-213	

Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Acc. Start Date	Acc. Start Date
Programming	11/1/2021	11/30/2022				
Design	12/1/2021	1/31/2022				
Bid/RFP/Award	2/1/2022	3/31/2022			2/1/2022	3/31/2022
Pre-Construction						
Construction	6/13/2022	7/31/2022			6/13/2022	8/31/2022
Punchlist	7/31/2022	8/9/2022			8/31/2022	1/31/2023
Close-out	8/31/2022	8/31/2022			8/31/2022	1/31/2023
Post-Construction						
Project Complete	8/31/2022	8/31/2022			2/28/2023	2/28/2023

Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$2,825,000.00	\$203,830.87	\$395,648.53	\$2,315,520.60

Katherine Johnson

2641 Kent Drive  
Sacramento, CA 95821



## 055-9512-P1 - K. Johnson New Construction

Project Details		Project Information
Fund Source	Measure P Fund Rule	Abatement and demolition of existing facilities and construction of a new middle school campus. The work consists of (5) new buildings that includes an Administration building, Classroom buildings, Science/Makers Lab/Library building, Multi-Purpose Room building housing a Kitchen area, Music room, Locker room and PE classroom. In addition to site improvements that include new underground utilities, site concrete, parking and bus drop off, exterior learning area, basketball courts, track and field area.
Total Reserved	\$60,000,000.00	
Project Status	Construction	
DSA Number	02-120501	
Bid Package Number	Z2-216	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	1/25/2022	6/3/2022			1/25/2022	6/3/2022
Design	6/3/2022	5/5/2023			6/3/2022	
Bid/RFP/Award	2/7/2022	4/19/2022			2/7/2022	4/19/2022
Pre-Construction	4/19/2022	12/19/2022			4/19/2022	
Construction	12/19/2022	12/31/2024	11/22/2022		11/22/2022	
Punchlist	8/15/2024	9/11/2024				
Close-out	5/8/2024	10/2/2024			12/31/2024	
Post-Construction	11/6/2024	11/6/2025	12/31/2024		12/31/2025	
Project Complete	11/6/2025	11/6/2025			12/31/2025	

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$60,000,000.00	\$42,262,912.69	\$15,850,753.41	\$1,886,333.91



## 163-9233-P1 - Laurel Ruff DM (roofing)

Project Details		Description
Fund Source	Measure P Fund Rule	Re-roofing
Total Reserved	\$1,600,000.00	
Project Status	Punchlist	
DSA Number	N/A	
Bid Package Number	22-219	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. End Date
Programming	11/1/2021	11/30/2021				
Design	12/1/2021	2/14/2022				
Bid/RFP/Award	3/1/2022	4/25/2022			3/1/2022	4/25/2022
Pre-Construction						
Construction	6/8/2022	8/31/2022	6/9/2022	8/31/2022	6/27/2022	
Punchlist	9/1/2022	9/30/2022			12/20/2022	
Close-out	9/1/2022	10/31/2022				
Post-Construction						
Project Complete		10/31/2022				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$1,600,000.00	\$250,218.78	\$203,310.85	\$1,146,470.37



**Earl LeGette**

4623 Kenneth Avenue  
Fair Oaks, CA 95628



San Juan  
Unified School District

## 127-9495-P1 - Le Gette MOD

Project Details		Description
Fund Source	Measure P Fund Rule	The project shall include the demolition of existing portables and the modernization of the existing classroom buildings, the administration building, and the multi-use building.
Total Reserved	\$15,157,344.00	
Project Status	Construction	
DSA Number	02-119987	
Bid Package Number	22-200	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	2/1/2021	6/30/2023			3/1/2021	
Design	6/3/2021	16/19/2022			8/10/2021	
Bid/RFP/Award	8/9/2021	10/12/2021			8/9/2021	10/12/2021
Pre-Construction	8/11/2021	8/1/2022			8/10/2021	8/31/2022
Construction	9/1/2022	2/1/2024			9/1/2022	
Punchlist	10/1/2023	2/1/2024				
Close-out	10/1/2024	4/1/2025				
Post-Construction	2/1/2024	2/1/2025				
Project Complete	2/1/2025	2/1/2025				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$15,157,344.00	\$1,412,395.94	\$11,642,529.73	\$2,102,418.33

Earl LeGette

4623 Kenneth Avenue  
Fair Oaks, CA 95628



## 127-9512-P1 - Le Gette New Construction

Project Information		Description
Project Details		The Project includes the construction of a new Modular Building for Kindergarten and First Grade. The modular building shall include six classrooms, four restrooms, and one electrical / fire riser room. (7,800 SF), 1 TK/Kind play structure (8,400 SF), outdoor learning area and new multi-purpose building (8,600 SF). Also, underground utility upgrades to support the growing campus, new fencing, site and building accessibility improvements as required by the Division of the State Architect ("DSA").
Fund Source	Measure P Fund Rule	
Total Reserved	\$30,095,670.00	
Project Status	Construction	
DSA Number	02-119987 02-120029	
Bld Package Number	22-200	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	2/1/2021	8/31/2021			2/1/2021	
Design	8/31/2021	10/19/2022			8/10/2021	
Bid/RFP/Award	8/9/2021	10/12/2021			8/9/2021	10/12/2021
Pre-Construction	10/12/2021	6/1/2022			10/12/2021	
Construction	6/1/2022	4/1/2024			6/14/2022	
Punchlist	12/1/2023	4/1/2024				
Close-out	12/1/2023	6/1/2024				
Post-Construction	4/1/2024	4/1/2025				
Project Complete	4/1/2025	4/1/2025				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$30,095,670.00	\$1,515,528.34	\$15,408,079.45	\$10,082,062.21

**Lichen**

8319 Lichen Drive  
Citrus Heights, CA 95621



**159-9233-P2 - Lichen DM (Kinder)**

Project Details		Description
Fund Source	Measure P Fund Rule	New Kinder Playground with path travel
Total Reserved	\$998,500.00	
Project Status	Punchlist	
DSA Number	02-119236	
Bid Package Number	22-210	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	2/1/2021	2/28/2021				
Design	3/1/2021	10/31/2021				
Bid/RFP/Award	1/17/2022	3/31/2022			1/19/2022	3/8/2022
Pre-Construction						
Construction	4/11/2022	7/31/2022			4/11/2022	9/30/2022
Punchlist	7/31/2022	8/31/2022			10/24/2022	1/31/2023
Close-out	8/1/2022	12/31/2022			10/1/2022	1/31/2023
Post-Construction						
Project Complete		12/31/2022			2/28/2023	2/28/2023

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Cash to Date
TOTAL	\$998,500.00	\$166,314.22	\$194,885.39	\$38,700.39

**Lichen**

8319 Lichen Drive  
Citrus Heights, CA 95621



## 159-9233-P1 - Lichen DM (paint, floor, furniture)

Project Information						
<b>Project Details</b>	<b>Description</b>					
Fund Source	Measure P Fund Rule					
Total Reserved	\$1,915,000.00					
Project Status	Punchlist					
DSA Number	n/a					
Bid Package Number	22-214 (Paint), 22-215 (Demo & Abatement)					
<b>Project Timeline</b>						
Description	Est. Start Date	Est. Completion Date	Req. Start Date	Req. Completion Date	Act. Start Date	Act. Start Date
Programming	11/1/2021	11/30/2021				
Design	12/1/2021	1/31/2022				
Bid/RFP/Award	2/1/2022	3/31/2022			2/1/2022	3/31/2022
Pre-Construction						
Construction	6/13/2022	7/31/2022			6/13/2022	8/31/2022
Punchlist	8/1/2022	8/31/2022			8/31/2022	1/31/2023
Close-out	8/1/2022	8/31/2022			8/31/2022	1/31/2023
Post-Construction						
Project Complete	8/1/2022	8/30/2022			2/28/2023	2/28/2023
<b>Project Cost Summary</b>						
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date		
<b>TOTAL</b>	<b>\$1,915,000.00</b>	<b>\$259,179.43</b>	<b>\$187,243.69</b>	<b>\$1,468,576.88</b>		

**Mariemont**

1401 Corta Way  
Sacramento, CA 95864



**130-9495-P2 - Mariemont MOD (interim housing)**

Project Details		Description
Fund Source	Measure P Fund Rule	Owner furnished six (6) temp classrooms to be used during the phasing of construction.
Total Reserved	\$1,835,000.00	
Project Status	Bid/RFP/Award	
DSA Number		
Bid Package Number	23-207	

Description	Int. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming					5/2/2022	9/30/2022
Design					9/1/2022	2/28/2023
Bid/RFP/Award					11/22/2022	1/24/2023
Pre-Construction		4/18/2023			1/31/2023	
Construction	5/2/2023	8/31/2023				
Punchlist						
Close-out						
Post-Construction						
Project Complete						

Description	Current Budget Amount	Available Budget	Available Commitments	PSID to Date
TOTAL	\$1,835,000.00	\$1,233,169.36	\$546,567.14	\$55,263.50

**Mariemont**

1401 Corta Way  
Sacramento, CA 95864



**130-9495-P1 - Mariemont MOD**

Project Details		Description
Fund Source	Measure P Fund Rule	Sitewide modernization of existing buildings and interior spaces; re-roof, canopy dry-rot repair, HVAC replacement, exterior paint; underground utilities; ADA path of travel
Total Reserved	\$15,000,000.00	
Project Status	Bid/RFP/Award	
DSA Number		
Bid Package Number	23-207	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	5/2/2022	9/1/2022			5/2/2022	9/30/2022
Design	9/1/2022	8/25/2023			9/1/2022	8/25/2023
Bid/RFP/Award	11/21/2023	11/21/2022			11/22/2022	1/24/2023
Pre-Construction	11/22/2022	8/25/2023			1/31/2023	
Construction	10/17/2023	11/11/2024				
Punchlist	11/12/2024	12/23/2024				
Close-out	11/1/2024	12/31/2024				
Post-Construction	11/1/2024	10/2/2025				
Project Complete	10/31/2025	10/31/2025				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$15,000,000.00	\$15,425,073.09	\$1,251,763.18	\$323,163.73

**Mariposa**

7940 Mariposa Avenue  
Citrus Heights, CA 95610



# 131-9605-P1 - Mariposa Roofing (DM)

Project Information		
Project Details	Measure P Fund Rule	Description
Fund Source	Measure P Fund Rule	Re-roof at the Main Campus.
Total Reserved	\$1,131,000.00	
Project Status	Design	
DSA Number	N/A	
Bid Package Number		

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming					9/6/2022	11/11/2022
Design		3/8/2023			11/14/2022	
Bid/RFP/Award	3/10/2023	4/25/2023				
Pre-Construction						
Construction	6/8/2023	9/29/2023				
Punchlist	10/3/2023	11/1/2023				
Close-out	10/3/2023	11/30/2023				
Post-Construction						
Project Complete	12/31/2023	12/31/2023				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$1,131,000.00	\$1,048,050.00	\$82,950.00	\$0.00

## 210-9513-P1 (CW) - MESA VERDE - Outdoor Learning

Project Details		Description
Fund Source	Measure P Fund Rule	New Stadium with lights, restrooms, ticket booth, bleachers, and sound system, 2 new softball fields.
Total Reserved	\$27,878,420.00	
Project Status	Construction	
DSA Number	02-119681 02-118588	
Bid Package Number	22-205	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	12/2/2019	6/23/2020				
Design	5/23/2020	1/20/2021		1/6/2022		1/6/2022
Bid/RFP/Award	11/2/2021	1/21/2022			11/2/2021	1/21/2022
Preconstruction	1/31/2022	3/28/2022	2/3/2022	5/26/2022	2/3/2022	5/26/2022
Construction	4/5/2022	10/5/2022	6/23/2022	8/25/2023	6/23/2022	
Punchlist	8/28/2023	9/13/2023				
Closeout	8/28/2023	9/13/2023				
Post-Construction	9/13/2023	11/24/2023				
Project Complete	11/24/2023	11/24/2023				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$27,878,420.00	\$595,653.25	\$18,538,738.13	\$8,744,028.62





## 210-9495-P1 - Mesa Verde MOD (Locker-RM)

Project Details		Project Information
Fund Source	Measure P Fund Rule	Boys and girls locker-room modifications
Total Reserved	\$1,435,000.00	
Project Status	Design	
DSA Number	02-120441	
Bid Package Number		

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	1/1/2022	4/15/2022				
Design	4/16/2022	8/31/2022				
Bid/RFP/Award	2/9/2023	4/11/2023				
Pre-Construction						
Construction	5/1/2023	7/31/2023				
Punchlist	8/1/2023	9/30/2023				
Close-out	8/1/2023	10/31/2023				
Post-Construction						
Project Comple	12/31/2023	12/31/2023				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$1,435,000.00	\$1,283,309.80	\$62,325.00	\$89,365.20



## 205-9495-P1 - Mira Loma MOD (Locker-RM)

Project Details		Project Information
Fund Source	Measure P, Fund Rule	Description
Total Reserved	\$3,180,000.00	This project is part of the district-wide locker-room assessments. The construction has is TBD.
Project Status	Design	
DSA Number	02-120441	
Bid Package Number		

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming					3/14/2022	4/30/2022
Design					6/1/2022	
Bid/RFP/Award						
Pre-Construction						
Construction						
Punchlist						
Close-out						
Post-Construction						
Project Complete						

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
<b>TOTAL</b>	<b>\$3,180,000.00</b>	<b>\$2,922,590.00</b>	<b>\$104,625.00</b>	<b>\$152,785.00</b>

## 205-9513-P1 - Mira Loma Outdoor Learning (Tennis Court)

Project Details		Project Information				
		Description				
Fund Source	Measure P Fund Rule	The modernization of the existing tennis courts.				
Total Reserved	\$4,019,000.00					
Project Status	Punchlist					
DSA Number	02-119690					
Bid Package Number	22-206					
Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	7/15/2021	7/28/2021			7/15/2021	7/28/2021
Design	9/3/2021	12/23/2021			9/3/2021	12/23/2021
Bid/RFPI Award	11/1/2021	5/6/2022			11/1/2021	5/6/2022
Pre-Construction	5/5/2022	6/8/2022			5/5/2022	6/8/2022
Construction	5/16/2022	7/8/2022	5/31/2022	9/15/2022	5/31/2022	9/15/2022
Punchlist	7/11/2022	8/5/2022	9/16/2022	9/19/2022	9/16/2022	9/15/2022
Close-out	7/11/2022	8/15/2022	9/20/2022	9/26/2022	9/20/2022	9/20/2022
Post-Construction						
Project Complete	8/5/2022	8/5/2022	9/27/2022	9/27/2022	9/27/2022	9/27/2022
Project Cost Summary						
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date		
TOTAL	\$4,019,000.00	\$283,977.62	\$248,692.42	\$3,486,329.96		

**Oakview Community**

7229 Beech Avenue  
Orangevale, CA 95662



# 137-9233-P1 - Oakview DM (Roofing)

Project Information		
Project Details	Measure P Fund Rule	Description
Fund Source	Measure P Fund Rule	Re-Roofing
Total Reserved	\$1,770,000.00	
Project Status	Punchlist	
DSA Number	N/A	
Bid Package Number	22-219	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	11/1/2021	11/30/2021				
Design	12/1/2021	2/14/2022				
Bid/RFP/Award	3/1/2022	4/25/2022			3/1/2022	4/25/2022
Pre-Construction						
Construction	6/8/2022	8/31/2022	6/9/2022	8/31/2022	6/27/2022	11/30/2022
Punchlist	9/1/2022	8/30/2022			12/5/2022	3/31/2023
Close-out	9/1/2022	10/31/2022			12/1/2022	3/31/2023
Post-Construction						
Project Complete		10/31/2022			6/30/2023	6/30/2023

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$1,770,000.00	\$93,387.64	\$280,937.36	\$1,395,675.00



## 065-9412-P1 - Pasteur Infrastructure (slab repair)

Project Information		
Project Details	Measure P Fund Rule	Description
Fund Source	Measure P Fund Rule	Slab repair of MP and Admin bldg
Total Reserved	\$300,000.00	
Project Status	Design	
DSA Number	n/a	
Bid Package Number		

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Row Start Date	Row Completion Date	Act. Start Date	Act. Start Date
Programming	3/14/2022	3/31/2022			3/14/2022	3/31/2022
Design						
Bid/RFP/Award					3/15/2023	4/11/2023
Pre-Construction						
Construction	6/19/2023	7/31/2023				
Punchlist	8/1/2023	8/31/2023				
Close-out	8/1/2023	8/30/2023				
Post-Construction						
Project Complete	10/31/2023	10/31/2023				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$300,000.00	\$288,250.00	\$1,875.00	\$11,875.00



# Measure P - Program Measure P

Project Details		Project Information		
Fund Source	Measure P Fund Rule	Description		
Total Reserved	\$40,000,000.00			
Project Status	Programming			
DSA Number				
Bid Package Number				
Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Spd to Date
TOTAL	\$40,000,000.00	\$31,937,665.84	\$483,789.96	\$7,578,545.20



## 208-9495-P1 - Rio MOD (CTE)

Project Details		Description
Fund Source	Measure P Fund Rule	CTE Modernization
Total Reserved	\$3,721,000.00	
Project Status	Pre-Construction	
DSA Number	02-119642	
Bid Package Number	22-201	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming	11/2/2020	6/17/2021				
Design	7/12/2021	4/29/2022			12/3/2021	4/11/2022
Bid/RFP/Award	4/11/2022	5/20/2022				
Pre-Construction	10/7/2021	10/29/2021				
Construction	6/16/2022	11/30/2022			6/9/2022	
Punchlist	12/1/2022	12/30/2022				
Close-out	1/2/2023	2/28/2023				
Post-Construction	1/2/2023	12/1/2023				
Project Complete		12/1/2023				

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$3,721,000.00	\$251,703.19	\$1,401,484.49	\$2,067,812.32



## 208-9495-P2 - Rio MOD (Health)

Project Details		Project Information	
Project Details		Description	
Fund Source	Measure P Fund Rule	CTE Health	
Total Reserved	\$2,432,000.00		
Project Status	Pre-Construction		
DSA Number	02-119642		
Bid Package Number	22-201		

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming						
Design						
Bid/RFP/Award						
Pre-Construction						
Construction						
Punchlist						
Close-out						
Post-Construction						
Project Complete						

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$2,432,000.00	\$185,700.78	\$734,530.12	\$1,521,769.10





## 208-9495-P3 - Rio MOD (Manufacturing)

Project Details		Project Information
Fund Source	Measure P, Fund Rule	CTE Manufacturing MOD
Total Reserved	\$2,830,500.00	
Project Status	Pre-Construction	
DSA Number	02-118158	
Bid Package Number	22-201	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming						
Design						
Bid/RFP/Award						
Pre-Construction						
Construction						
Punchlist						
Close-out						
Post-Construction						
Project Complete						

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Point to Date
TOTAL	\$2,830,500.00	\$92,242.84	\$969,353.30	\$1,769,903.86



## 208-9716-P1 - Rio Student Safety (Parking)

Project Details		Description
Fund Source	Measure P Fund Rule	Parking lot reconfiguration for students safety
Total Reserved	\$1,900,000.00	
Project Status	Design	
DSA Number		
Bid Package Number		

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming					8/11/2022	8/31/2022
Design					9/1/2022	1/31/2023
Bid/RFP/Award					2/6/2023	3/28/2023
Pre-Construction						
Construction					4/3/2023	7/31/2023
Punchlist					8/1/2023	8/31/2023
Close-out					8/1/2023	9/30/2023
Post-Construction						
Project Complete					12/31/2023	12/31/2023

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$1,900,000.00	\$1,832,350.00	\$67,650.00	\$0.00



## 147-9512-P1 - Starr King New Construction (Kinder wing)

Project Information						
Project Details		Description				
Fund Source	Measure P Fund Rule	New classroom wing for kinder and TK (4 total classrooms)				
Total Reserved	\$6,308,000.00					
Project Status	Punchlist					
DSA Number	02-119665					
Bid Package Number	22-202					
Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming						
Design						
Bid/RFP/Award					10/14/2021	12/14/2021
Pre-Construction	12/14/2021	4/1/2022			12/14/2021	
Construction	4/4/2022	8/5/2022		9/29/2022	4/4/2022	
Punchlist	7/22/2022	8/15/2022		9/30/2022	8/15/2022	
Close-out	7/8/2022	8/5/2022		9/29/2022	7/8/2022	
Post-Construction	9/1/2022	8/31/2023				
Project Compets		8/5/2022			8/11/2022	
Project Cost Summary						
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date		
<b>TOTAL</b>	\$6,308,000.00	\$400,941.59	\$812,709.07	\$5,094,349.34		

## 409-9275-P1 - Transportation Electrical

Project Details		Description
Fund Source	Measure P Fund Rule	Install electrical infrastructure for new SMUD electrical service to support new electrical buses that the District is procuring. Install infrastructure, electrical gear and owner provided 10 ex. bus charging stations.
Total Reserved	\$1,458,000.00	
Project Status	Construction	
DSA Number	N/A	
Bid Package Number	23-200	

Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Planning	8/16/2021	10/4/2021			8/16/2021	10/4/2021
Design	10/5/2021	6/20/2022	11/19/2021		11/19/2021	7/15/2022
Bid/RFP/Award	7/21/2022	9/27/2022			7/21/2022	9/27/2022
Pre-Construction	9/28/2022	10/6/2022			9/28/2022	10/6/2022
Construction	9/30/2022	11/22/2022	9/30/2022		10/1/2023	
Punch List	11/23/2022	12/27/2022	8/16/2023		9/20/2023	
Close-Out	9/21/2022	1/17/2023	9/21/2023		10/11/2023	
Post-Construction	12/29/2022	2/21/2023	10/1/2023		10/1/2023	
Project Complete	3/10/2023	3/10/2023	9/21/2023		10/11/2023	

