

**Rio Vista High School
River Delta Unified School District
School Facilities Improvement District Number 1
2007-2008 Solano County Grand Jury**

Reason For Investigation

The 2007-2008 Solano County Grand Jury received citizen complaints regarding the progress and costs of the school facilities improvement projects at Rio Vista High School, Riverview Middle School and D. H. White Elementary School in Rio Vista. Under the authority of Penal Code section 925, the Grand Jury elected to investigate the complaints.

Grand Jury Actions

- Interviewed Complainants
- Interviewed members of the Citizens Oversight Committee
- Interviewed member of the River Delta Unified School District Board of Trustees
- Interviewed Superintendent of the River Delta Unified School District
- Toured the three affected school sites and spoke with staff at each location
- Reviewed Solano County Grand Jury Reports from 2004-2005 and 2005-2006
- Reviewed Education Code section 15278 regarding Citizens Oversight Committee purpose and duties
- Reviewed agendas and minutes of the Citizens Oversight Committee
- Reviewed agendas and minutes of the River Delta Unified School District Board of Trustees
- Reviewed Exhibit A of the Bond project list
- Reviewed Change Order documents from construction projects
- Reviewed lease agreements for modular classroom buildings
- Reviewed River Delta Unified School District financial statements
- Reviewed Independent Auditor's Financial Reports for 2005 and 2006
- Reviewed Solano County Resource Management Department Inspection Report
- Reviewed Bond documents passed by voters at 2004 general election
- Reviewed news articles

Background/Summary

Rio Vista High School is situated in the eastern part of Solano County and is included in the River Delta Unified School District (School District). The School District is made up of nine schools, consisting of two high schools, one middle school, and six elementary schools in Solano, Sacramento, and Yolo Counties. Rio Vista High School, Riverview Middle School and D.H.White Elementary School are in Rio Vista. These Rio Vista Schools and those in the Isleton attendance area are included in School Facility Improvement District #1 (Improvement District #1) within the School District.

In the November 2004 general election, the voters of the School District passed Bond Measure U, which established Improvement District # 1. This provided for a \$14 million bond for the modernization and renovation of schools in the Improvement District. As only a small portion of the School District lies within Solano County, the Grand Jury concentrated its investigation on the progress of construction at Rio Vista High School.

Bond Measure U was submitted to the voters under provisions of Article XVI, section 18, of the California Constitution, which provides for a 55 percent vote of approval rather than the usual two-thirds majority required for passage of bond measures. To qualify for the 55 percent rule, strict requirements must be met. These requirements include:

- Two-thirds vote of the District Board of Trustees (School Board) to place the measure on the ballot
- Proceeds of bond sales must be used only for the construction, reconstruction, rehabilitation or replacement of school facilities
- A list of specific projects for the use of funds
- Establishment of a citizens oversight committee
- An annual financial report
- An annual performance audit

When Bond Measure U was placed before the voters, a detailed list of uses for the funds, identified as “Exhibit A,” was included in the ballot measure. At the Rio Vista High School, this list provided for the following uses:

- Renovate outdated restrooms and plumbing
- Improve handicapped access
- Replace heating, ventilation, and air conditioning systems
- Upgrade and modernize classrooms and support facilities
- Upgrade and renovate electrical systems
- Abate hazardous materials, including asbestos
- Make general site improvements
- Upgrade communications and fire systems
- Provide or purchase school furniture and equipment as needed
- Provide for temporary facilities for use during construction

The overall planning and progress of the use of Bond Measure U funds for rehabilitation in Improvement District #1 involves four groups: the School Board, the District Superintendent, the Citizens Oversight Committee and the Director of Facilities. The jury looked at each of these entities.

School Board

The School Board consists of seven elected members. The Board’s role is to provide leadership and set policy for the District’s schools. The Board works with the Superintendent to fulfill its major roles, which include establishing a long-term vision for the District, maintaining a basic organizational structure and ensuring fiscal accountability.

The School Board meeting minutes indicate that before April 2005, the Board had in place an approved Facilities Master Plan that included a list of priorities. Rio Vista High School was given the highest priority.

District Superintendent

The Superintendent is responsible for the administration of the schools in the District. The Superintendent reports to the School Board and implements Board policy. The duties include management of staff, budget, curriculum, student enrollment and overseeing the operations of the schools in the District.

On October 18, 2005, the Board retained an interim superintendent to fill a vacancy created by resignation. In March 2006, the Board appointed the interim superintendent to serve as superintendent and he continued to hold the position during this investigation.

Citizens Oversight Committee

A Citizens Oversight Committee was formed pursuant to State law. The Committee consists of District residents with varying backgrounds. The purpose of this Committee is to ensure all bond expenditures are for approved modernization or renovation projects in the Improvement District, as specified in Bond Measure U. Under Education Code Section 15278, the Citizens Oversight Committee is responsible for receiving and reviewing copies of the Annual Independent Performance Audit, Independent Financial Audit, inspection of school facilities and grounds and reviewing copies of deferred maintenance proposals or plans of the District. In addition, the Citizens Oversight Committee must issue an annual report to the School Board.

Director of Facilities

The Director of Facilities is responsible for the repair and maintenance of the facilities and any modernization. This would include plumbing, heating and air conditioning, electrical, structures and custodial. The Director reports to the Superintendent and gives regular progress reports at School Board meetings.