Project Cost Summary				
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date
TOTAL	\$1,458,000.00	\$308,541.27	\$473,887.03	\$675,571.70

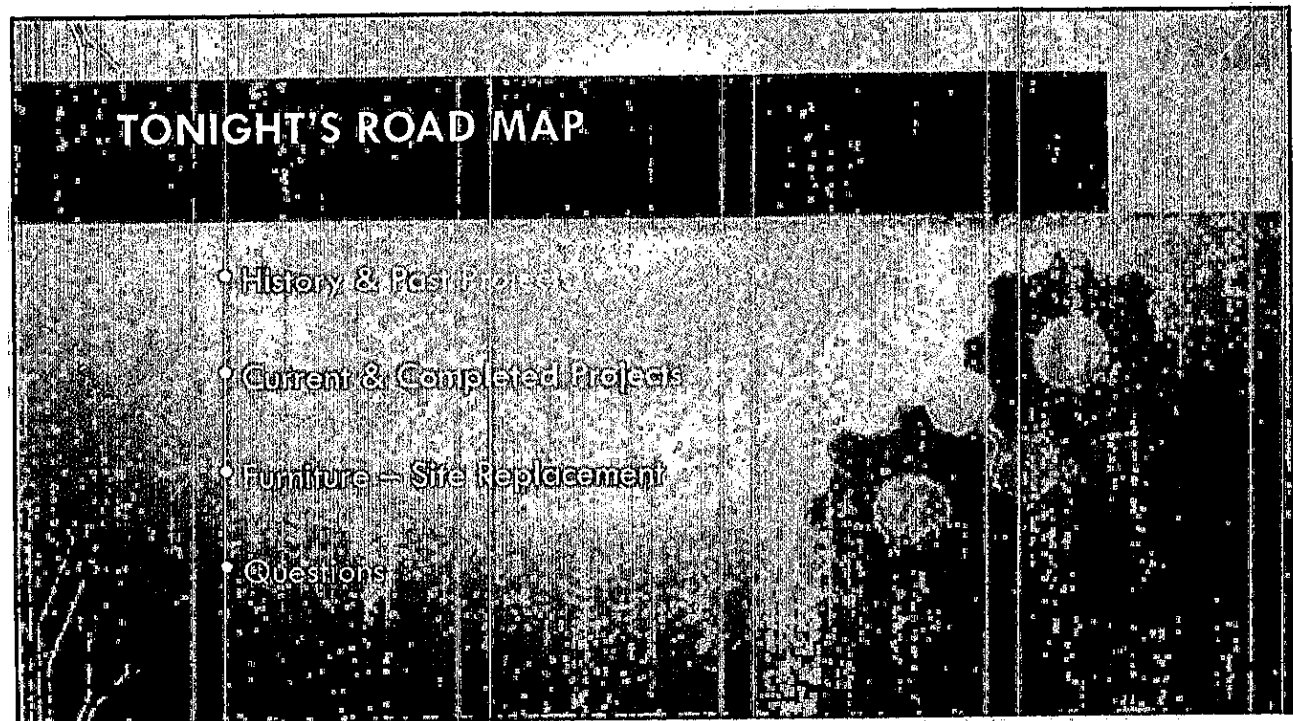


## 060-9233-P1 - Will Rogers DM (paint, floors, Furniture)

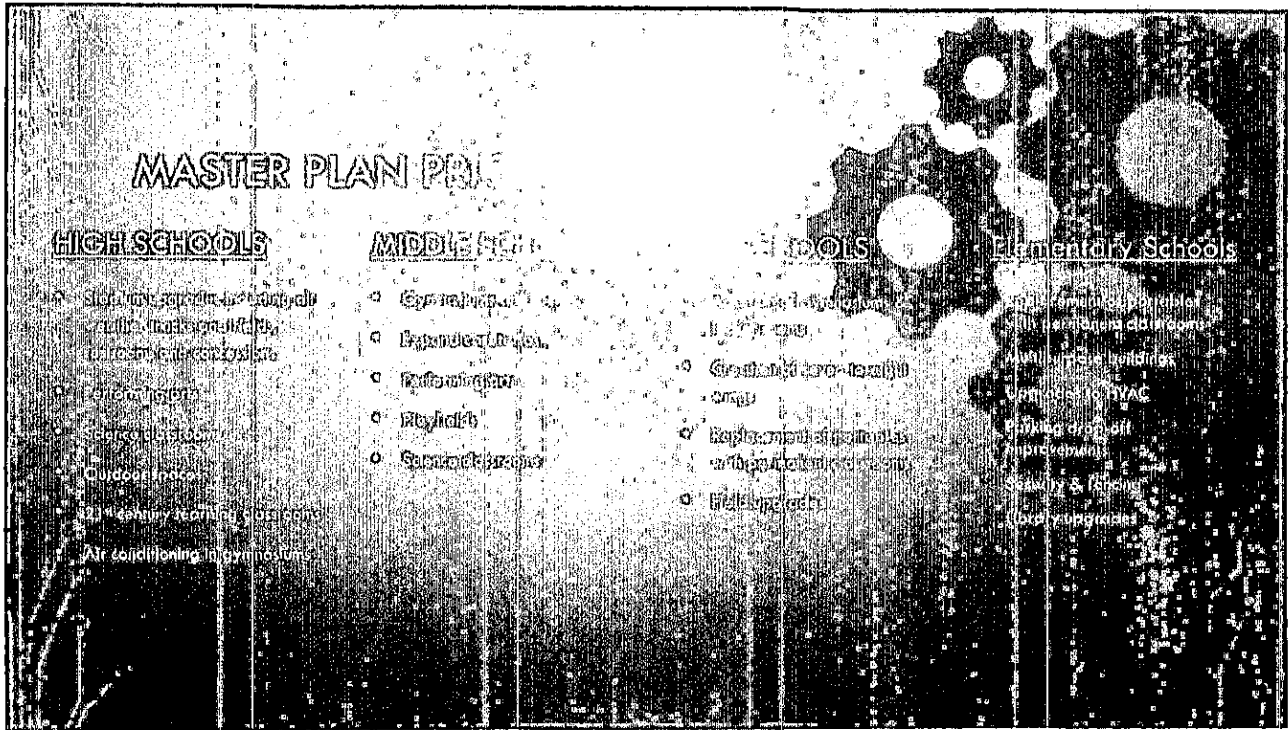
Project Information						
Project Details		Description				
Fund Source	Measure P Fund Rule	Site wide furniture, floors, and paint replacement				
Total Reserved	\$3,285,000.00					
Project Status	Bid/RFP/Award					
DSA Number						
Bid Package Number	22-211					
Project Timeline						
Description	Est. Start Date	Est. Completion Date	Rev. Start Date	Rev. Completion Date	Act. Start Date	Act. Start Date
Programming					11/1/2021	11/30/2021
Design					12/1/2021	1/30/2022
Bid/RFP/Award					2/1/2022	3/31/2022
Pre-Construction						
Construction					6/13/2022	8/31/2022
Punchlist					8/31/2022	1/31/2023
Close-out					8/31/2022	1/31/2023
Post-Construction						
Project Complete					2/28/2023	2/28/2023
Project Cost Summary						
Description	Current Budget Amount	Available Budget	Available Commitments	Paid to Date		
TOTAL	\$3,285,000.00	\$41,883.70	\$318,630.18	\$2,924,486.12		



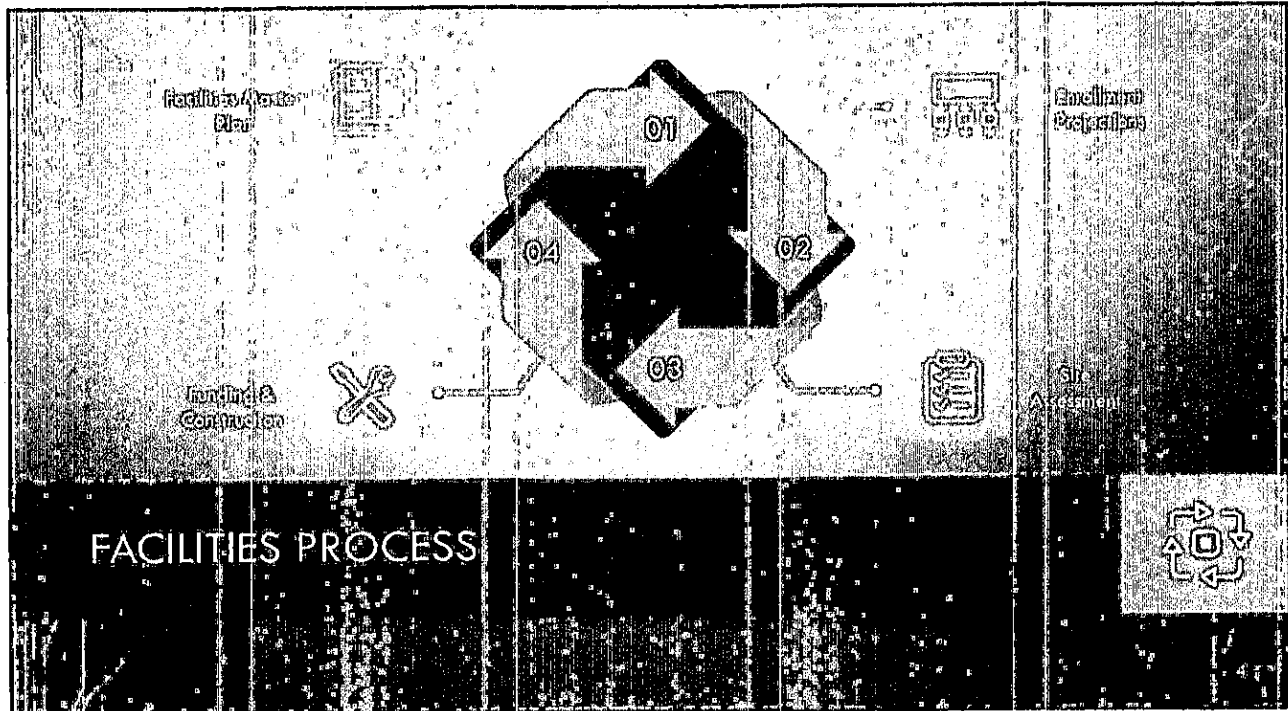
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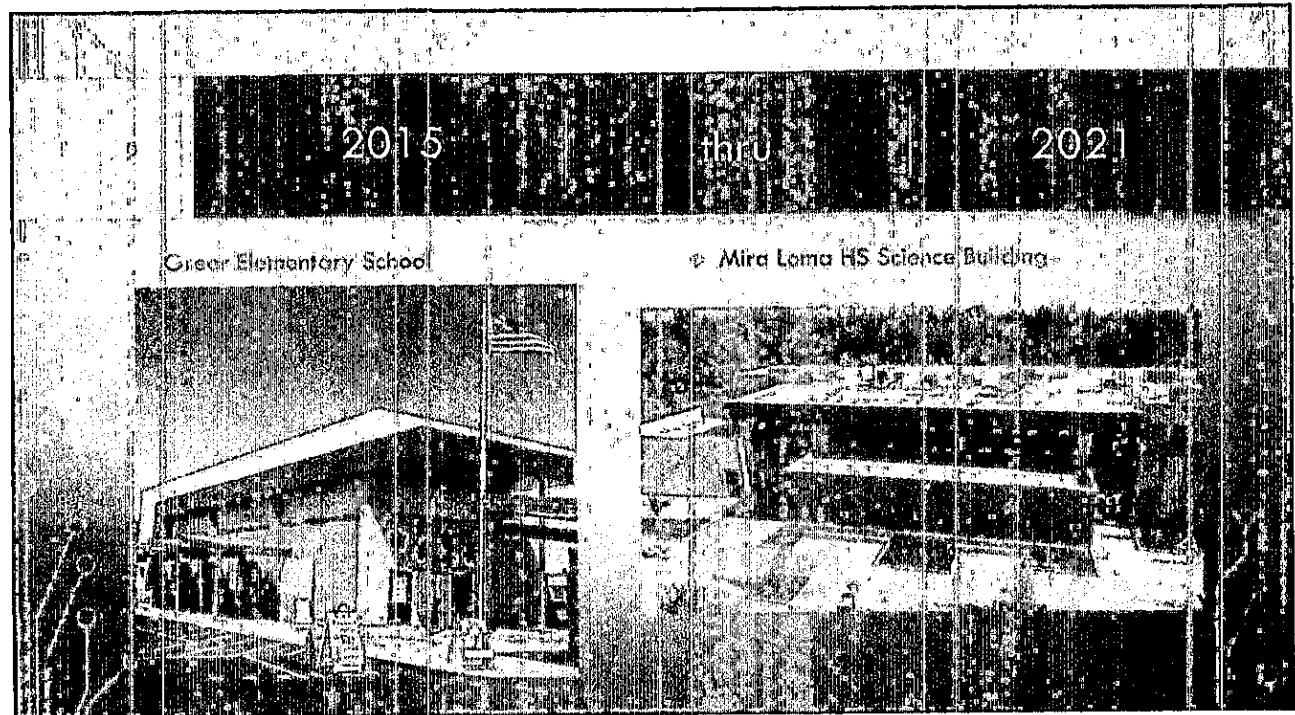
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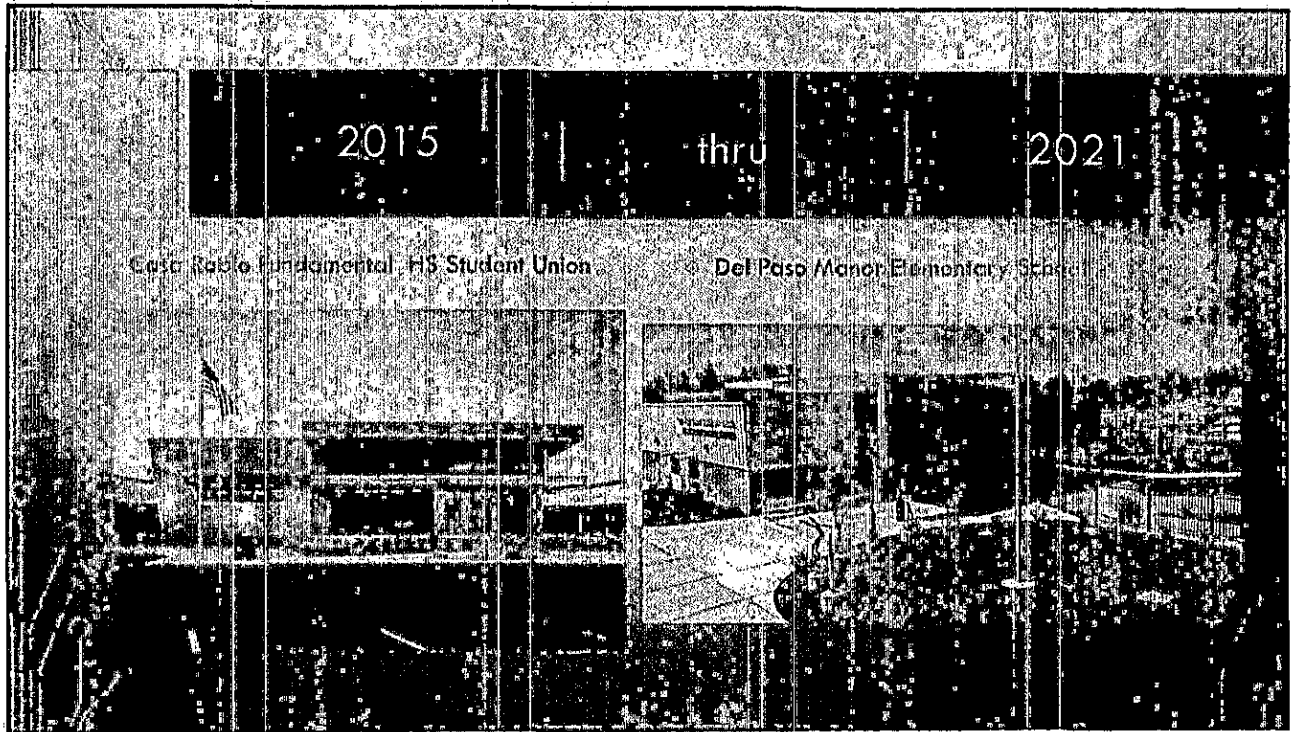


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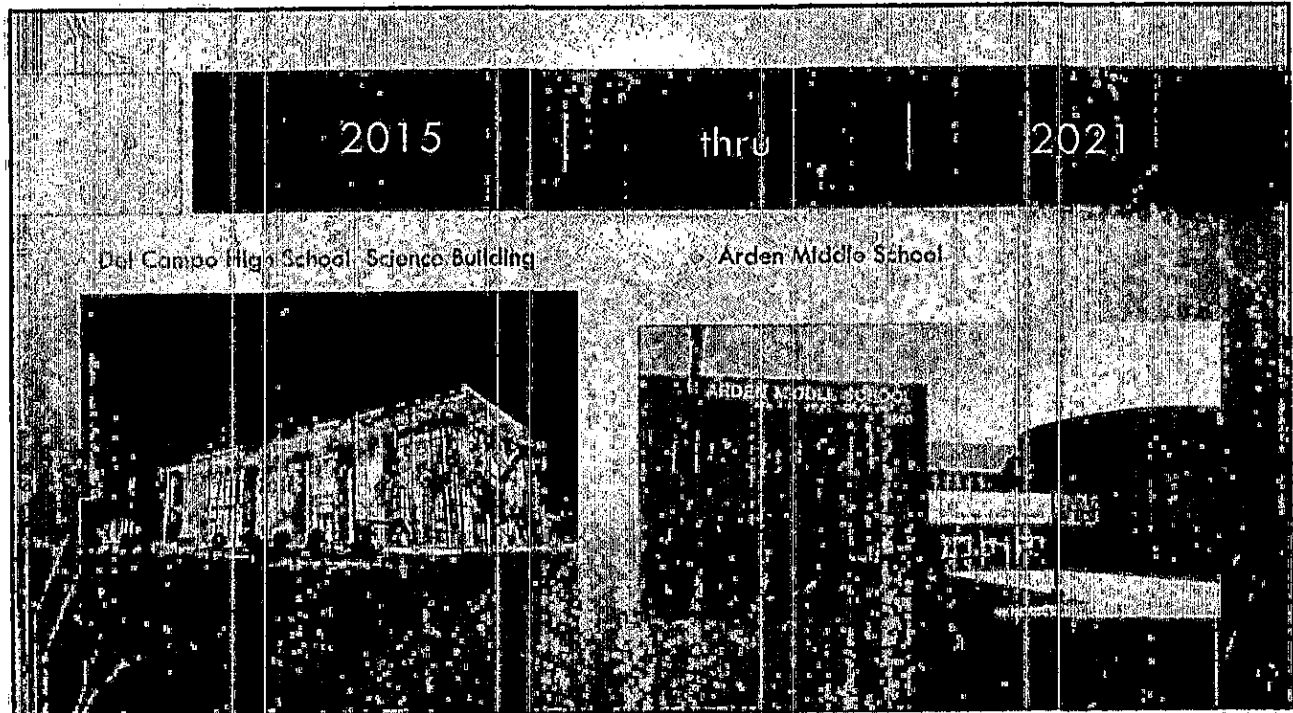


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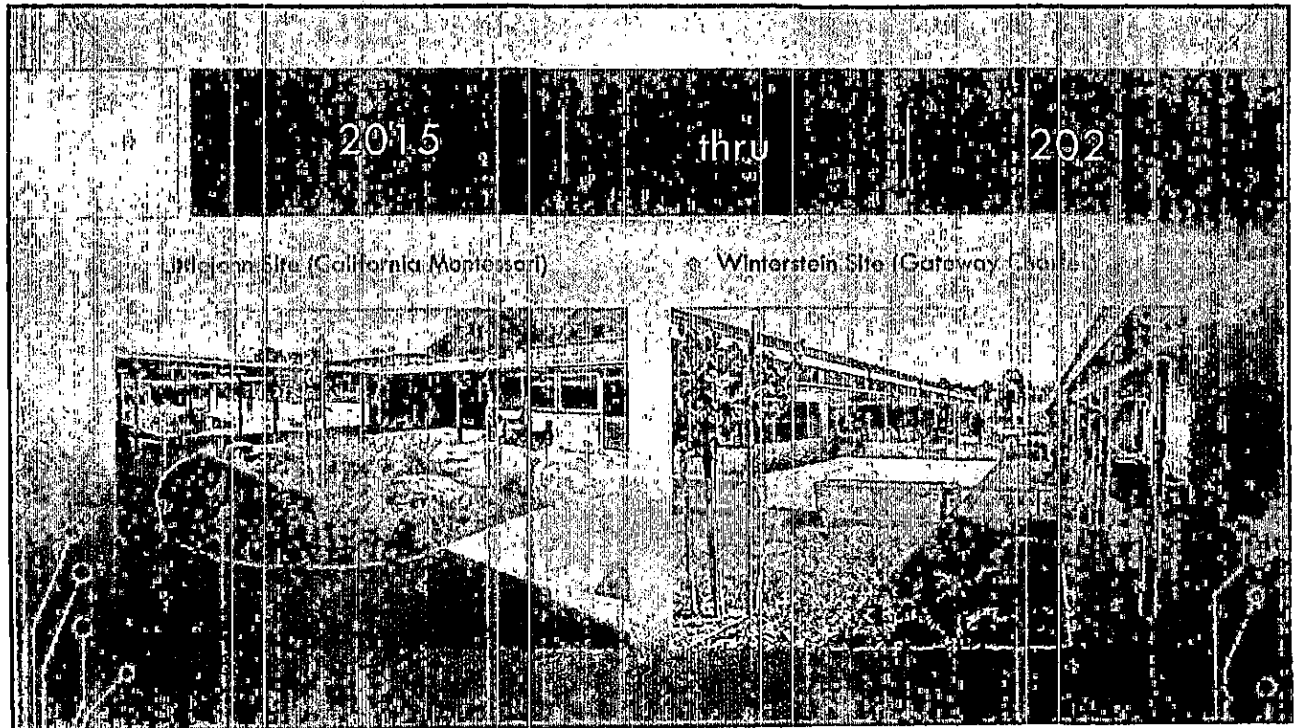




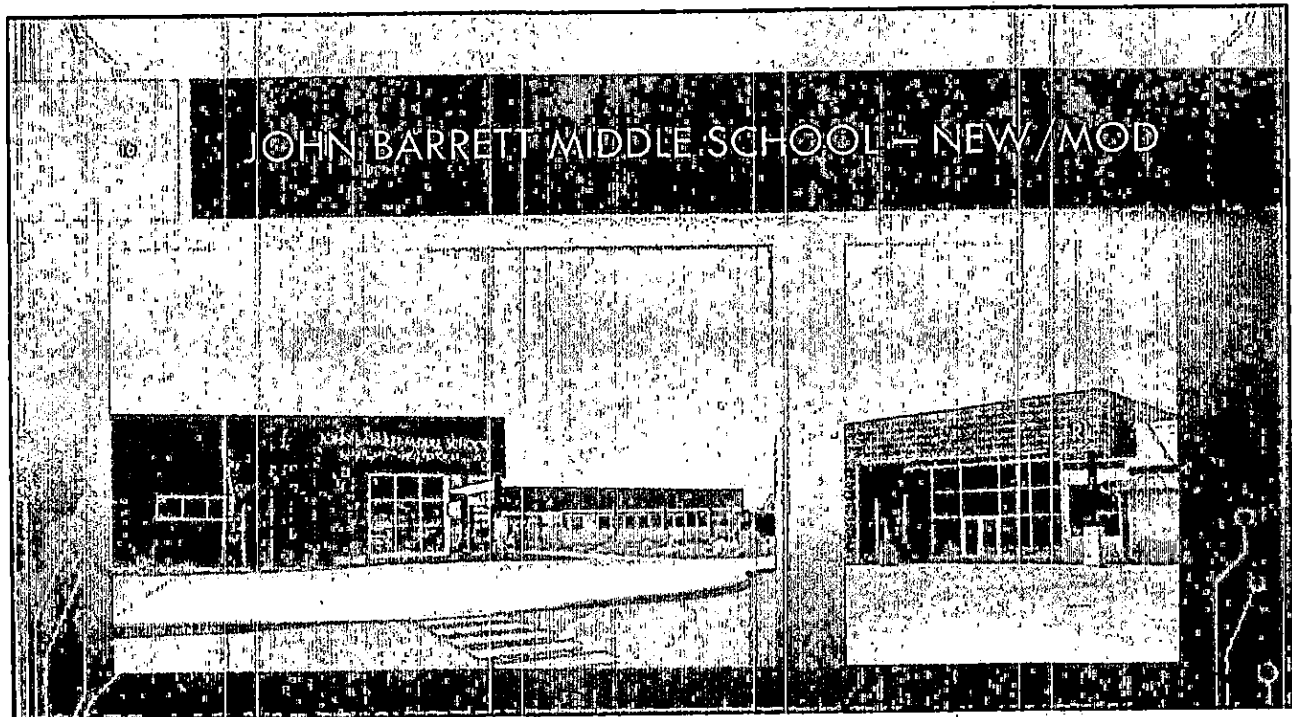
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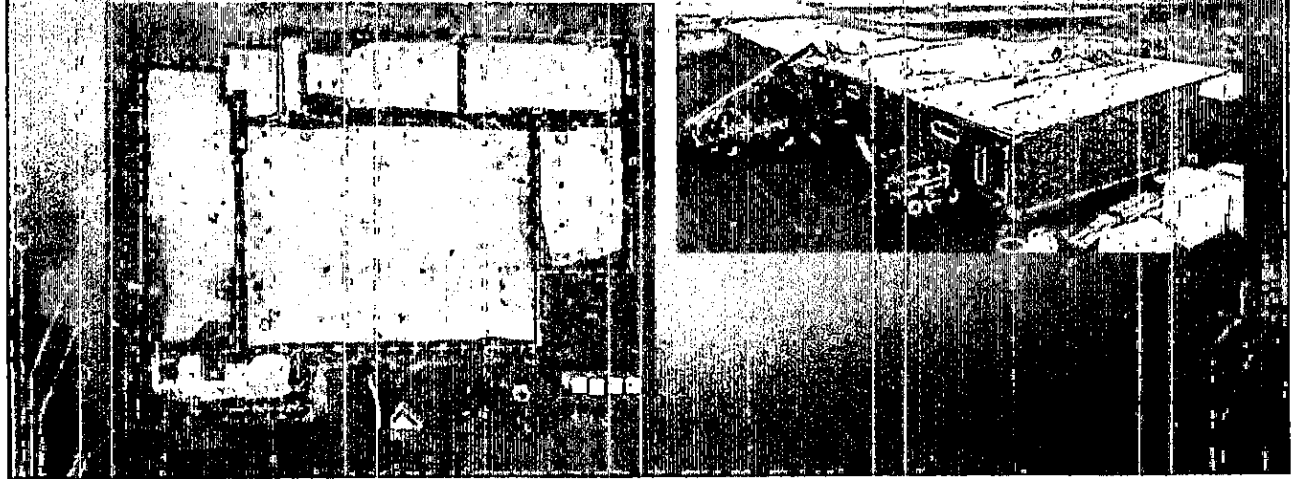


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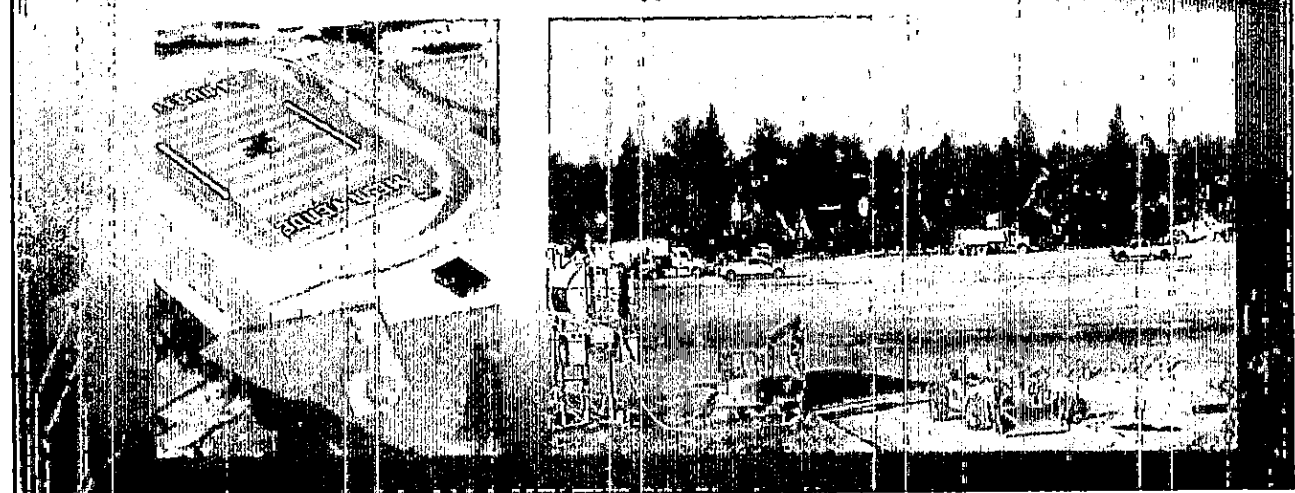
10

# EARL LEGETTE ELEMENTARY SCHOOL - NEW/MOD



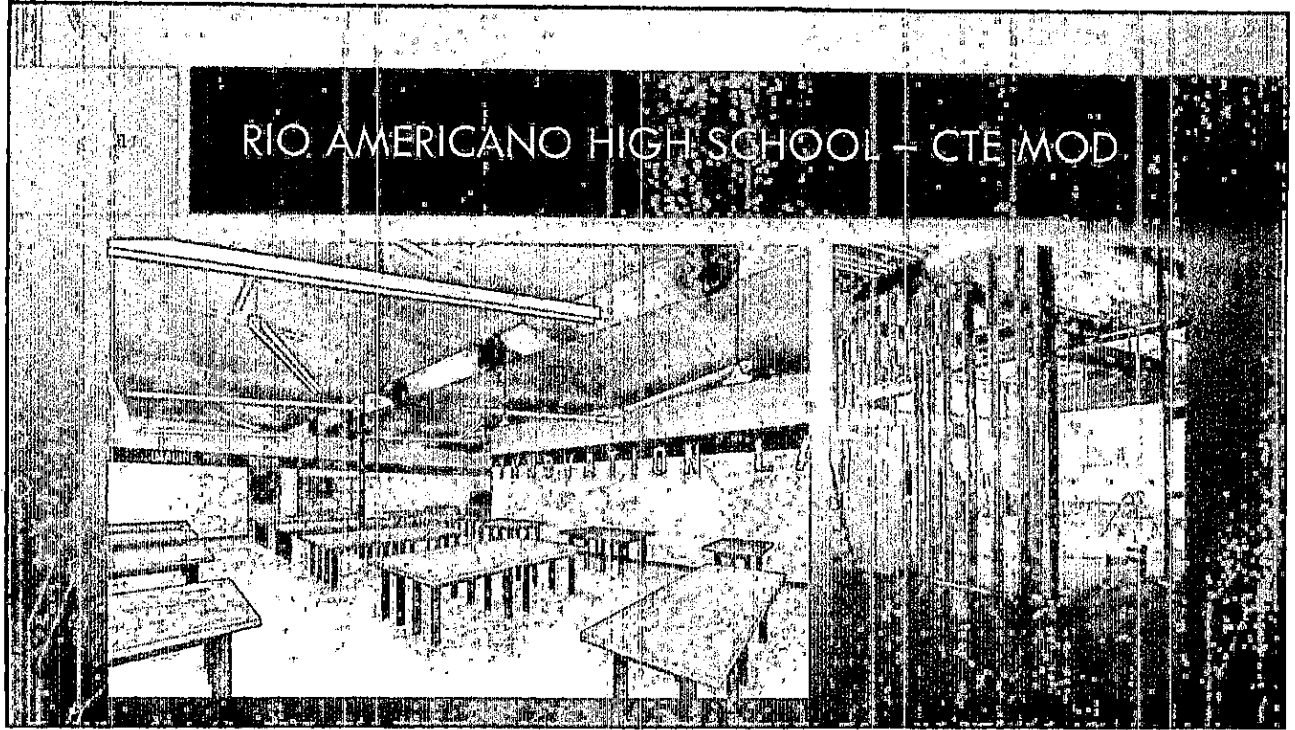
11

# MESA VERDE HIGH SCHOOL – STADIUM PROJECT



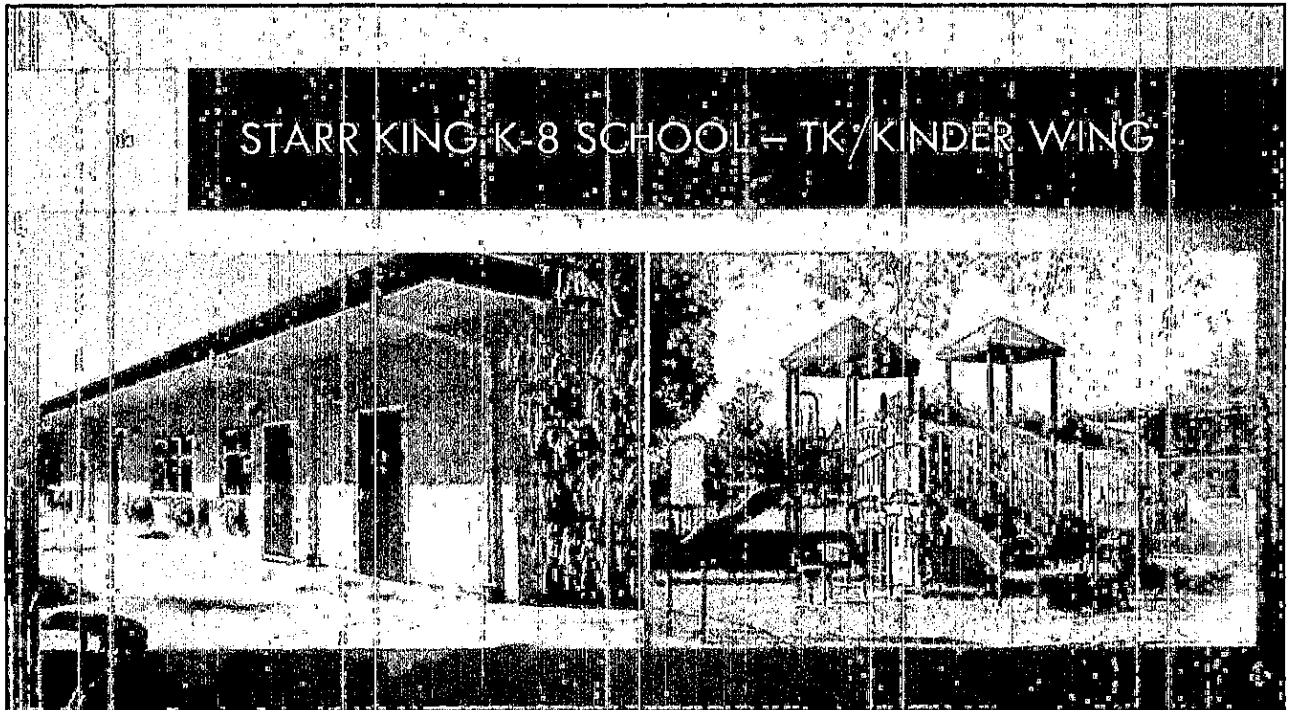
12

RIO AMERICANO HIGH SCHOOL - CTE MOD



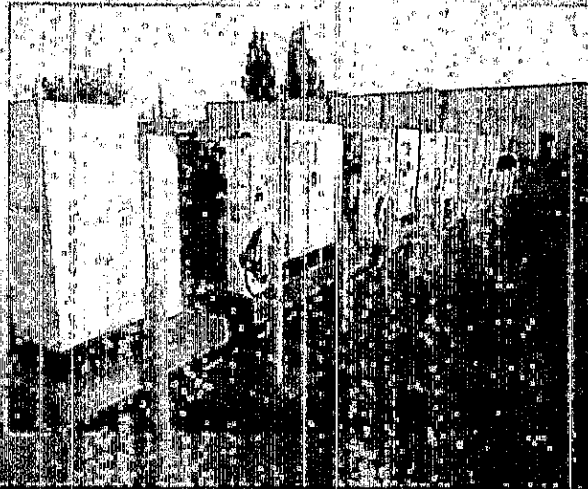
13

STARR KING K-8 SCHOOL - TK/KINDER WING



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## TRANSPORTATION YARD – BUS CHARGERS



15

### IT PROJECTS

- Wireless Upgrades

- UPS Upgrade

### M&O Projects

- House Advance E5 Light

- House Advance E5 Light Mod

- Mahan K-8 Light Mod

- HVAC Controls Upgrades

### Misc. Projects

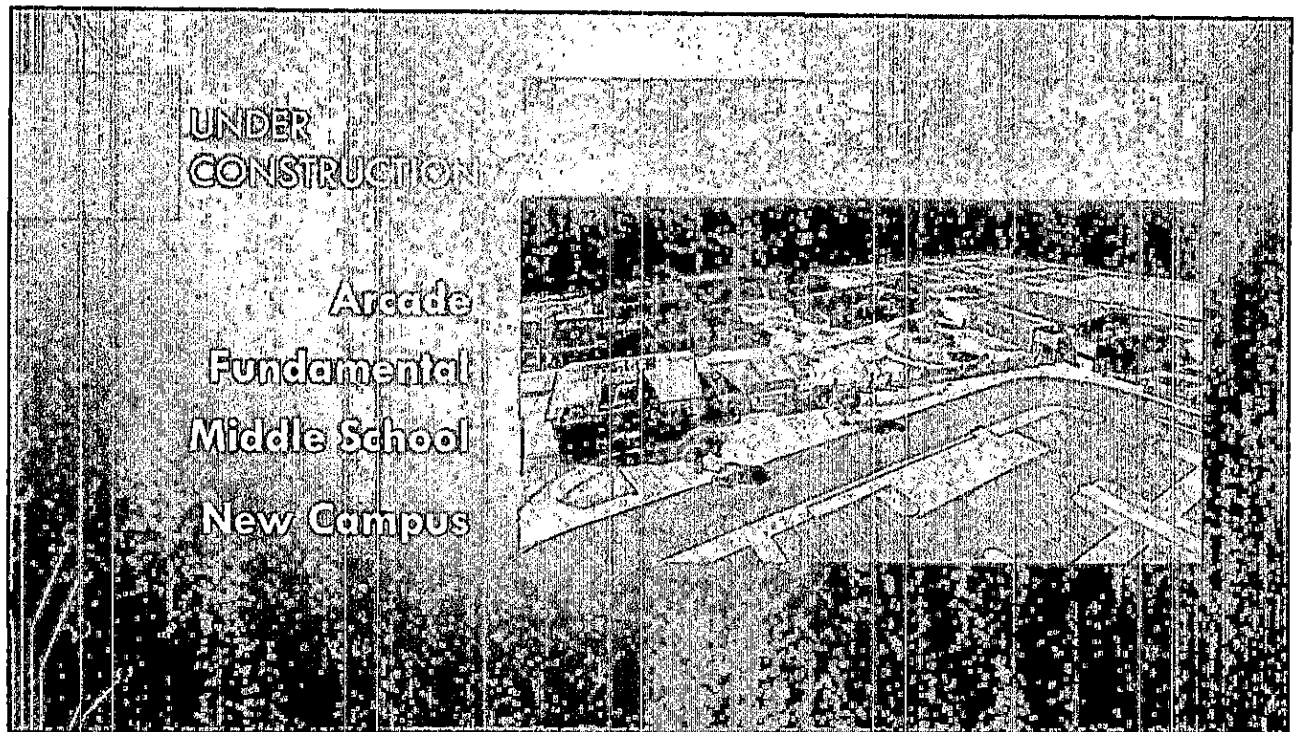
- Case Noble Fundamental High School Tennis Court Replacement

- Mira Loma High School Tennis Court Replacement

- Laurel Ruff School Roof

- Oakview Elementary School Roof

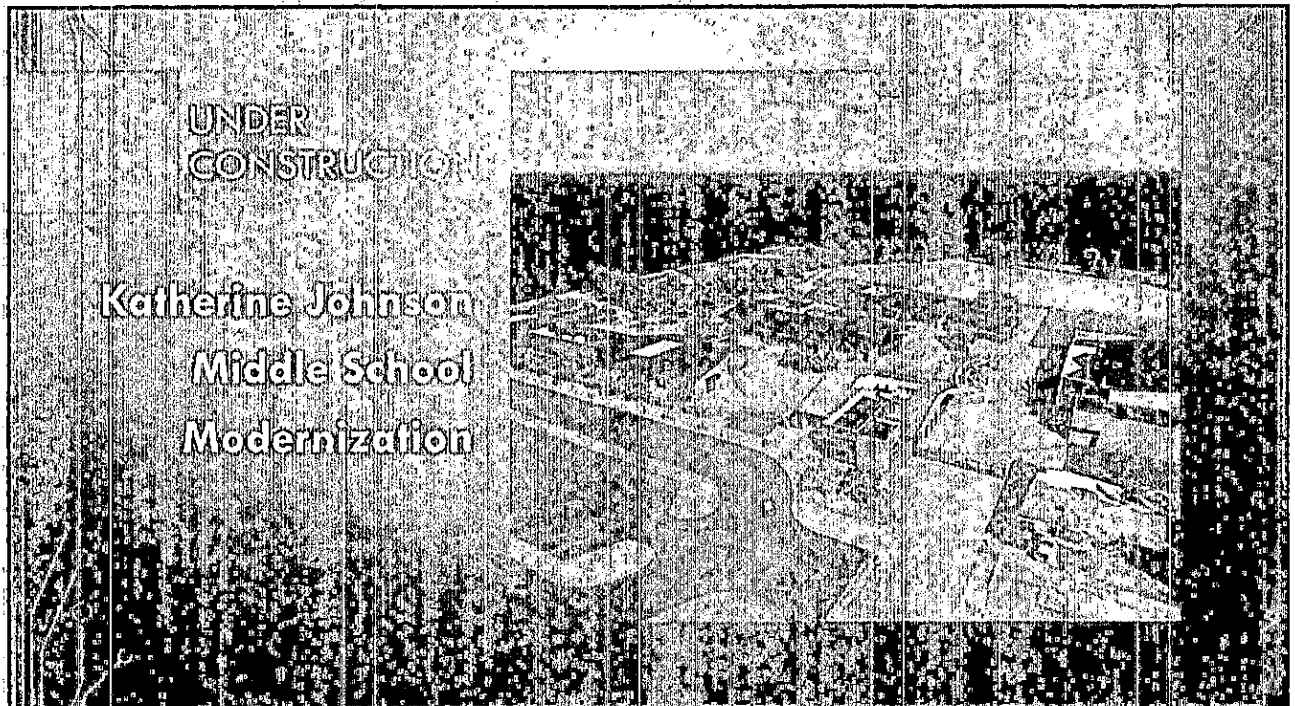
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**UNDER  
CONSTRUCTION**

**Arcade  
Fundamental  
Middle School  
New Campus**

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**UNDER  
CONSTRUCTION**

**Katherine Johnson  
Middle School  
Modernization**

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## UNDER CONSTRUCTION

- Thomas Calenah Elementary School (CMP)
- Marlemont Elementary School
- Encina Prep. High School Adult Education Temp Campus