Phases of Construction

In early 2006, the School Board decided to reconstruct, rather than rehabilitate, the existing high school facility. This decision was based upon assurances from the District Superintendent that he could obtain matching grant funds from the State. At the time of its investigation, the Grand Jury found that no grant applications made by the District had been approved by the State.

Bids for the work were awarded in May 2007 with construction to begin soon afterwards. The construction project at Rio Vista High School began with renovation of the student parking area. Problems occurred during construction, such as improper paving over underground utilities, uneven surface grade levels and the inability to access the parking lot.

The next major phase was renovation of the Theater/Arts building, which includes six classrooms. The teacher and visitor parking area was started shortly afterward. The Theater/Arts building was completed and used in the Spring of 2008. Other than landscaping, the teacher and visitor parking area appears to be complete.

The next major project in the schedule is the renovation of the Industrial Arts building. At the time of the last visit by the Grand Jury in April 2008, this project had not been started. The Grand Jury requested but did not receive a schedule of the construction and completion plan for this or any other buildings.

Grand Jury Observations

During our initial visit in November 2007, the Grand Jury noted numerous areas of concern at the Rio Vista High School. The Grand Jury observed the following: some bathrooms were not operational; dangling electrical wires and unattached pipes were hanging from the ceiling; paint was peeling on the interior and exterior of the buildings; sidewalks and exterior stairs were broken and irregular; and there appeared to be a lack of routine maintenance at the campus. The pedestrian safety corridors were inadequate. Numerous modular classrooms were being used as temporary facilities. The Grand Jury was informed that the modular units were being paid for from General Funds, rather than from Bond Measure U, as provided in Exhibit A of the Bond project list. At the time of the April 2008 visit, the sidewalks had been improved and exterior stairs had been partially repaired.

A lack of communication and cooperation exists between the School Board, the Citizens Oversight Committee, and the Superintendent. The Citizens Oversight Committee did not receive information in time to make comments. Vacancies on the Committee are not filled in a timely manner. The Superintendent and the Director of Facilities did not respond to the Committee's requests for copies of invoices, financial and performance audits and other pertinent material. However, there were indications that the Citizens Oversight Committee may have raised issues beyond the scope of its assigned responsibilities to oversee bond expenditures, as stated in Education Code section 15278.

At the time of the Grand Jury's investigation, it appeared that the Superintendent and the School Board failed to ensure fiscal accountability. In addition, they relied on state grant funds that may or may not materialize. The decision to rebuild was based upon the assurance by the Superintendent that he could obtain these matching funds. Without the matching grant funds, there is a strong possibility the Bond Measure U funds will not be sufficient to complete the project. This appears to have been a primary reason for altering the original project plans for rehabilitation.

The School Board has a duty under the Education Code to provide the constitutionally required financial and performance audits to the Citizens Oversight Committee when requested. The Citizens Oversight Committee's Annual Report for fiscal year 2006-2007 notes its request for the performance audit information had not been provided. During our investigation, the Grand Jury learned that this information has still not been provided.

Findings and Recommendations

Finding 1 - Modular classrooms have been used since the start of construction. The money to lease the modular units has been coming from the General Fund, not the Bond Measure U fund, as provided for in Exhibit A of Bond Measure U.

Recommendation 1 - The River Delta Unified School District Board of Trustees should ensure that the modular units are charged to Bond Measure U fund money. The General Fund should be reimbursed for the cost of the modular units. These units should be removed as soon as they are no longer needed.

Finding 2 - At the time of this Report, there have been no matching grant funds from the State of California.

Recommendation 2 - If the River Delta Unified School District Board of Trustees determines that matching grant funds are not available, it should immediately pursue different avenues of funding.

Finding 3 - The Citizens Oversight Committee has not received information to which it is entitled. By statute, the River Delta Unified School District Board of Trustees must supply the Citizens Oversight Committee with necessary information, including the required financial and performance audits.

Recommendation 3 - The River Delta Unified School District Board of Trustees should provide the Citizens Oversight Committee with the financial and performance audits and other requested information as required by law.

Findings 4 - Vacancies on the Citizens Oversight Committee are not being filled promptly.

Recommendation 4 - The River Delta Unified School Board of Trustees should recruit and fill vacancies on the Citizens Oversight Committee as they occur.

Finding 5 - There were numerous safety problems affecting students, staff, and visitors at the school site caused by lack of maintenance and ongoing construction.

Recommendation 5a - Proper precautions should be taken in all areas affected by construction. As much work as possible should be performed during school year breaks.

Recommendation 5b - The River Delta Unified School District Board of Trustees should ensure that the facility is safe for students, staff and visitors during construction.

Finding 6 - There were problems with the student's parking lot due to a lack of planning.

Recommendation 6 - The River Delta Unified School District Board of Trustees should ensure that foreseeable complications are resolved before starting future projects.

Comments

This is the third Grand Jury that looked into the progress of the Rio Vista High School renovations. With the exception of the parking lots and the Theater/Arts building, nothing else has been completed. The Board of Trustees and the Superintendent have not been responding to the concerns of the public and the Citizens Oversight Committee. In addition, they have not responded to the Grand Jury request for a Performance Audit. The majority of the construction project remains unfinished; there may not be enough Bond Measure U funds to finish the project. The failure of this project might have an effect on future requests for community support.

One grand juror did not participate.

Affected Agencies

- River Delta Unified School District Board of Trustees
- Superintendent of the River Delta Unified School District
- Citizens Oversight Committee Improvement District #1

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- Sacramento County Board of Education
- Solano County Board of Education