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## FURNITURE REPLACEMENT

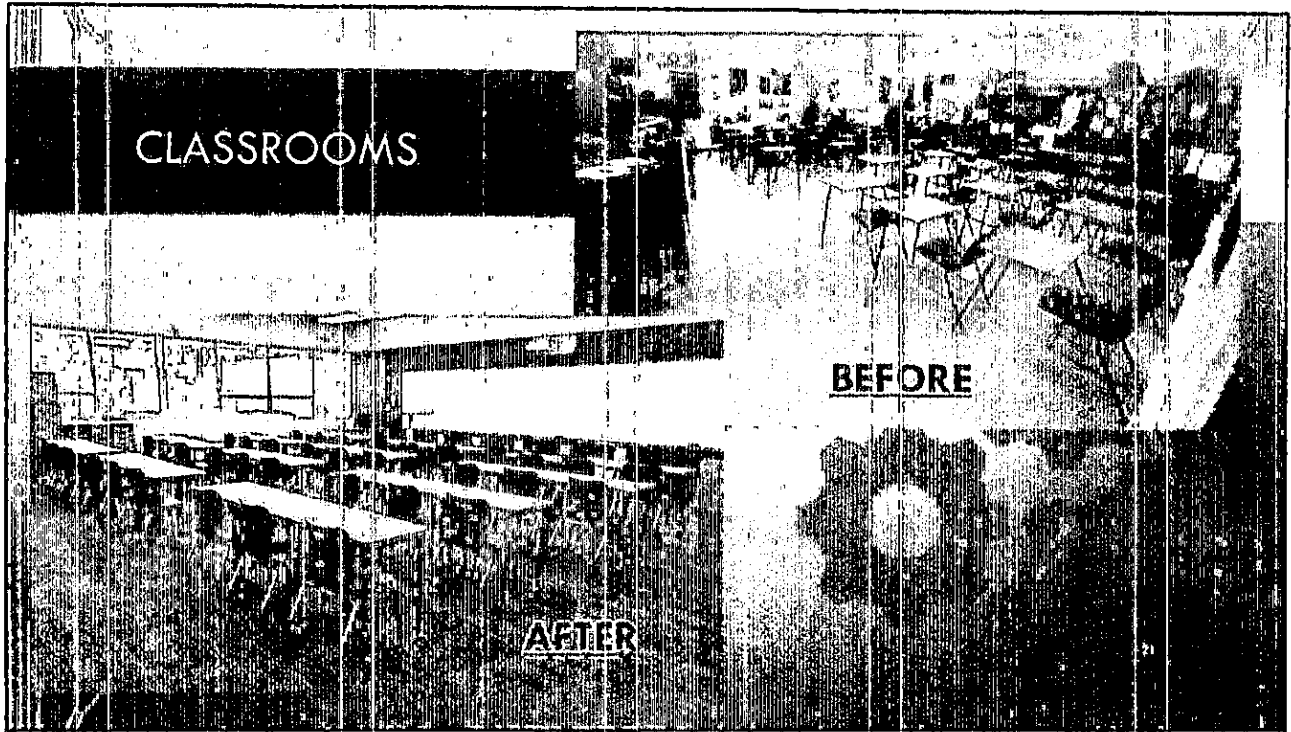
### K-8 & Middle Schools

Kingswood  
Edison  
Lichen  
Will Rogers  
Gold River

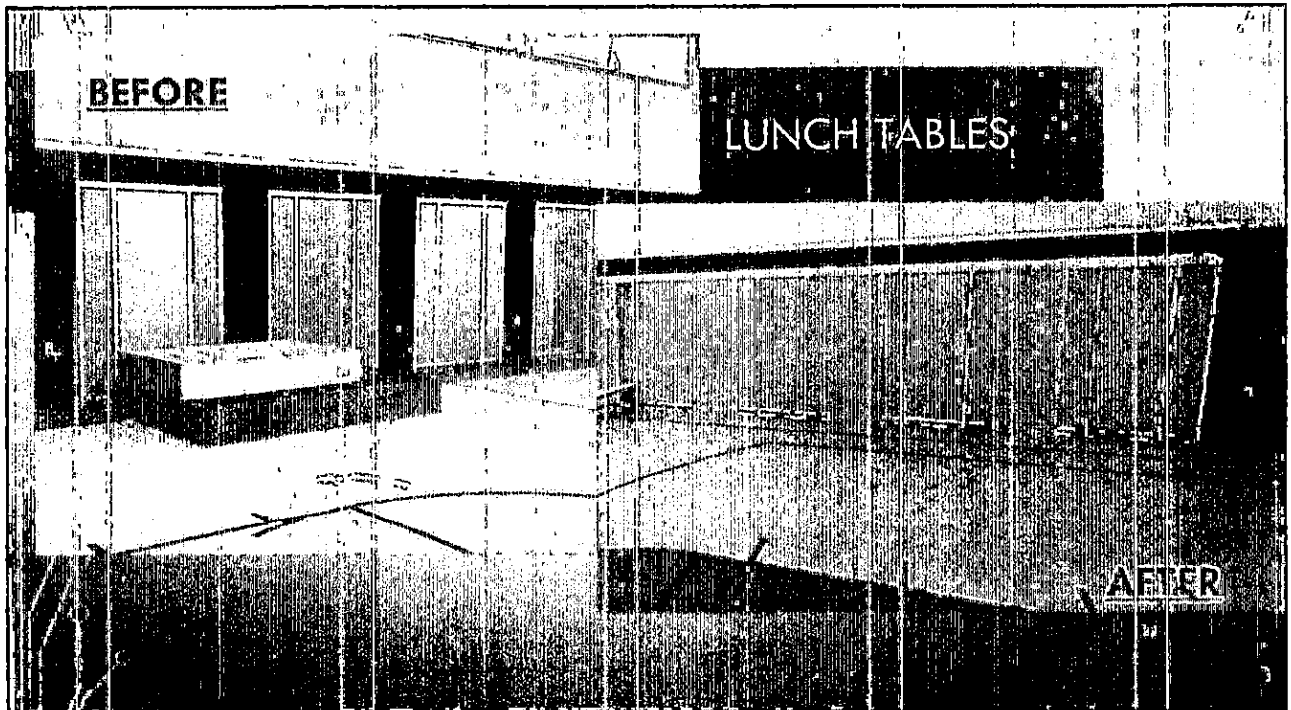
### Elementary Schools

Arlington  
Grand Oaks  
Coyle  
Howe  
10 new TK Classrooms

20

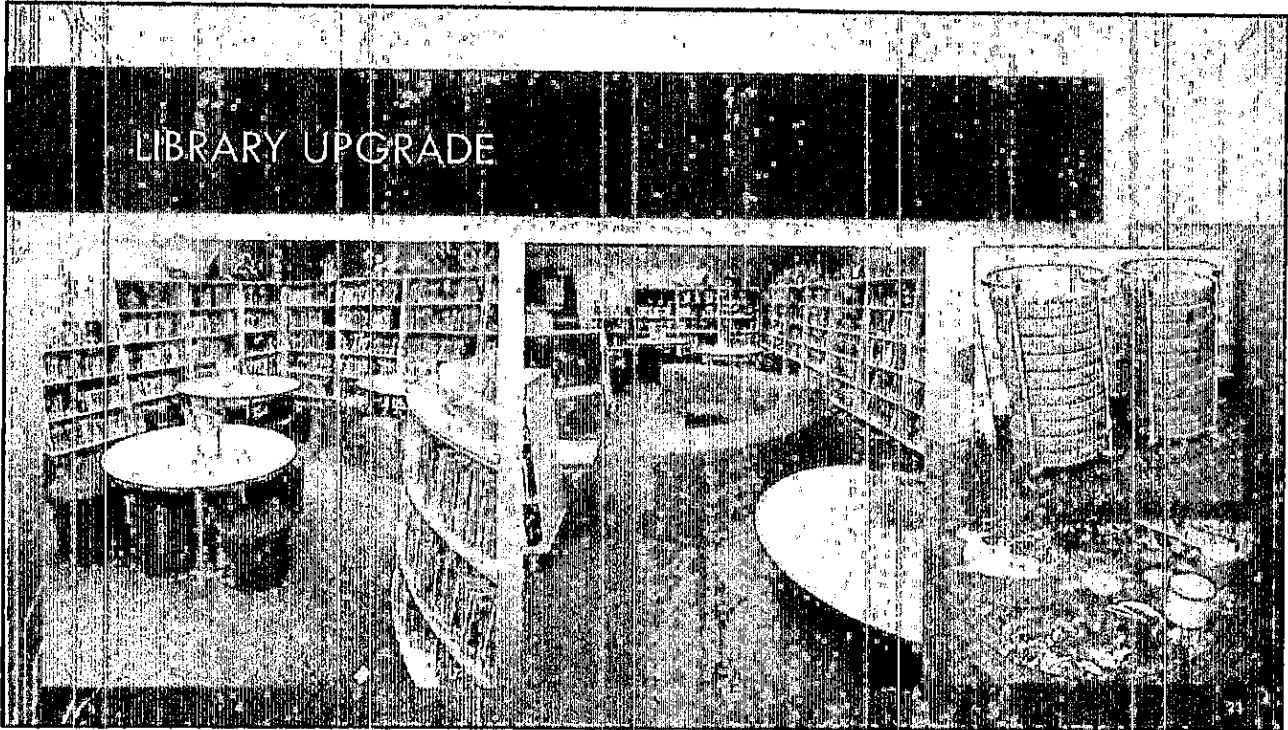


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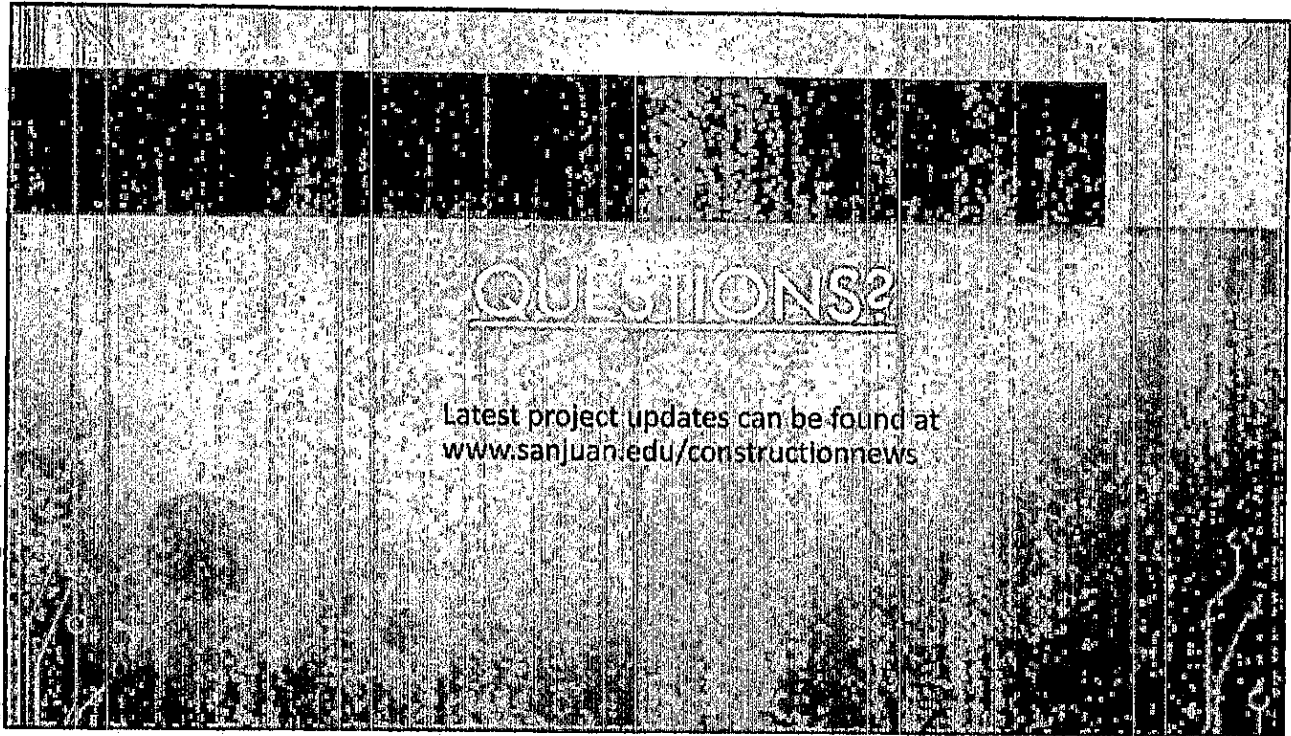




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**EXHIBIT D**

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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO**

Hall of Justice, Department 54

**JUDICIAL OFFICER: HONORABLE CHRISTOPHER E. KRUEGER**

Courtroom Clerk: G. Toda  
Court Attendant: S. Khorn/B. Widener  
Bailliff: N. Alvi

CSR: None

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**34-2023-00333102-CU-MC-GDS**

August 3, 2023

9:00 AM

**Danielle Creedon vs. San Juan Unified School District, a  
California Unified School District**

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**MINUTES**

**APPEARANCES:**

No Appearances

**NATURE OF PROCEEDINGS: Hearing on Demurrer - Civil Law and Motion -  
Demurrer/JOP**

Defendant San Juan Unified School District's (the "District") demurrer to plaintiffs Danielle Creedon and Alex M. Davis' (collectively, "Plaintiffs") Verified First Amended Complaint ("1AC") is ruled upon as follows.

Plaintiffs filed the original Verified Complaint on January 17, 2023, and the operative 1AC on March 20, 2023. The 1AC alleges five causes of action for declaratory and injunctive relief against the District under Education Code section 15284 et seq. and Code of Civil Procedure section 526a. Plaintiffs have brought this action in their capacity as individuals and as taxpayers on behalf of taxpayers of the District.

Generally, Plaintiffs seek an injunction and declaratory relief to stop the District's construction of a new school at the District's former Creekside Elementary School site, the Katherine Johnson Middle School ("KJMS") (the "Project"). Plaintiffs allege the Project is an illegal expenditure of public funds because it was not included in the Project List for Measure P, which was approved by voters in November of 2016. Measure P authorized the issuance of up to \$750 million in bonds to finance new construction projects and repair the District's facilities. Plaintiffs also allege school bond waste based on theories that the Bond Oversight Committee ("BOC") was missing a taxpayer association member and a parent-teacher organization ("PTO") member, unnamed BOC members were not qualified because of their status as District employees or vendors, and the BOC failed to report that the Project was not on the Project List.

The District demurs to all causes of action on the ground they fail to state facts sufficient to constitute a cause of action. The District also contends the third cause of action is uncertain to the extent it relies on a statute that does not exist – Education Code section 15287.

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# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

## Request for Judicial Notice

The District's request for judicial notice is GRANTED as to Exhibit A, the District's 2014 Facilities Master Plan, which is referenced multiple times throughout the 1AC, but not attached. Where a plaintiff references a document in his or her complaint, but fails to attach a copy of that document to the complaint, the Court may take judicial notice of the document. (See, e.g., *Ingram v. Flippo* (1999) 74 Cal.App.4th 1280, 1285 n.3 (judicial notice appropriate where complaint referenced to, and excerpted quotes from, documents not attached as exhibits to the complaint); *Marina Tenants Ass'n v. Deauville Marina Dev. Co.* (1986) 181 Cal.App.3d 122, 130 (taking judicial notice of master lease that was quoted in complaint and formed the basis of the allegations in the complaint); *Swiss Park, Inc. v. City of Duarte* (1982) 136 Cal.App.3d 755, 758 (court took judicial notice of text and map from redevelopment plan, parts of which were referenced in the complaint). A document is not considered outside the complaint if it is "incorporated by reference." (See *Knieval v. ESPN* (9th Cir. 2005) 393 F.3d 1068, 1076; *Cooper V. Pickett* (9th Cir. 1997) 137 F.3d 616, 622-23.) A document is incorporated by reference if the plaintiff "refers extensively to the document or the document forms the basis of plaintiff's claims." (*United States v. Ritchie* (9th Cir. 2003) 342 F.3d 903, 908.)

The District's request as to Exhibits B, C, and D, which constitute meeting minutes from the Board of Education is GRANTED. In taking judicial notice of the documents, the Court accepts the fact of their existence, not the truth of their contents. (*Herrera v. Deutsche Bank Nat'l Trust Co.* (2011) 196 Cal.App.4th 1366, 1375.)

The District's request as to exhibits E, F, and G is DENIED. Exhibit E is a printout from the District's webpage regarding the BOC purportedly as it appeared on April 11, 2023 (although it is undated); Exhibit F is a printout from the District's webpage purportedly as it appeared on February 10, 2023 (although it is undated) regarding the application for membership on the BOC; and Exhibit G is a purported copy of the Annual Report of the BOC for fiscal year 2021/2022. These exhibits are not the proper subject of judicial notice as they are not official acts of the District, are reasonably subject to dispute (the 1AC alleges the District's webpage returned a "404 error" when attempting to access the BOC website), and that the 1AC raises allegations regarding the contents on the District's webpage does not make these exhibits subject to judicial notice. "Simply because information is on the Internet does not mean that it is not reasonably subject to dispute." (*Huitt v. Southern California Gas Co.* (2010) 188 Cal.App.4th 1586, 1605, fn. 10.)

Plaintiffs' request for judicial notice is GRANTED as to Exhibit A, the District's 2014 Facilities Master Plan.

The remainder of Plaintiffs' request for judicial notice is DENIED. Plaintiffs ask the Court to take judicial notice of an excerpt of the District's Board Packet for its October 8, 2019, meeting (available online), the District's public communication dated August 22, 2016, regarding "San Juan School for Adults" (available online), and a copy of the District's agenda item I-2 from the October 27, 2020, meeting (available online). The foregoing exhibits are not the proper subject of judicial notice.

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The District's request for judicial notice in support of the reply is GRANTED. In taking judicial notice of the documents, the Court accepts the fact of their existence, not the truth of their contents.

## Legal Standard

The function of a demurrer is to test the sufficiency of the pleading it challenges by raising questions of law. (*Salimi v. State Comp. Ins. Fund* (1997) 54 Cal.App.4th 216, 219; *Nordlinger v. Lynch* (1990) 225 Cal.App.3d 1259, 1271.) A demurrer "tests the pleadings alone and not the evidence or other extrinsic matters." (*SKF Farms v. Superior Court* (1984) 153 Cal.App.3d 902, 905.) Extrinsic evidence may not properly be considered on demurrer or on a motion to strike. (*Ion Equipment Corp. v. Nelson* (1980) 110 Cal.App.3d 868, 881; *Hibernia Savings & Loan Soc. v. Thornton* (1897) 117 Cal. 481, 482.)

For the purpose of determining the effect of a complaint, its allegations are liberally construed, with a view toward substantial justice. (Code Civ. Proc. § 452; *Amarel v. Connell* (1988) 202 Cal.App.3d 137, 140-141; *Quelimane Co. v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 43, fn. 7.) In this respect, the Court treats the demurrer as admitting all material facts properly pleaded, but not contentions, deductions or conclusions of fact or law, and considers matters which may be judicially noticed. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318; *Poseidon Development, Inc. v. Woodland Lane Estates, LLC* (2007) 152 Cal.App.4th 1106, 1111-1112.)

A demurrer may be sustained only if the complaint lacks any sufficient allegations to entitle the plaintiff to relief. (*Financial Corp. of America v. Wilburn* (1987) 189 Cal.App.3d 764, 778.) "Plaintiff need only plead facts showing that he may be entitled to some relief . . . , we are not concerned with plaintiff's possible inability or difficulty in proving the allegations of the complaint." (*Highlanders, Inc. v. Olsan* (1978) 77 Cal.App.3d 690, 696-697.) A demurrer admits the truth of all material facts properly pled and the sole issue raised by a general demurrer is whether the facts pled state a valid cause of action – not whether they are true. (*Serrano v. Priest* (1971) 5 Cal.3d 584, 591.)

## First Cause of Action for Bond Waste Prevention (Education Code Section 15284) and Second Cause of Action for Taxpayer Waste (Code of Civil Procedure sections 526a and 1060)

Education Code section 15284 provides an action may be brought to obtain an order restraining and preventing any expenditure of funds received by a school district through the authorized sale of bonds if it appears that any of the following conditions are present:

"(1) An expenditure of funds received by a school district or community college district through the sale of bonds authorized by this chapter is for purposes other than those specified in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(2) The expenditure is not in compliance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

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(3) That an expenditure in violation of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution will be made or will continue to be made during the litigation that would produce waste or great or irreparable injury.

(4) The governing board of a school district or community college has willfully failed to appoint the citizens' oversight committee in violation of the requirements of Section 15278." (Educ. Code § 15284(a).)

Code of Civil Procedure section 526a provides "[a]n action to obtain a judgment, restraining and preventing any illegal expenditure of, waste of, or injury to, the estate, funds, or other property of a local agency, may be maintained against any officer thereof, or any agent, or other person, acting in its behalf, either by a resident therein, or by a corporation, who is assessed for and is liable to pay, or, within one year before the commencement of the action, has paid, a tax that funds the defendant local agency, including, but not limited to, the following: ... (3) A property tax, including a property tax paid by a tenant or lessee to a landlord or lessor pursuant to the terms of a written lease."

The District demurs to the first and second causes of action for declaratory relief based on bond waste and alleged misuse of public funds on the grounds the plain language of Measure P authorized the Project. Plaintiffs attach the full text of Measure P as Exhibit B to the 1AC and the Court has taken judicial notice of the 2014 Facilities Master Plan, which both the District and Plaintiffs submitted for judicial notice as it is referenced extensively in the 1AC and forms the basis for part of Plaintiffs' claims.

Measure P provides, in part:

"The Bond Project List below describes the projects the San Juan Unified School District proposes to finance with proceeds of voter approved bonds. ...The Board may undertake repairs, improvements, acquisitions, demolitions, relocations, new construction, and/or furnishing or equipping of school facilities, to complete each or any of the projects listed below as may be determined desirable by the District at the time the project is undertaken. ... [¶] **The following projects, in addition to the projects contemplated by the District's 2014 facility master plan, which are hereby incorporated herein by reference, are authorized at all current and future district owned properties and facilities, including but not limited to: (age of school in parentheses):**" (1AC at Exh. B, p. 3 (emphasis in original).)

The Measure P Project List then lists "Creekside" under "Other Facilities" and "Encina Preparatory High" under "High Schools." (*Id.*) Creekside is not listed under the "Middle Schools" category. Neither side contests that there is no reference to KJMS or Encina Middle School anywhere on the Project List.

The 2014 Facilities Master Plan lists Creekside as an *elementary* school used by a charter school, Pathway to Choices, that provides options for those with developmental disabilities. (District's RJN, Exh. A; 1AC ¶¶ 42, 109, 120.) The 2014 Facilities Master Plan states that the "Creekside site and buildings are in a state of advanced deterioration and a significant amount of work is

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required to bring this facility and site up to the condition needed for students and faculty to use as a genuine teaching facility.” (District’s RJN, Exh. A, at p. 6.)

The 2014 Facilities Master Plan’s “Projects and Costs” information relative to Encina Preparatory High only lists under the heading “Project Description” items such as track and field turf, library reconfiguration, a cafeteria shade structure, a wrestling room, and a fitness center. (Plaintiffs’ RJN, Exh. A.)

Measure P states the District can add “classrooms and facilities for all District schools, buildings, and sites”; “acqui[re] real property”; and “proceed with new replacement construction if replacement and new construction is preferable considering the building’s age, condition and other relevant factors.” (*Id.* at p. 4.) The District may also engage in incidental work such as “demolition of existing facilities and reconstruction of facilities” and “necessary site preparation/restoration in connection with new construction.” (*Id.* at p. 5.)

After voters approved Measure P, the District approved the construction of KJMS at the Creekside site. (1AC ¶¶ 11-13.)

The District concedes that the Project List set forth in Measure P does not describe any new middle school to be constructed at the Creekside location, but contends “the fact that *the Creekside site* where the actual construction will take place is listed is enough.” (Memorandum of Points and Authorities (“MPAs”) at 9:17-18 (emphasis in original).) The District argues the plain language of Measure P authorizes the District to engage in the construction of new classrooms and facilities at *any* District-owned property, including the Creekside site, for all District schools and allows for relocations of schools like KJMS. The District relies on the inclusion of Encina Preparatory High under the “High Schools” heading as support that Measure P authorized the Project because Encina Middle School was operating within Encina Preparatory High. The District explains that from 2011-2021, KJMS was part of Encina Preparatory High, which operated a grade 6-12 program, and KJMS was only recently separated and renamed. In support of the separation of Encina Middle School from Encina Preparatory High, and then the subsequent renaming of Encina Middle School as KJMS, the District relies upon the Board of Education meeting minutes. The Court can only take judicial notice of the existence of those meeting minutes, not the truth of their contents. On this demurrer the Court is confined to the four corners of the pleading and matters of which judicial notice can be properly taken. There are no allegations in the 1AC regarding KJMS/Encina Middle School being a part of Encina Preparatory High. Thus, the Court cannot accept the foregoing as true. However, the Court does accept as true the allegations of the 1AC that Encina Middle School has been renamed KJMS in years since the passage of the Bond and that Encina Middle School is not on the Measure P Project List or the District’s 2014 Facilities Master Plan. (1AC ¶¶ 28-29.)

Plaintiffs counter that nothing in Measure P or the 2014 Facilities Master Plan informs voters that the existing Creekside Elementary School for the developmentally disabled would be demolished and replaced with a new middle school comprised of students from the existing Encina Middle School. Plaintiffs cite to Proposition 39, which governs the expenditure of Measure P funds and requires that any local bond measure must include a “list of the specific school facilities projects to be funded and certification that the school district board, community



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college board, or county office of education has evaluated safety, class size reduction, and information technology needs in development that list.” (Cal. Const., art. XIII A, § 1, subd. (b)(3).) Plaintiffs contend the Project List submitted for voter approval only permitted “relocations” to “complete each or any of the projects listed below ...” and the subsequent list does not refer to Encina Middle School (now named KJMS) at all or a new middle school named KJMS despite its purported existence in 2016.

Here, Plaintiffs allege “[b]oth Measure P and the District’s 2014 Facility Master Plan contain reviews of all schools existing in 2014 with recommended repairs and upgrades to each site.” (1AC ¶ 24.) “There is no new middle school included within the District’s 2014 Facility Master Plan.” (1AC ¶ 25.) “There is no reference to Katherine Johnson Middle School in either the Measure P Project List or the 2014 Master Plan.” (1AC ¶ 26.) “There is nothing in the Bond Project List that suggests the District would use Measure P bond funds for construction of Katherine Johnson Middle School, or any new middle school.” (1AC ¶ 27.) “The 2014 Facilities Master Plan, incorporated by reference in Measure P, lists Creekside as an elementary school needing paint, flooring, ADA reconfigurations, and other similar upgrades.” (1AC ¶ 31.) “Nothing in the 2014 Master Plan or Project List indicates a complete demolition of an adult school and the construction of a new middle school at the Creekside campus.” (1AC ¶ 32.) “While Creekside is listed in the Project List, nothing would indicate to voters in the language of Measure P, or in the language of the 2014 Facilities Master Plan, that the District had plans for construction of a new middle school at the Creekside campus.” (1AC ¶ 35.) “The 2014 Facilities Master Plan lists Creekside as an elementary school, used by a charter school. The 2014 Facilities Master Plan also states that Creekside needs consideration for the installation of a complete IT program at the school, confirming that information technology was not considered, evaluated, or certified.” (1AC ¶ 42.)

Accepting the foregoing allegations as true, which the Court must do on this demurrer, and having reviewed the language of Measure P and the District’s 2014 Facilities Master Plan, the Court finds Plaintiffs have sufficiently stated claims for declaratory relief under Education Code section 15284 by alleging the Project was not in compliance with Proposition 39 because Measure P did not clearly apprise the voters of the Project. As noted above, Education Code section 15284 permits an action if it appears that “[t]he expenditure is not in compliance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution [Proposition 39].” In turn, Proposition 39 requires a “list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in development that list.” (Cal. Const., art. XIII A, § 1, subd. (b)(3).) There is nothing in Measure P or the District’s 2014 Facilities Master Plan that would alert a voter that a completely new middle school was going to be constructed at the Creekside Elementary School site with students being imported from Encina Middle School. The only information provided to the voters regarding Encina Preparatory High was an itemization of on-site improvements, not the elimination of grades 6-8 and the relocation of students to a new middle school, and the only information provided to the voters regarding Creekside was that its “site and buildings are in a state of advanced deterioration and a significant amount of work is required to bring this facility and site up to the condition needed for students and faculty to use as a genuine teaching facility.” (District’s RJN, Exh. A, at p. 6.) While Measure P provides for the addition of classrooms and

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facilities for all District schools and the relocation of any of the listed projects, the issue is that Encina Middle School (renamed KJMS) is not listed anywhere on the Project List. Plaintiffs also sufficiently alleged information technology was not considered, evaluated, or certified as required by Proposition 39.

The District would have this Court insert text into Measure P, namely the inclusion of Encina Middle School, when it appears nowhere. The District would also have this Court insert a new middle school (KJMS) into Measure P when no such school existed at the time of its adoption, and when by the District's own admission, it had not yet been created.

Based on the foregoing, and at this stage of the proceedings, the Court finds the allegations are sufficient and the demurrer to the first and second causes of action is **OVERRULED**.

### Third Cause of Action for School Bond Waste Prevention – Education Code Sections 15284(a), 15278, and 15282

Education Code section 15284(a)(4) confers a private right of action preventing expenditures of bond funds where “[t]he governing board of a school district or community college has willfully failed to appoint the citizens’ oversight committee in violation of the requirements of Section 15278.” Section 15278(a) requires the District’s board to appoint a citizens’ oversight committee within 60 days of entry of bond measure election results in its minutes.

Plaintiffs’ third cause of action alleges a school bond waste prevention claim on the basis that the BOC was missing a taxpayer association member and a PTO member, unnamed BOC members were not qualified because of their status as District employees or vendors, and the BOC failed to report that the Project was not on the Project List.

The District demurs to the third cause of action on the ground that to state a claim a plaintiff must allege that the District failed to “appoint” a BOC and that the failure was “willful.” The District contends Plaintiffs do not allege the Board failed to appoint the BOC within the 60-day timeframe or that the BOC was incomplete at that time. Instead, Plaintiffs allege the BOC was not properly constituted while the Project was under consideration. (1AC ¶¶ 10-13, 101.) Specifically, Plaintiffs allege the BOC operated unlawfully for at least three years because it did not have the statutorily required minimum number of members (seven), operated with only five members, and was not legally constituted because it also contained members who otherwise cannot hold such positions. (1AC ¶¶ 59, 60, 63-65, 101.) The District argues there is no legal authority supporting that a vacancy on the BOC constitutes a willful failure to appoint the BOC and that this is logical because if a vacancy precluding use of bond funds would unreasonably interfere with school improvements. The District further argues Plaintiffs’ allegations on information and belief that BOC members were not qualified because of their status as District employees or vendors is insufficient without factual allegations identifying which BOC members they claim were District employees or vendors, when they served on the BOC, or that the appointments were willful.

The District also contends the cause of action is moot because the BOC appointed a taxpayer member and PTO member in March of 2023. This argument is rejected. The Court cannot accept

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this as true because the District's only support for this contention is the meeting minutes from the Board of Education, and the Court cannot accept the truth of the contents of those minutes.

Plaintiffs maintain that the District's interpretation of the statutory requirements regarding the BOC are distorted and unsupported by the plain language of the statutes. Plaintiffs cite to Education Code section 15278(b), which states "[t]he purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The citizens' oversight committee shall actively review and report on the proper expenditure of taxpayers' money for school construction. The citizens' oversight committee shall advise the public as to whether a school district or community college district is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution." They also cite to section 15282, which provides the BOC "shall consist of at least seven members who shall serve for a minimum of two years without compensation and for no more than three consecutive terms." Section 15282 then sets forth the composition of the BOC, which must include one member from a taxpayers' organization and one PTO member. Plaintiffs argue the Legislature did not intend to permit a district to appoint a BOC within 60 days of a bond election and then allow the BOC to become out of compliance with the legal requirements.

Plaintiffs cite to no legal authority supporting their contention that a private right of action can be maintained based on allegations that the BOC did not have the statutorily required minimum number or members or had members that could not hold such a position. Section 15284 only confers a private right of action preventing expenditures of bond funds where "[t]he governing board of a school district or community college has willfully failed to appoint the citizens' oversight committee in violation of the requirements of Section 15278." In turn, section 15278(a) requires the District's board to appoint a citizens' oversight committee within 60 days of entry of bond measure election results in its minutes. There are no allegations the District did not appoint a BOC within the 60-day timeframe.

Plaintiffs' argument that Education Code sections 35160 and 35161 establish that any action taken during a vacancy on the BOC is void and ultra vires is not persuasive. Section 35160 authorizes the District's Board to "initiate and carry on any program, activity, or [to] otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established." Section 35161 allows the Board to delegate its authority, as long as it remains responsible for the performance of any delegated duties. Plaintiffs fail to identify any conflict between the requirement to establish and appoint a BOC within the 60-day timeframe and the right to spend funds when the BOC later has vacancies.

In addition, the District contends Plaintiffs' theory that the District committed waste because the BOC allegedly failed to report that the KMJS project is not on the Project List fails because section 15284 does not allow claims based on a mere reporting failure. Plaintiffs do not clearly address this argument and rely on the argument that any action by an improperly composed BOC is legally deficient. Plaintiffs do not cite to any portion of section 15284 that would authorize a claim based on the allegations presented.

For the foregoing reasons, the Court is persuaded the allegations are insufficient to state a claim

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for injunctive or declaratory relief under section 15284. The demurrer is SUSTAINED, but with leave to amend as this is the first challenge to the pleading and leave to amend has been requested by Plaintiffs.

## Fourth Cause of Action for School Bond Waste Prevention (Education Code Section 15284) and Fifth Cause of Action for Taxpayer Waste (Code of Civil Procedure sections 526a and 1060)

Plaintiffs' fourth and fifth causes of action are premised upon allegations that the Project was not "certified as having been evaluated for safety, class size reduction, or information technology needs" and the BOC failed to report on this alleged lapse. (1AC ¶¶ 106-112, 117-123.)

The District demurs on the basis that the claims fail because Measure P included the required certification under Proposition 39 as it stated "The [Board] hereby certifies that it has evaluated the facilities needs of the District, and the priority of addressing each of those needs. In the course of its evaluation, the Board of Education took safety, class size reduction and information technology needs into consideration while developing the Bond Project List." (1AC Exh. B at p. 2.) The District contends because the Project is included in the Project List (as argued above), the claim fails. Plaintiff counter that "if it is established that Measure P did not specifically identify construction of the Katherine Johnson Middle School in its Project List, it could not have been certified as a matter of law." (Opposition at 20:10-12.)

For the same reasons addressed with respect to the first and second causes of action, the demurrer to the fourth and fifth causes of action is OVERRULED. The Court has determined the 1AC sufficiently alleges the Project was not included in the Project List. Thus, Plaintiffs have sufficiently alleged a failure to certify.

### Conclusion

The demurrer to the first, second, fourth, and fifth causes of action is OVERRULED.

The demurrer to the third cause of action is SUSTAINED with leave to amend.

Plaintiffs may file and serve a Second Amended Complaint ("2AC") no later than August 14, 2023. Although not required by statute or court rule, Plaintiffs are directed to present the clerk a copy of this ruling at the time of filing the 2AC.

The District may file and serve a response within 30 days of service of the 2AC, 35 days if served by mail.

The minute order is effective immediately. No formal order pursuant to CRC Rule 3.1312 or further notice is required.

### **COURT RULING:**

There being no request for oral argument, the Court affirmed the tentative ruling.

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*/s/ G. Toda*

By:

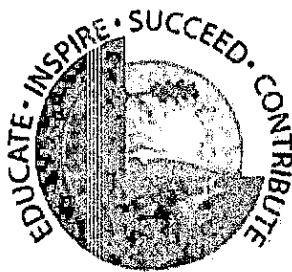
G. Toda, Deputy Clerk

Minutes of: 08/03/2023

Entered on: 08/03/2023

**EXHIBIT E**

**CREEK SIDE**  
ELEMENTARY SCHOOL



**VALUING**   
**DIVERSITY and EXCELLENCE**

the San Juan Unified School District's mission is to

**EDUCATE and**  
**INSPIRE**

each student to

**SUCCEED**

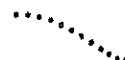
and responsibly **CONTRIBUTE**

to a radically evolving world by providing

**innovative, rigorous,**  
**STUDENT-FOCUSED**

instruction and programs in a **SAFE,**

**CARING, and COLLABORATIVE**  
**learning community.**



# Creekside Elementary School

2641 Kent Dr.  
Sacramento, CA 95821  
[Yahoo Map](#)

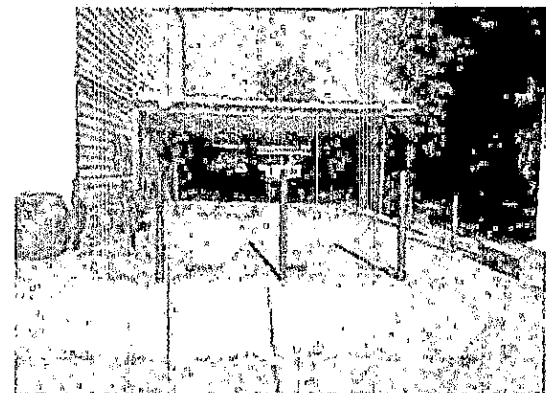
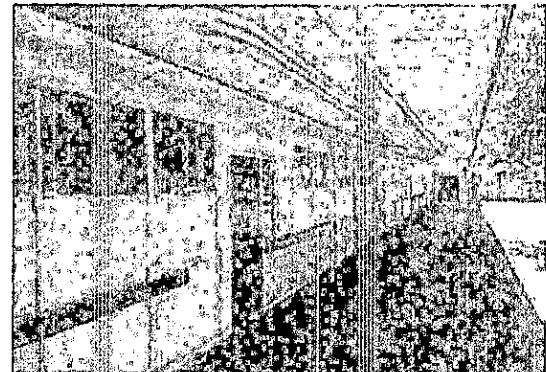
**Principal:** Unknown  
**Phone:** (916) 575-2317  
**Fax:** (916) 575-2321

## Statistics

<b>Classification:</b>	Charter School
<b>Year Built:</b>	1953
<b>Modernizations</b>	1996, 2000
<b>Additions:</b>	0
<b>Portables:</b>	2
<b>Site Area:</b>	9.2 acres
<b>Total SF of Floor Space:</b>	25,928

## Current Use:

Creekside Elementary is currently being reused by Pathway to Choices, a charter school program that provides options for those with developmental disabilities.





**Educational Facility Data**

Items	Description	SF	% Total SF	Comments
Classrooms	16 General Classrooms	907-921	61.60%	
	1 Pre-K/Kinder	1246		
Administration		<b>1,644</b>	6.30%	
	General Office	378		
	Private Office	229		
	Lounge	374		
	Nurse	284		
	1 Other	379		
Multi-purpose		<b>3,889</b>	14.90%	
	Multi-purpose Room	2354		
	Stage	862		
	Food Service	673		
PC/Library		<b>914</b>	3.50%	
Building Support		<b>1,597</b>	6.20%	
	General Support	669		
	Restrooms	928		

**Measure J and Non DSA Certified Projects**

**Projects Completed Under Measure J**

110-9285-1A	Low Voltage (incr.1)	Complete
110-9285-2A	Low Voltage CCTV (incr.2)	Complete
110-9495-1A	Modernization	Complete

**Projects NOT Completed Under Measure J**

110-9285-3A	Low Voltage Fire Intrusion Only	In Progress
	Landscape & Irrigation	Not Completed
110-9349-1A	Paving	Not Completed
	Flooring	Not Completed

**DSA Non-Certified Projects**

02-100064	Reloc Portable	
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## ASSESSMENT SUMMARY

Creekside School began construction in 1952 and was occupied in 1953. Creekside School is currently being reused as "Pathway to Choices". Campus expansion occurred in 1957 with the addition of one building containing two classrooms. The existing permanent buildings are built in the California finger-style and predominantly clad in wood siding. The buildings are mostly in fair to poor condition.

### SHELL

Exterior wall systems on campus are mostly wood-framed with wood siding. Wall construction remains in fair condition in spite of the age of the structures. There are some sections of walls that are constructed of concrete or masonry veneer. The entire exterior requires paint.

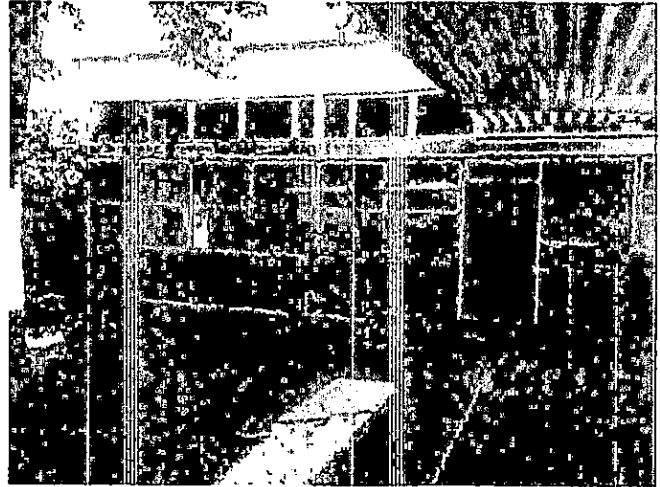
All windows throughout the school are 50's/60's-era steel-angle framed windows with single-glazing. Few operable sections are present and those sections that are operable are either broken or have security screening that keeps them from being opened. There were many broken and unrepaired windows observed on this school site.

The roof systems throughout appear to be in satisfactory condition for now and the immediate future; however, many of the roof-edge gutters and downspouts are damaged and rusting.

### INTERIORS

The interiors of the permanent campus buildings are in need of significant upgrades. Flooring systems are in poor condition and should be replaced throughout the entire campus. Many instances of wall and ceiling finish damage were observed. Walls require a significant amount of patching or wall board replacement and all walls need to be repainted. The predominant ceiling finish is glue-on acoustic tiles most of which are damaged, broken, chipped or stained. A new ceiling system would help to lessen the dated feeling of most spaces. Most interior spaces have poor quality of artificial light. The ceiling system in several classrooms features suspended acoustic tile flanking a large, central dropped area housing light fixtures and finished with a continuous plastic lens system. This lighting system is dated and puts out relatively low light levels compared to the energy the system uses. Consideration should be given to a complete ceiling replacement and lighting fixture upgrade program in these rooms.

The multi-purpose building has a wood floor and a raised stage. There are basketball goals present but the size of the main floor at 2,350 sq. ft. is such that the space works only for PE athletic activities. The wood floor in the building is in fair to poor condition and requires repair and refinishing.



### SERVICES

As was typical throughout the District, the system relied on placing ductwork above and below the roof creating a large amount of exposed ductwork. It is reported that much of the exterior ductwork leaks and requires repair or replacement. The HVAC system is becoming increasingly problematic due to its age.

An energy management system is in place but it is old and effectively inoperable due to the inability to obtain replacement parts.

The school has few technology systems present. Consideration should be given to the installation of a complete IT program at the school.

Past electrical and mechanical service upgrades at the school relied on installation of exposed conduits on the exterior and interior of campus. Consideration should be given to the removal of

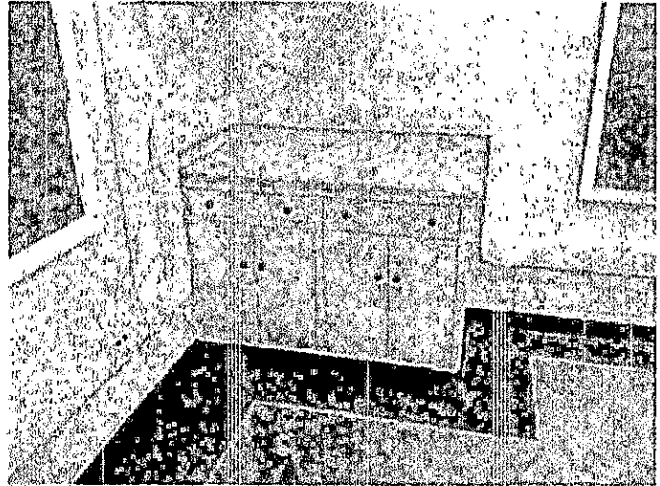
unused conduit runs and the protection of exposed, active conduits within chases or behind permanent construction.

### EQUIPMENT AND FURNISHINGS

Classroom cabinetry is old with most sections are original to the school's initial construction. Many cabinets and tops are damaged, chipped or broken. Sinks occurring within old casework sections are not ADA accessible. Consideration should be given to installing new durable and accessible cabinetry throughout the campus.

Most windows have drape coverings that are old, torn, and generally inoperable.

Food service equipment is old but remains serviceable. Several of the older and inefficient pieces of equipment should be replaced.



### OTHER BUILDING CONSTRUCTION

Student and staff restrooms are not ADA compliant and require complete removal and reconfiguration to create adequate space for accessibility compliance. Several other ADA issues on campus exist such as non-compliant sinks, service windows, and drinking fountains.

There is one portable building on the campus that houses two classrooms. The building is approaching 20 years of age and nearing the point when either significant exterior and interior upgrades will be necessary or the building should be replaced.

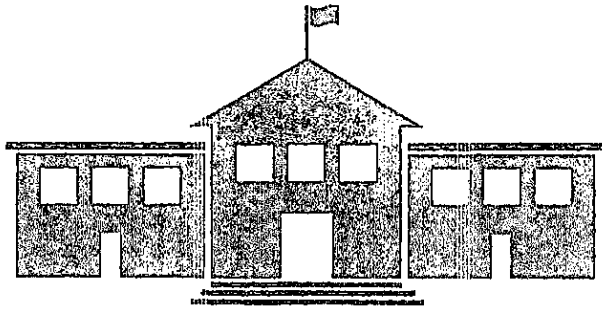
### SITE WORK

The Creekside site and buildings are in a state of advanced deterioration and a significant amount of work is required to bring this facility and site up to the condition needed for students and faculty to use as a genuine teaching facility.

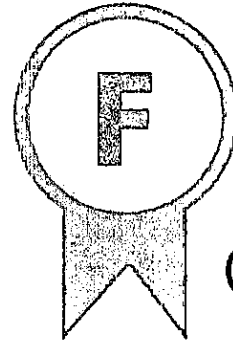


# FACILITY ASSESSMENT SCHOOL REPORT CARD

Creekside Elementary School









Overall Grade



0.50

## GRADING BY CATEGORY

	Shell	<b>F</b>	0.00
	Interior	<b>D-</b>	0.67
	Services	<b>D</b>	1.00
	Equipment and Furnishings	<b>D-</b>	0.67
	Other Building Construction	<b>F</b>	0.00
	Site Work	<b>D-</b>	0.67

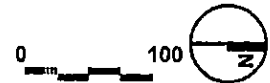
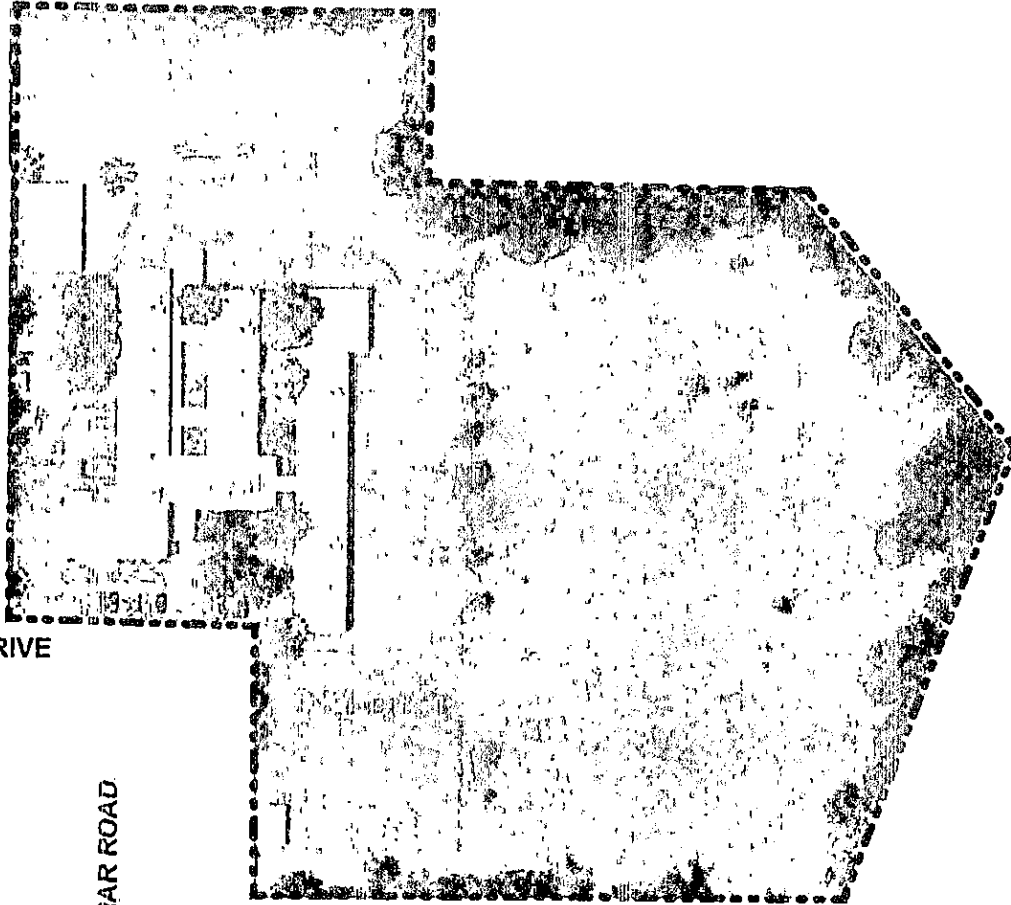
# EXISTING SITE AERIAL PLAN

**Creekside Elementary School**  
2641 Kent Drive, Sacramento, CA 95821

BELPORT LANE

KENT DRIVE

MIRAMAR ROAD

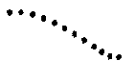


## SITE SUMMARY

TOTAL ACREAGE: 9.2 ACRES

SCHOOL SF: 25,928 SF

YEAR BUILT: 1953

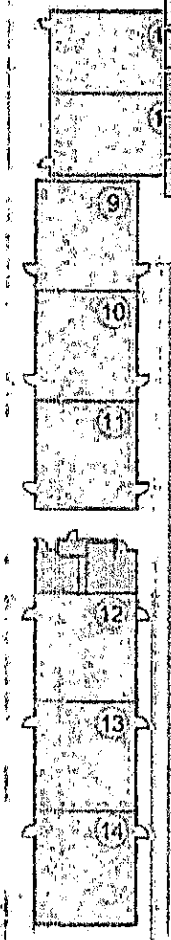
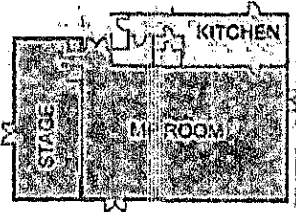
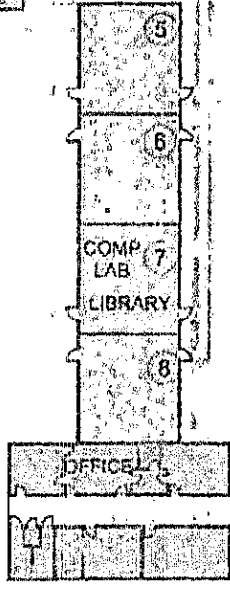
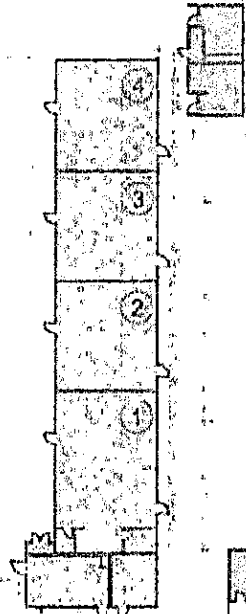
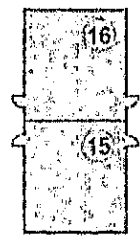


# EXISTING FLOOR PLAN

**Creekside Elementary School**  
 2641 Kent Drive, Sacramento, CA 95821

## EXISTING PROGRAMMING

- Classroom
- Science Classroom
- Administration
- Multi-purpose / Athletics
- Building Support
- Music / Art
- Media Center
- Computer Lab
- Food Service
- Special Education
- CTE
- Restrooms / Lockers



FIRE LANE

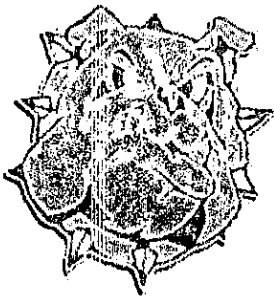
KENT DRIVE

MIRAVAR DRIVE



**EXHIBIT F**

**A** **Z** **I** **C** **Z** **E** **L** **O** **O** **H** **S** **C** **H** **I** **G** **H** **I**



The foundation of all  
THE WORK DONE  
at Encina is the  
**'BIG IDEA'**—  
all Encina graduates are  
**ACADEMICALLY**  
**QUALIFIED**  
*and*  
INTELLECTUALLY  
**PREPARED**  
to **SUCCEED**  
at a  
**four-year university.**







# Encina Preparatory High School

1400 Bell Street  
 Sacramento, CA 95825  
[Google Map Location](#)

Principal: [Will Jarrell](#)  
 Phone: 916.971.7538  
 Fax: 916.971.7555  
 Website: Click on Mascot Logo  
**Bulldogs'**

## Statistics

<b>Classification:</b>	High School
<b>Grades Served:</b>	6-12
<b>Year Built:</b>	1959
<b>Modernizations</b>	1998, 2005
<b>Additions:</b>	2012 (portables)
<b>Portables:</b>	0
<b>Site Area:</b>	40 (Acres)
<b>Total SF of Floor Space:</b>	152,686
<b>Current Enrollment:</b>	910
<b>Student Ratio:</b>	1 per 168 SF



## API School Results

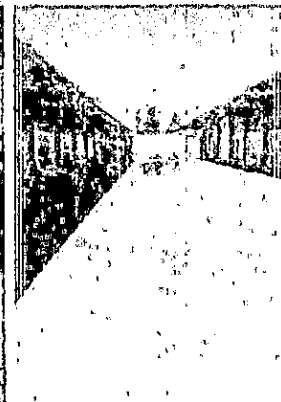
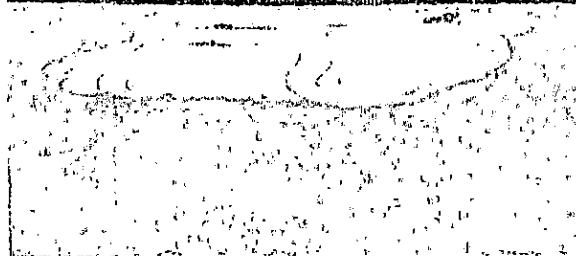
	2009	2010	2011
Statewide	2	1	1
Similar Schools	5	5	3
	09-10	10-11	11-12
Actual API Change	-5	-28	-9

## 2012 Growth API Score Comparison

	School	District	State
All Students	576	790	788

## Interesting Factoid:

Encina Prep staff members prides themselves on their diversity and ability to accommodate every student. They believe every student can learn, without shaming students, they meet needs and build capacity.



San Juan

**Educational Facility Data**

Items	Description	SF	% Total SF	Comments
Classrooms		<b>53,257</b>	<b>34.90%</b>	
	44 General Classrooms	465-1,440		Range Low-High SF
	Storage/Prep. Rooms	2,055		Total SF
	4 Science Rooms	1,095-1,205		Range Low-High SF
	Science Prep. Room	639		Range Low-High SF
	2 Computer Labs	908-1,433		Range Low-High SF
	2 Adult Education	897		SF per each classroom
	2 Advance Path Rooms	1,197-1,805		SF per each classroom
2 Unknown Classes	897			
Administration		<b>8,492</b>	<b>5.60%</b>	
	General Office	3,658		
	16 Private Offices	2,129		Total SF
	Vice Principal-Principal Lounge/Workroom	242-458		Total SF
	2 Counseling Offices	124-144		Range Low-High SF
	Storage	107		
Multi-purpose		<b>44,192</b>	<b>28.90%</b>	
	Large Gymnasium	11,163		Total SF includes foyer
	2 Locker Rooms	3,754-4,632		Range Low-High SF
	Storage	2,154		Total SF
	3 Offices	171-225		Range Low-High SF
	Weight Room	2,182		
	General Athletics Room	1,013		
	Small Gym	6,448		Total SF includes entryway
	Cafeteria	7,301		Total SF includes entryway
	Kitchen	1,965		Total SF includes storage
2 Service Areas	151		SF per each room	
Theater	2,684			
Library		<b>4,373</b>	<b>2.90%</b>	Total SF includes storage
	Library	3,147		
	Book Room	1,014		
Music/Art		<b>9,796</b>	<b>6.40%</b>	
	2 Band Rooms	1,227-1,898		Average SF per Band Room
	3 Practice Rooms	51		SF per each practice room
	2 Art Classrooms	2,207-2,578		Average SF per Art Classroom
	1 Office	179		
Storage	1,554		Total SF	
CTE		<b>6,476</b>	<b>4.20%</b>	
4 Classrooms	899-1,979			



**Measure J and Non DSA Certified Projects**

**Projects Completed Under Measure J**

202-9020-1A	ADA	Complete
202-9412-1A	Infrastructure	Complete
202-9285-1A	Low voltage (incr. 1)	Complete
202-9285-3A	Low voltage (incr. 3)	Complete
	Paint	Complete
202-9535-1A	Paving 2007	Complete
202-9605-1A	Roofing	Complete
202-9444-1A	Science	Complete
202-9449-1A	Landscape and irrigation - reconstitution	Complete
202-9449-2A	Landscape and irrigation 2012	Construction
202-9285-2A	Low voltage (incr. 2)	Closeout
202-9285-4A	Low Voltage	Complete
202-9495-1A	MOD	Complete

**Projects NOT Completed Under Measure J**

202-9591-1A	Restroom Repair	In Progress
202-9739-1A	Tech Service Infrastructure	In Progress
202-9739-2A	Tech Service Infrastructure	In Progress

**DSA Non-Certified Projects**

02-108673	Construction of one shade structure
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**Enrollment Projections and History**

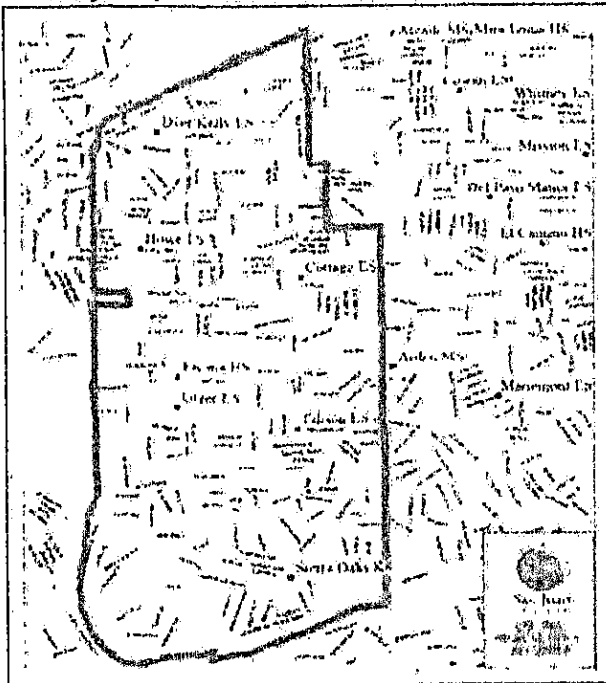
202 Encina (Does Not Include Advanced Path)													
Actual Attendance*											Projected Attendance		
Grade	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
6	6th-8th Grades begin in 2011							121	90	110	104	98	97
7	6th-8th Grades begin in 2011							110	110	124	132	125	119
8	6th-8th Grades begin in 2011							147	95	131	133	141	136
9	224	221	225	211	201	172	177	129	131	110	138	142	157
10	202	202	201	177	191	156	179	147	97	138	108	131	135
11	189	168	165	186	163	145	138	141	115	97	129	98	118
12+	155	138	144	130	154	133	138	133	131	113	94	123	93
SDC	36	28	30	34	33	38	24	38	27	25	32	32	32
Total	806	757	765	738	742	644	656	966	796	848	870	890	887

202 Encina Advanced Path Academy														
Actual Attendance*											Projected Attendance			
Grade	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	
9	Advance Path numbers separated from Encina proper starting 2010-2011							1	0	0	0	0	0	0
10	Advance Path numbers separated from Encina proper starting 2010-2011							11	2	1	1	1	1	
11	Advance Path numbers separated from Encina proper starting 2010-2011							45	21	16	17	14	18	
12	Advance Path numbers separated from Encina proper starting 2010-2011							93	126	97	100	94	102	
SDC	Advance Path numbers separated from Encina proper starting 2010-2011							0	0	0	1	0	0	
Total	0	0	0	0	0	0	150	149	114	119	109	121	121	

\*The actual attendance for the year are based on enrollment on the third Friday of the year, starting in 2011. Previous enrollment was based on the fifth Friday of the year.

**Vicinity Map with Attendance Boundaries**





## ASSESSMENT SUMMARY

Encina High School was originally constructed in 1959. The existing permanent buildings are in the California finger-style. The buildings, both interior and exterior, are in various stages of disrepair. The entire facility needs significant upgrades and modernization throughout.

### SHELL

The exterior wall systems on campus are built from concrete, steel and metal deck. The wall construction remains in satisfactory shape in spite of the age of the structures. There is a significant amount of exterior glazing and all glazing is single pane. Few operable sections are present and most, if not all, of those windows do not fully close. Several glazing panels have been repaired with un-insulated panels. There are also numerous panels of glass that have been painted to reduce the amount of light entering the classroom. Metal screens cover windows at rooms with higher security needs (i.e., computer labs).

The roof systems throughout seem to be in satisfactory shape for now and the immediate future. There are isolated roof leaks throughout the campus located below where HVAC units are installed on the roof. These leaks have been fixed, but stained ceilings remain (see interiors). There is some rusting on the exposed steel on the shade structures.

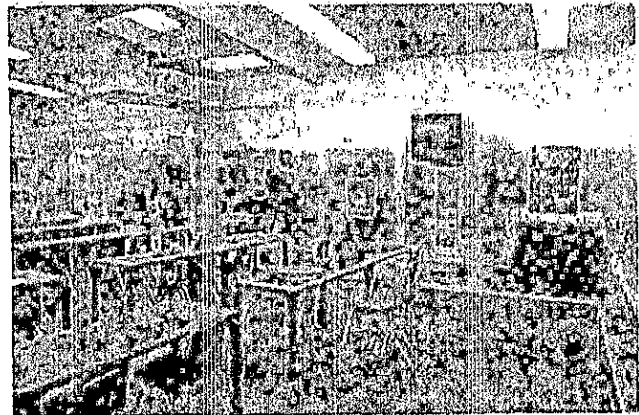
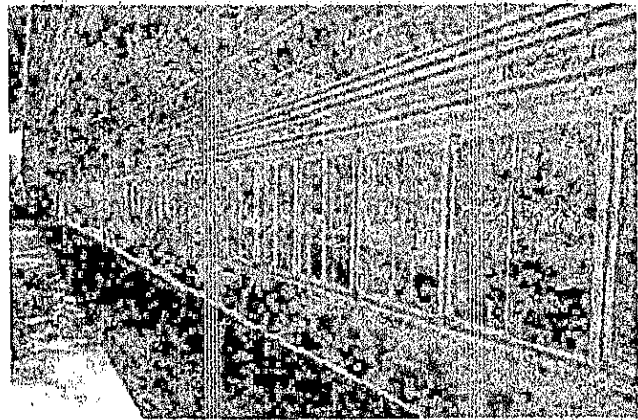
### INTERIORS

The interiors of the permanent classroom buildings are in need of significant upgrades. Flooring systems are generally in poor condition and should be replaced virtually throughout the entire campus.

Classroom interiors have poor artificial lighting systems throughout which are dimly illuminated by old-style, energy inefficient fluorescent lights with wrap-around lenses.

Ceiling systems throughout the campus are of varied types including plaster, gypsum board, glue-on tiles, and suspended acoustic tiles. The condition of most ceilings is generally acceptable, but approximately 10% of the ceilings are in need of replacement due to staining and general wear-and-tear. Most classrooms have window drapes that are old and generally torn and inoperable. A new window covering system is highly suggested.

Walls have been significantly damaged from items that have been taped or pinned to the walls and items that were previously attached to the walls.



### SERVICES

Much of the campus is served by a two-pipe central plant with a York chiller (vintage 2000) and two Unitux boilers installed in 1999. The chiller has a refrigerant leak inside the barrel and only has 50% capacity, however it is reported that it still handles the cooling load. The boilers are in adequate condition. This system has an issue which causes the boilers to blow off their relief valves. The problem may be an undersized expansion tank but more investigation is required. Otherwise this plant adequately serves the campus.

Most of the buildings are served by rooftop, aluminum skinned, two-pipe air handlers and floor mounted Trane ventilators. There are also some package rooftop gas/electric units. This equipment is 13 to 14 years old and approaching the end of its useful life. Also, new package gas/electric units are much more energy efficient than the existing package units, so this should be factored into the District's equipment replacement decisions.



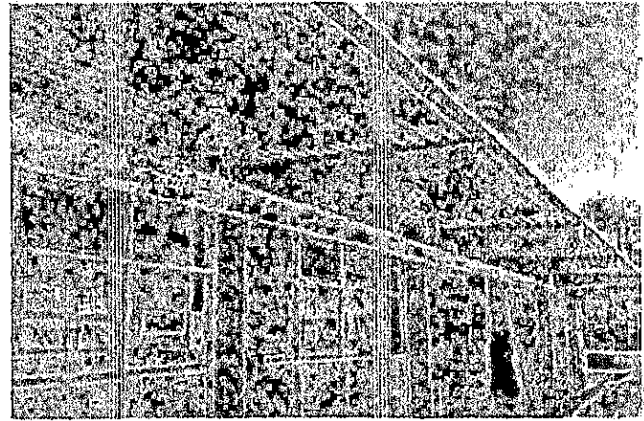
Several other HVAC problem areas were observed on campus. The coach's offices have no heating or cooling -- a ductless mini-split system may be a solution. The locker rooms are served by gas heat rooftop units but have no cooling. These units appear to be undersized. Exhaust fans in the locker rooms don't run causing mold and IAQ issues. There are two ceiling console mini-split systems off the Cafeteria which need to be replaced. Portables P1, P2, SN-1 and SN-2 have Sun and Bard units which need to be replaced. Room F1 has two Reznor suspended gas unit heaters, both of which need to be replaced. Finally, F2 and F3 are one large open computer lab which also serves as an after-hours night school operation. The District would like to get F building off the 2-pipe central plant so they don't have to run the plant after-hours just for this small space.

The campus energy management system is an antiquated Johnson system for the whole campus for which parts are no longer available. The District would like to replace this system with a new Johnson system.

All bathroom plumbing fixtures are original and in poor condition but reportedly, a bathroom renovation project is scheduled for later this year.

The electrical service and switchgear is located in an outdoor yard behind the central plant. The main switchboard is under 20 years old and appears to be in adequate condition but as it is exposed to the elements, the housing is beginning to rust. The MSB is 277/480V, amperage was not verified but is likely adequate for the campus. A smaller metered utility service at the end of campus services portables. The MSB feeds relatively new gear at each building wing: a 277/480V panel services HVAC equipment and a transformer as well as a 120/208 panel. This panel feeds multi-channel raceway in each classroom although relatively new, the raceway is in rough condition in some locations. There is a very significant amount of exposed conduit and surface raceway on this campus; the newer exposed conduits from the MSB appear to be installed neatly and are adequately supported.

Parking lot lighting throughout the campus includes both SMUD HID pole lights on wood poles and MH "shoebox" area lights installed within the past 10 years. These lights are in good condition. Most building mounted lights are either HID or CFL, many with damaged and "yellowed" lenses, however, approximately 10% of these lights have been replaced with LED wall packs. Most of these lights are not cut-off. Exterior lighting is controlled by several time clocks located throughout the campus, which is reported to be a maintenance issue. The exterior lighting controls should be consolidated.



Most of the original fluorescent interior lighting is in fair condition. These older fixtures have been retrofitted with electronic ballasts and T8 lamps recently. Relatively new surface 2x4 fixtures have been installed in administration (but with no occupancy sensors, and new fixtures with T5HO lamps and integral occupancy sensors have been installed in the gym. The cafeteria lighting - surface 2x2s with triac lamps - is in good condition, but with no occupancy sensors. Classrooms have occupancy sensors but single level switching that was poorly located. Wireless occupancy sensors were recently installed in the locker rooms and appear to be functioning correctly.

The school has few technology systems present. Consideration should be given to the installation of a complete IT program at the school. The District's technology department has a technology plan for all high school campuses that includes installation of a robust backbone infrastructure and a wireless technology system that will service all portions of the campus.

Past electrical and mechanical service upgrades at the school relied on installation of exposed conduits on the exterior and interior of campus. Consideration should be given to the removal of unused conduit runs and the protection of exposed, active conduit with chases or placed behind permanent construction.

## EQUIPMENT AND FURNISHINGS

Classroom cabinetry is old, and in many cases damaged to the point of being unusable. Some cabinetry may be able to be fixed, but in general most require replacement. Consideration should be given to installing all new cabinetry in classrooms.

Blinds or shades for all classroom windows are a priority for sun control as well as for security purposes. Currently, there are no blinds or shades on any classroom windows. Curtains are often torn and inoperable.



Food service equipment is old but remains in satisfactory condition and is serviceable. Several of the older, more inefficient pieces of equipment should be replaced.

Lockers in boys and girls locker room are in deteriorating condition and replacement is recommended.

### OTHER BUILDING CONSTRUCTION

The flushes in the student restrooms are in marginal condition and clearances and locations of fixtures and equipment are not in ADA compliance. Staff restrooms are in fair condition but also need repair. Staff restroom clearances and location of fixtures and equipment are not in ADA compliance. To bring into complete accessibility compliance guideline, some walls may need to be removed and relocated.

There are several ADA issues throughout the school site which include sinks, drinking fountains, and rubber ramp thresholds all of which should be replaced and/or repaired. Numerous portables are located on the site but are not used by the high school and instead serve other District needs.

### SITE WORK

Neighborhood access to the site is not secure. Consideration should be given to providing additional gated access points that can be locked and to the addition of more security cameras to monitor site access.

The playfields and athletic structures are in a bad state of deterioration and should be replaced. The basketball standards are in marginal condition and replacement is suggested.

The playcourt is in deteriorating condition and consideration should be given to repaving the asphalt play surface. Site concrete throughout the school site is also in marginal condition with cracks throughout and replacement is suggested. Asphalt within the campus, between buildings, is in deteriorating condition and replacement or reconditioning to a green space is suggested.

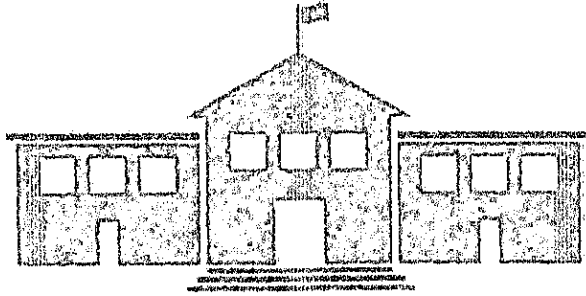
There are several metal storage containers and wood sheds throughout the site used for storage, which are not DSA approved and in a state of deterioration. It is suggested that one larger structure be built to replace all these small out buildings.



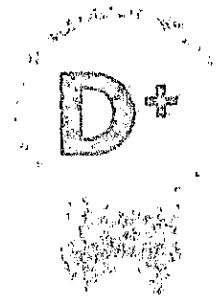


**FACILITY ASSESSMENT SCHOOL REPORT CARD**

Encina High School



Overall Grade



1.34

	Shell	C-	1.67
	Interior	D-	0.67
	Services	C-	1.67
	Equipment & Furnishings	D	1.00
	Other Building Construction	D+	1.33
	Site Work	C-	1.67

## COMMUNITY OUTREACH

During the community outreach phase in the development of the Facility Master Plan for San Juan Unified School District, a community forum was held on 9-25-2013 at Encina High School to elicit comments from the representatives of the numerous District schools in attendance, including Encina High School.

The following list represents the comments, needs and desires written at the community forum that evening by Encina High School. The comments noted are transcribed as written by the school representatives.

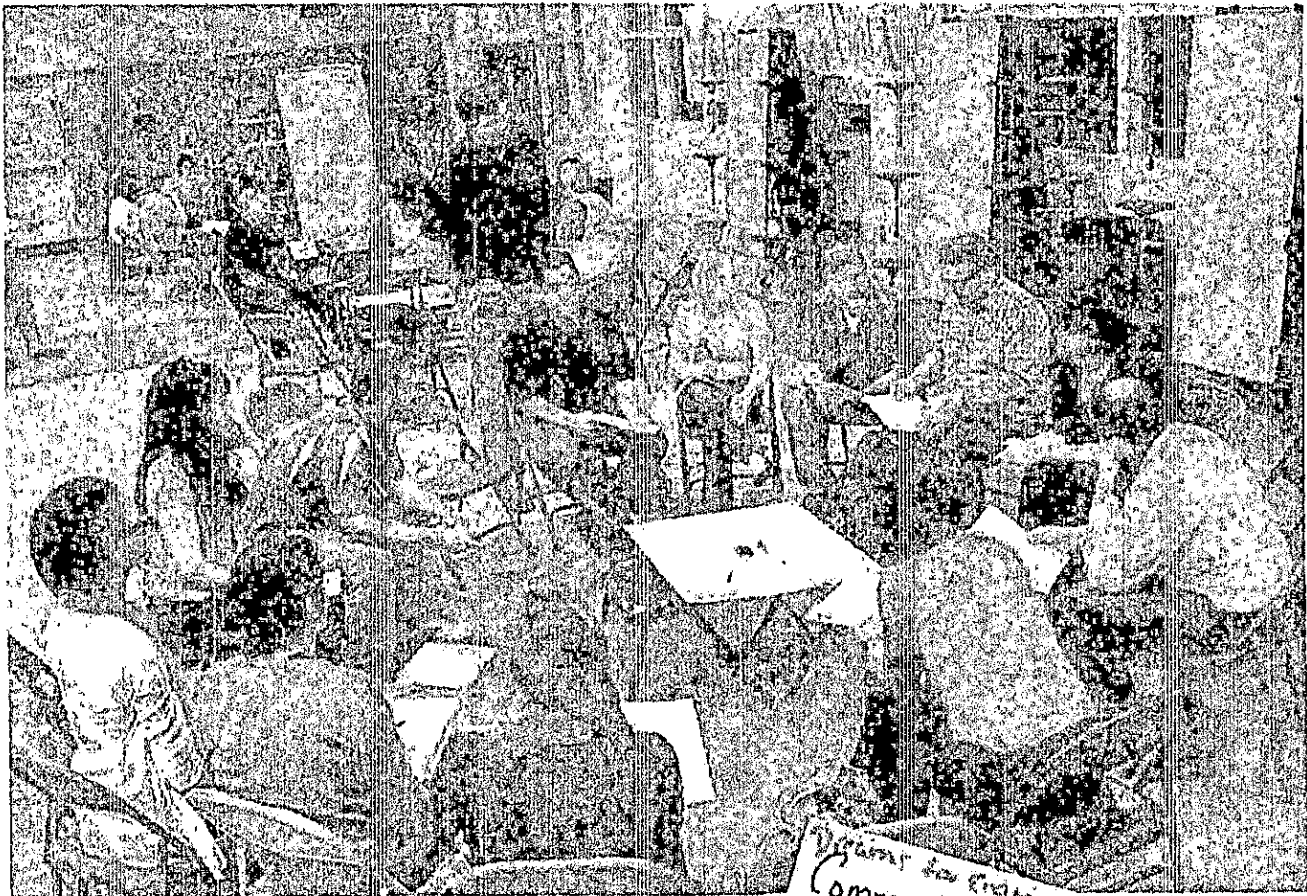
- Community Center including sports facility
  - Pool
  - Cardio facility
  - House assets and bridges
  - Tutoring spaces
  - Performance space
  - Joint use with Parks and Recreation
  - Fields useable and viewable
  - HVAC in gym
  - Water by track
- Academic Spaces
  - Incorporate breezeways as pods
  - Covered but not enclosed
  - Barn doors out
  - Break down walls to increase sq. footage per classes
  - Need multimedia in classes technology
  - Science spaces
  - Learning labs not square spaces

Additionally, each school site at the community forum was



requested to select and prioritize their top three needs and desires as part of the process of prioritizing projects identified within the Facility Master Plan. In some cases the top three items contained multiple needs and items. The following list represents the top three priority needs for:

1. Community Center
  - including sports facility (pool and cardio facilities)
  - tutoring spaces, performance space
2. Athletic Facilities
  - Fields useable and viewable
3. Academic Spaces
  - Incorporate breezeways / operable interior walls / science spaces / learning labs



Although the list of needs and projects as well as prioritization noted by the school is included it should be noted that this input was used as a guide and information in the master planning process. The items noted on the lists are not guaranteed to be included as projects in the final Facility Master Plan. San Juan USD and DLR Group thank everyone associated with Encina High School for their interest and participation in the process.

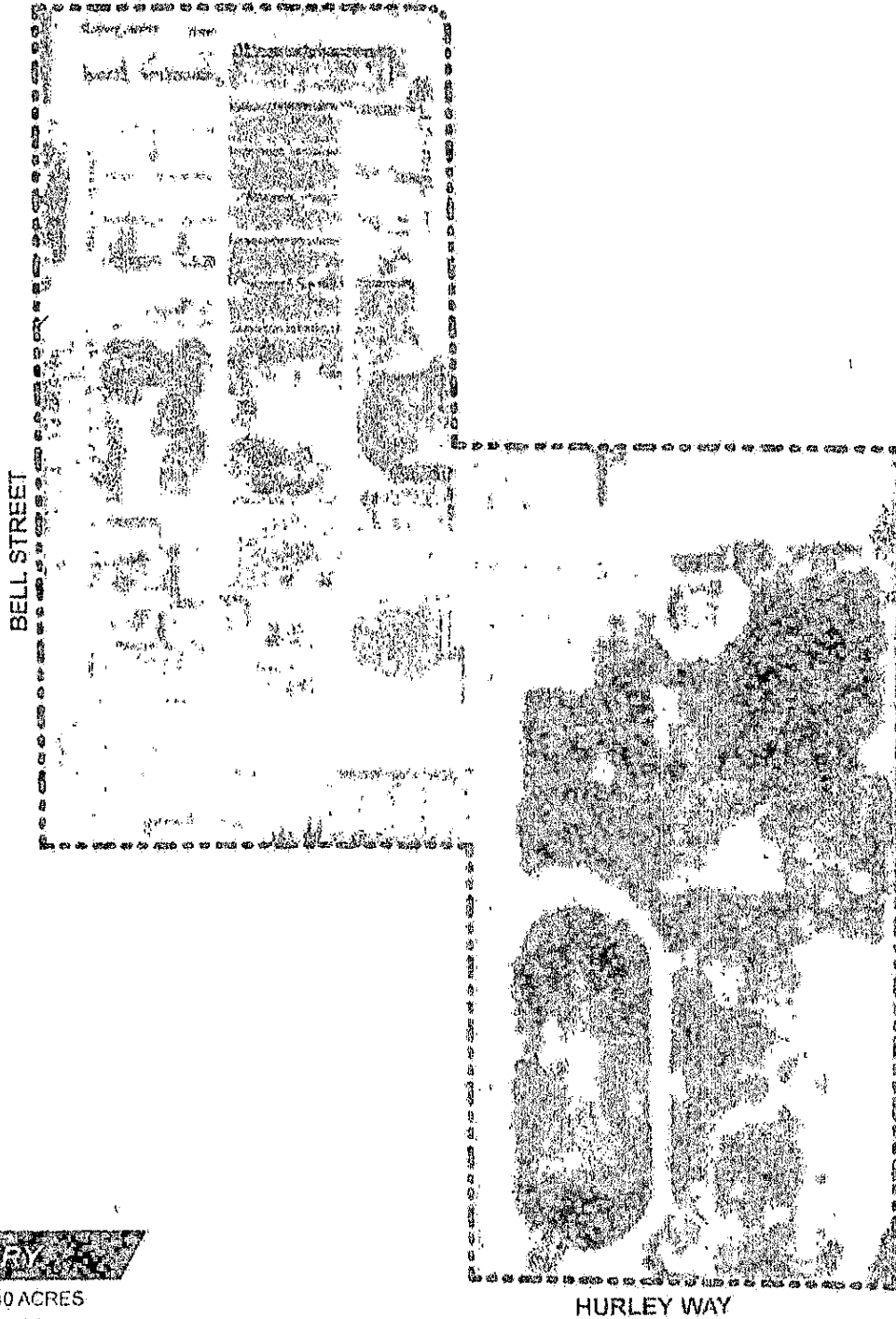
Further information about the comments made by participants can be found in the Community Outreach section of the FMP executive summary's appendix.

- planning and design should be done in the future.*
- Community Center**
- including sports facility
  - pool
  - cardio facility
  - house assets and Bridges
  - futuring spaces
  - performance space
  - joint use w/ parks rec
  - fields to enable and provide for needs!
- Academic Spaces**
- Incorporate breezeways as pods
  - covered but not enclosed
  - barn doors out
  - break down walls to increase sq. footage per classes
  - need multimedia/tech in classes
  - Science spaces!!
  - Learning Labs not square spaces.



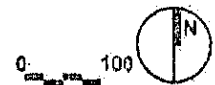
# EXISTING SITE AERIAL PLAN

Encina Preparatory High School  
1400 Bell Street, Sacramento, CA 95825



## SITE SUMMARY

TOTAL ACREAGE 40 ACRES  
SCHOOL SF. 152,686 SF  
YEAR BUILT 1959

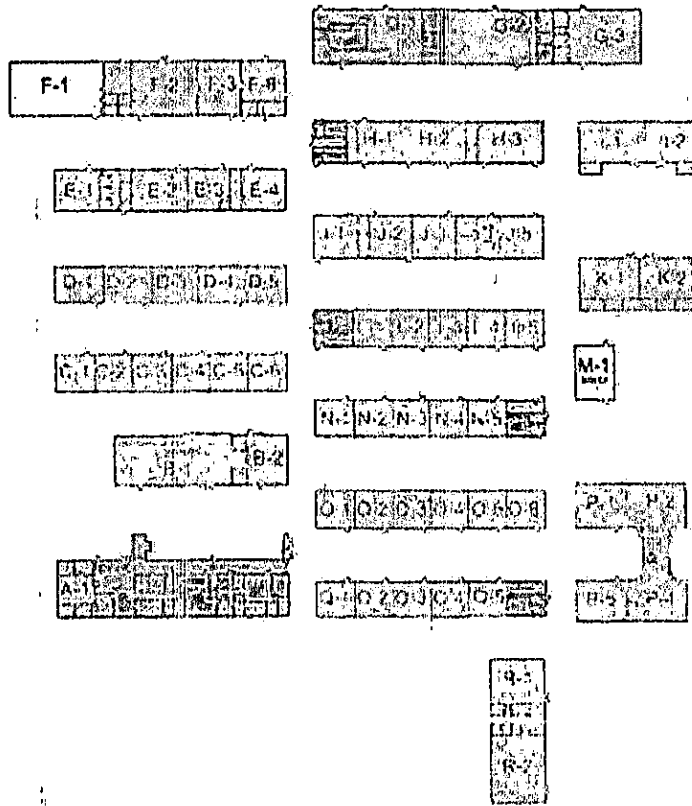
















# EXISTING FLOOR PLAN

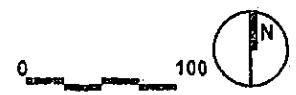
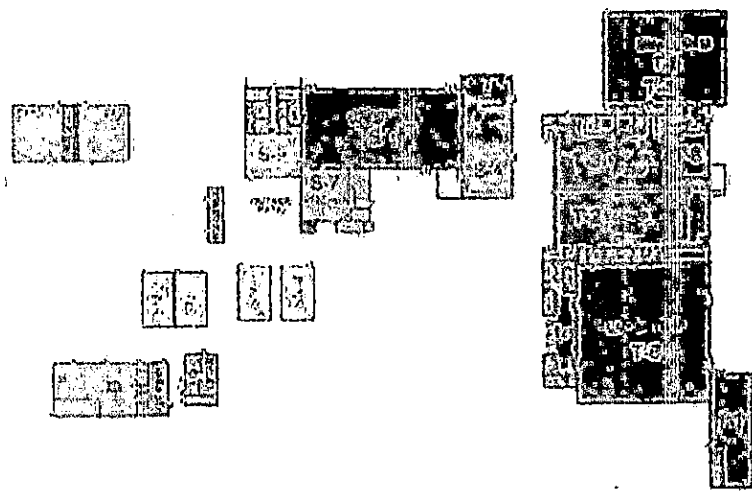
Encina Preparatory High School  
1400 Bell Street, Sacramento, CA 95825

FIRE LANE



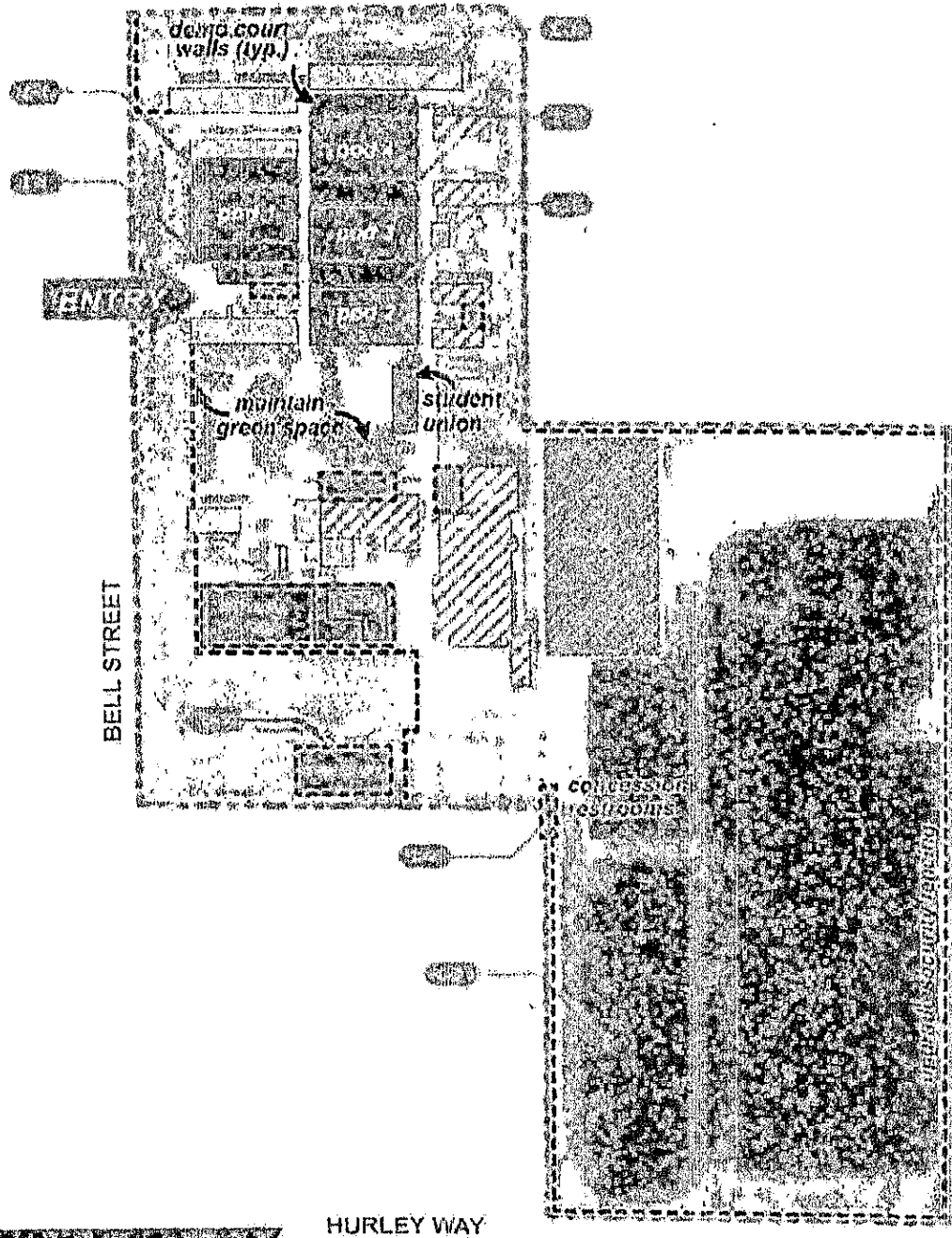
## EXISTING PROGRAMMING

-  Classroom
-  Science Classroom
-  Administration
-  Multi-purpose / Athletics
-  Building Support
-  Music / Art
-  Media Center
-  Computer Lab
-  Food Service
-  Special Education
-  CTE
-  Restrooms / Lockers



# PROPOSED MASTER SITE AERIAL PLAN

**Encina Preparatory High School**  
1400 Bell Street, Sacramento, CA 95825



## DESIGN PRINCIPLES

- C COMMUNITY**
- C-1 Community Fitness / Aquatic Center
  - C-2 New Wrestling / PE Room
  - C-3 Relocate Early Learning Center

- S SUSTAINABILITY**
- S-1 PV Package

- Co COLLABORATION**
- Co-1 Library Upgrade / Expansion
  - Co-2 21st-century Learning Environment Pod Redesign
  - Co-3 Expand / Modernize Science Building
  - Co-4 Reconfigure as Student Union

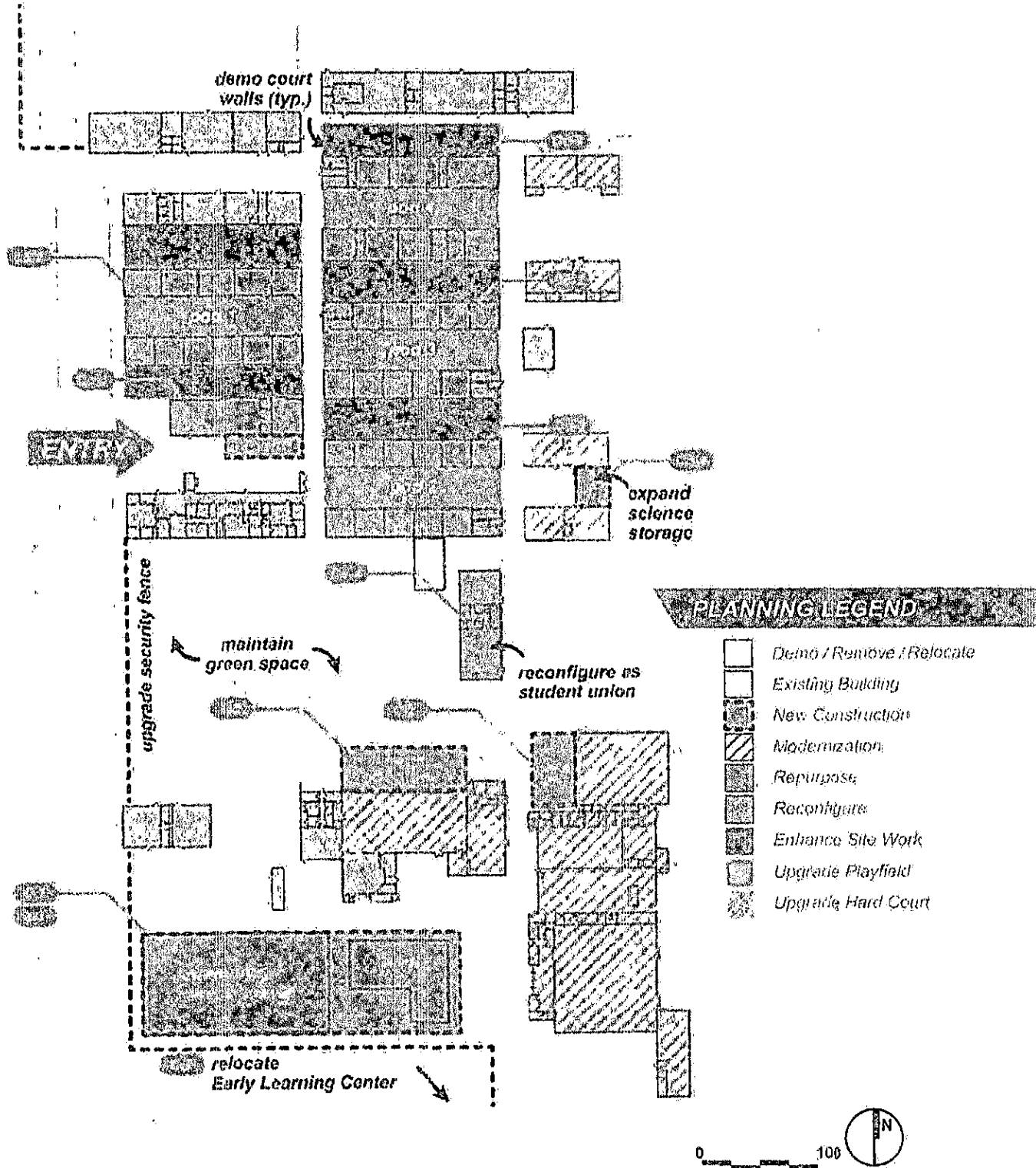
- L OUTDOOR LEARNING**
- L-1 Outdoor Access & Group Area Upgrades
  - L-2 Track & Field Turf Upgrade w/ Restroom & Concessions Building
  - L-3 Covered Dining Shade Structure



# PROPOSED MASTER FLOOR PLAN

## Encina Preparatory High School

1400 Bell Street, Sacramento, CA 95825



## PROPOSED MASTER PLAN PROJECTS AND COSTS

Encina Preparatory High School Master Plan Improvement Projects (MPIP)			
MP #	Project Description	Project Cost	
		Construction	Total
GROUP A (immediate priority)			
L-2	All-weather track and Field turf with concession/RR building (no lights or bleachers).	\$ 3,100,000	\$ 3,381,008
L-1	Outdoor access and group area upgrades	\$ 325,000	\$ 438,750
	<b>SUBTOTAL</b>	<b>\$ 3,425,000</b>	<b>\$ 3,819,758</b>
GROUP B (short-term priority)			
Co-1	Reconfigure Library/add Career Center/Counseling addition (3,000 sf)	\$ 1,860,667	\$ 2,511,901
Co-3	Modernize (level 2) and expand Science and storage (1500 sf)	\$ 838,875	\$ 1,132,481
L-3	Cafeteria shade structure (5000 sf)	\$ 457,500	\$ 617,625
	<b>SUBTOTAL</b>	<b>\$ 3,157,042</b>	<b>\$ 4,262,007</b>
GROUP C (long-term priority)			
C-2	Wrestling/PE Room (4000 sf)	\$ 1,690,000	\$ 2,281,500
C-1 / S-1	Community/Fitness Center (20,000 sf) with pool and PV package	\$ 10,725,000	\$ 14,478,750
C-3	Relocate Daycare center portables	\$ 65,000	\$ 87,750
Co-4	Reconfigure Classrooms/Music bldg. as Student Union.	\$ 1,560,013	\$ 2,106,018
	<b>SUBTOTAL</b>	<b>\$ 14,040,013</b>	<b>\$ 18,954,018</b>
	<b>TOTAL</b>	<b>\$ 20,622,055</b>	<b>\$ 27,035,782</b>



## ENCINA HIGH SCHOOL SITE SUMMARY

### WHAT DOES THIS ALL MEAN?

When developing a master plan for each school, a myriad of information and data is collected and analyzed to produce master plan drawings with identified project lists and costs. In order to understand the information provided within each school site summary it is important to clarify the process used and content provided to answer the question “What does this all mean?”

The **introduction page** provides general information about the school campus as it relates to location, size, enrollment and academic performance. Included is the school’s Academic Performance Index (API) score (based on a scale of 200–1,000), State Ranking against other schools based on the API score (on a scale of 1 to 10), and Similar Schools in the State Ranking (on a scale of 1 to 10) which takes into consideration demographics, improvement data and teacher characteristics. The positive or negative change in the API score over the last three years is also noted.

**Facility data** is provided with regards to the type, number and size of educational spaces, along with lists of projects completed and not completed. Measure J and “DSA non-certified” projects that may affect future facility work at the school.

**Enrollment projections and history** from 2004 to 2016 is shown for reference and as an indicator for future trends. In most cases, a vicinity map with school attendance boundary is included.

The **Assessment Summary** provides a written overview of the findings of the physical conditions of the campus and its buildings using only pre-established assessment criteria. Categories include: shell, interiors, services, equipment and furnishings, other building construction and site work. This summary is then followed by a **report card** that provides a letter grade for each category and an overall physical conditions grade for the campus.

The **Replacement Cost Index (RCI)** provides a quick glimpse of what it would cost to update and modernize an existing campus to a like-new condition without changes or additions. This number is then compared to what it would cost to replace that same campus, in the same size and basically same configuration on its current site. (The RCI calculations are not intended to be a specific project list, but to provide a measure of the magnitude of repair costs for the site compared to new construction.)

Comments collected at a **Community Forum** are also provided in the report, along with each school’s top priorities for improvement. These lists include “needs and wants” to repair the campus, along with ideas to enhance and transform the campus for 21st-century

learning. Each of the school’s top priority items are highlighted in red on the proposed project lists.

**Existing site and floor plans** are provided as a reference.

**Proposed master site and floor plans** show each campus as it could ultimately be developed through renovation, modernization, reconfiguration, repurposed facilities or new construction. Site-related projects are depicted on the proposed master site plan, while the proposed floor plan provides information about building development.

It is also important to note that proposed projects have been listed by the Guiding Principles for Design established by the District in the initial phase of the FMP. (Guiding principles are critical to the work of master-planning and school design. They prove invaluable as projects unfold, help leaders focus their work, and clarify important decisions when individual interests come in conflict with overall goals.) The four guiding principles – Collaboration, Community, Outdoor Learning and Sustainability – will provide ongoing design direction as SJUSD makes important educational, architectural, financial and community decisions.

All proposed master plans use a color-coded system with a corresponding legend for reference, including the following:

- Modernization, which refers to the renovation and repair of facilities based on three distinct levels: minor, moderate and major – levels 1, 2 and 3 respectively.
- Repurpose, which indicates spaces or rooms being converted to a new use.
- Reconfigure, which indicates a major modernization with moving and/or removal of walls for a 21st-century learning environment.
- New construction.
- Enhanced site work.
- Playfield updates.
- Hard-court updates.

**Proposed Project Lists and Costs** include the Facility Conditions Improvement Projects (FCIP), which are classified as repair projects to meet physical “needs”, and Master Plan Improvement Projects (MPIP), which are classified as major, new projects intended to enhance and transform the campus to primarily fulfill user “wants”. Both lists indicate three levels of priority for project classification (A-immediate, B-short term and C-long term), along with project construction and total project costs that account for soft costs such as fees, services, contingency, etc.



Encina Preparatory High School Facility Conditions Improvement Projects (FCIP)			
MP #	Project Description	Project Cost	
		Construction	Total
GROUP A (immediate priority)			
-	Add HVAC at Gyms	\$ 2,380,000	\$ 3,213,000
-	Hard court upgrades	\$ 328,874	\$ 443,980
-	Field upgrades	\$ 1,500,714	\$ 2,025,964
Co-2	Classroom modernizations (level 2) with exterior courtyard and 5,000 sf shade structure to create 21st century learning environment pods (level 3) (8 buildings/39 classrooms)	\$ 6,980,000	\$ 9,423,000
	<b>SUBTOTAL</b>	<b>\$ 11,189,588</b>	<b>\$ 15,105,943</b>
GROUP B (short-term priority)			
-	Cafeteria modernization (level 2)	\$ 735,576	\$ 993,027
-	Gym and Locker room modernizations (level 1)	\$ 1,875,000	\$ 2,531,250
	<b>SUBTOTAL</b>	<b>\$ 2,610,576</b>	<b>\$ 3,524,277</b>
GROUP C (long-term priority)			
-	Upgrade Black Box Theater (level 2)	\$ 857,840	\$ 1,158,084
	<b>SUBTOTAL</b>	<b>\$ 857,840</b>	<b>\$ 1,158,084</b>
	<b>TOTAL</b>	<b>\$ 14,658,004</b>	<b>\$ 19,788,305</b>
	<b>GRAND TOTAL ENCINA PREP</b>	<b>\$ 35,280,059</b>	<b>\$ 46,824,087</b>



## HOW DOES THE SCHOOL FUNCTION AND WHERE DOES THE SCHOOL GO FROM HERE?

Encina Preparatory High School serves 6th through 12th grades with SDC (Special Day Class) students on a traditional size 40 acre site. The school enrollment has been declining for many years on the site until the addition of a middle school component in 2011 and is projected to have just under 900 students in the future, making it the smallest High School in the District. Academically the school is over 200 points below the District and State average with an API of 576 in 2012, giving it a Statewide ranking of 1

Built in 1959, Encina Preparatory High School is one of the most challenged schools in the District. Serving students grades six through twelve it is located in Arden Arcade and has suffered declining enrollment. While a major shopping area for greater Sacramento is in close proximity, the area suffers from high infant mortality rates and is considered by some a food desert for those who reside there. In 2006 the school was reconstituted under the federal No Child Left Behind Act. It now has a new administration staff and teachers offering its students a focus on college readiness. Repurposed shop and classroom buildings house the vibrant nursing and dental programs.

Given local socio-economics, the master plan identifies building a community fitness center, to welcome and invigorate the neighborhood, replete with a pool, performance area for tutoring and a hangout space. Displaced early learning programs and daycare portables would then be moved to the southern edge of campus.

The athletic facilities at Encina are also in poor repair and inadequate for a high school. Given a lack of plumbing at the fields, new water fountains and a restrooms/concessions building should be added. Hard courts near the gym require significant improvement. Also the locker rooms need to be upgraded and a new wrestling room should be attached to the gym. Although no stadium is present or desired, a new all-weather track and field would be a great community asset.

Recent campus upgrades included a lovely 'greening' of the campus quad. The addition of a shade structure outside the cafeteria would help ensure students take full advantage of that outdoor gathering space and create indoor/outdoor connections.

Unfortunately, many of the areas including the courtyards, separating the classroom clusters currently leave much to be desired. Many have been completely paved over and others fenced off. Improving connections that allow these areas to become an extension of the classroom would greatly enhance learning and exploration. With thoughtful attention to design and detail, these same classroom clusters could also be combined, reconfigured

and/or redesigned as 21st-century learning environments. It is recommended that overhead shade structures be included in the design.

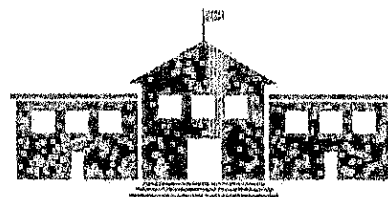
Ironically several science labs were removed in previous renovations. Given a shortage of science rooms and safe chemical storage, it is recommended that the science building be expanded and modernized. The library is undersized and is also in need of expansion and modernization.

## THE SITE AT A GLANCE

A numbered ranking of projects (i.e. 1, 2, 3) is not included within the scope of the master plan. Projects identified on the facility conditions improvement project list (FCIP) and the master plan improvement project list (MPIP) have been placed in three categories of priority (A, B and C) based on facility assessment, community input and prioritization committee criteria. Using criteria of prioritization, as determined by a District selected committee, and factors of immediate needs, equitability and specific projects identified in Measure N bond language, projects will be ranked and selected.



### Encina High School



D+

Overall Grade	1.34
RCI Modernization Costs	\$31,434,355
RCI Percentage	41.1%
FCIP Total Project Costs	\$19,788,305
MPIP Total Project Costs	\$18,954,018



San Juan

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5

6 Attorneys for Plaintiffs  
DANIELLE CREEDON and ALEX M. DAVIS

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SACRAMENTO

10 DANIELLE CREEDON, an individual and  
11 as a taxpayer on behalf of herself and the  
12 taxpayers of the San Juan Unified School  
13 District; ALEX M. DAVIS, an individual and  
14 as a taxpayer on behalf of herself and the  
15 taxpayers of the San Juan Unified School  
16 District,

17 Plaintiffs,

18 v.

19 SAN JUAN UNIFIED SCHOOL DISTRICT, a  
20 California Unified School District; DOES 1-  
21 50, inclusive,  
22

23 Defendants  
24  
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26  
27  
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Case No.: 34-2023-0333102

**PROOF OF SERVICE**

KASSOUNI LAW  
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**PROOF OF SERVICE**

I am employed in the County of Sacramento, State of California. I am over the age of 18 years and not a party to the within action. My business address is 455 Capitol Mall, Suite 604, Sacramento, California, 95814. On the date indicated below, I served the following via electronic mail originating from [gemma@kassounilaw.com](mailto:gemma@kassounilaw.com) to the e-mail addresses below, and via overnight delivery addressed as below by arranging for a FedEx courier pickup at my place of business:

**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR SUMMARY ADJUDICATION OF THE FIRST AND SECOND CAUSES OF ACTION OF THE FIRST AMENDED COMPLAINT;**

**PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR SUMMARY ADJUDICATION OF THE FIRST AND SECOND CAUSES OF ACTION OF THE FIRST AMENDED COMPLAINT;**

**PLAINTIFFS' SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF MOTION FOR SUMMARY ADJUDICATION OF THE FIRST AND SECOND CAUSES OF ACTION OF THE FIRST AMENDED COMPLAINT;**

**PLAINTIFFS' COMPENDIUM OF EVIDENCE IN SUPPORT OF MOTION FOR SUMMARY ADJUDICATION OF THE FIRST AND SECOND CAUSES OF ACTION OF THE FIRST AMENDED COMPLAINT;**

**DECLARATION OF TIMOTHY V. KASSOUNI IN SUPPORT OF MOTION FOR SUMMARY ADJUDICATION OF THE FIRST AND SECOND CAUSES OF ACTION OF THE FIRST AMENDED COMPLAINT;**

**DECLARATION OF DANIELLE CREEDON IN SUPPORT OF MOTION FOR SUMMARY ADJUDICATION OF THE FIRST AND SECOND CAUSES OF ACTION OF THE FIRST AMENDED COMPLAINT;**

**DECLARATION OF ALEX M. DAVIS IN SUPPORT OF MOTION FOR SUMMARY ADJUDICATION OF THE FIRST AND SECOND CAUSES OF ACTION OF THE FIRST AMENDED COMPLAINT**

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Counsel for Defendant  
San Juan Unified School District

5 emd@diepenbrock.com

6 Khai LeQuang  
7 Kristopher R. Wood  
8 Orrick, Herrington & Sutcliffe LLP  
9 2050 Main Street, Suite 1100  
10 Irvine, CA 92614

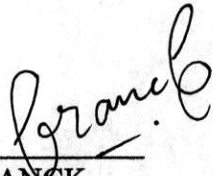
Co-counsel for Defendant  
San Juan Unified School District

11 klequang@orrick.com

12 kristopher.wood@orrick.com

13 I declare under penalty of perjury under the laws of the State of California that the  
14 foregoing is true and correct.

15 Executed at Sacramento, California, on October 30, 2023.

16   
17 \_\_\_\_\_  
18 GEMMA PAOLA FRANCK

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OF CALIFORNIA  
SACRAMENTO COUNTY

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DEANNA B. JOHNSON

Executed at Sacramento, California on October 30, 2023

Deborah A. Johnson

I declare under penalty of perjury under the laws of the State of California that the

information provided is true and correct.

Deborah A. Johnson

Deborah A. Johnson

2023 Main Street Suite 1100

Office Building & Warehouse Bldg

Deborah A. Johnson

Deborah A. Johnson

Deborah A. Johnson

Deborah A. Johnson

Deborah A. Johnson

Deborah A. Johnson

Deborah A. Johnson

San Juan Unified School District  
Co-Contract for Defendant

San Juan Unified School District  
Contract for Defendant

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Sacramento County 02/21/23  
023-0019-0010-0010  
KAYSONIA LVA