

**INDEPENDENT CITIZENS' OVERSIGHT
COMMITTEE**



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August 18, 2004

Michael Turko
KUSI
4575 Viewridge Avenue
San Diego, CA 92123

Dear Mr. Turko:

On behalf of the Independent Citizens' Oversight Committee (ICOC) for Proposition MM, we are presenting you with the results of the independent investigation of school district fencing projects.

The following provides background on this issue:

- On June 15, 2004, the ICOC heard public comment from Mr. Tim D'Andreas regarding the fence at Alcott Elementary and the district's method of contracting, at which time the matter was referred to the Project Implementation Subcommittee.
- On July 12, 2004, the Project Implementation Subcommittee reviewed the issue, and on July 14, 2004, an ad hoc committee examined the fence at Alcott Elementary and examined the district's contracting method.
- On July 20, 2004, the ad hoc committee submitted its report to the full ICOC. The ICOC unanimously voted to accept the ad hoc committee's recommendation to remove and replace the remaining fencing at Alcott Elementary to improve school safety, security and aesthetics, and to be consistent with the intent of and work specified in Proposition MM as approved by 78 percent of San Diego voters in 1998. This report was provided to you on a previous occasion, but we have provided an additional copy. (See enclosure.)
- On July 29, 2004, the ICOC's construction consultant, Larry Goshorn of Colbi Technologies, contracted an external fence expert, Larry Johnston, president of South Bay Fence, to further audit other fence replacement projects. Mr. Johnston has more than 30 years of fence experience, owns a local business, serves on the Board of the California Chapter of the American Fencing Association, has testified in court on fence-related issues, and is highly respected in the local fence industry. Mr. Goshorn has 18 years of experience constructing and renovating California public schools and has served as the ICOC's technical consultant for nearly four years. Mr. Johnston and Mr. Goshorn, along with ICOC member Jonathan Tibbitts, visited two randomly selected sites as well as Sequoia Elementary, which you had specifically requested.
- On August 17, 2004, the full ICOC unanimously voted to accept the report and recommend that the school district proceed with fence replacement projects as planned. (See enclosure.) As you know, you were invited to attend and film the fence audit, as well as the Project Implementation Subcommittee meeting on August 2, 2004, and the full ICOC meeting on August 17, 2004, at which the report was presented. It is unfortunate that you did not attend the audit or any of these meetings.

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The ICOC is an 11-member watchdog group mandated by the bond measure to monitor Proposition MM implementation and expenditures. The members are local businesspersons, industry experts, civil engineers, architects and parents who voluntarily spend numerous hours reviewing Proposition MM projects and advising the Board of Education and the public of recommendations prior to expenditure of funds.

The ICOC took your and Mr. D'Andreas' concerns very seriously, promptly conducted an independent investigation, and reviewed specific fences that you had identified. While the results may not match your allegations, we are confident that the school district's fence replacement practices and method of contracting are fiscally responsible and within the intent of Proposition MM.

Recently, *City Beat* magazine printed an article in which you stated, "I've been wrong, and when I'm wrong I go on TV and say so." Considering that you have aired numerous segments and advertisements on this topic, we are hopeful that you will present these findings to your viewers in an accurate, unbiased and corrective report, and direct your viewers to the "Facts About Fence Replacement" website at which they can access the ICOC's reports, photos and accurate information about the fence replacement program (www.sandi.net/propmm/fences.html). We also request that KUSI cease any advertisements regarding this topic, as these do not convey the official findings and contain misleading information (e.g. advertisements indicate that \$20 million has been spent on fence replacement projects, when in fact \$15 million will be spent in total).

Sincerely,

Dorothy Leonard
Chair of the ICOC

Jesus Garcia
Chair, Project Implementation Subcommittee, ICOC

Enc:

ICOC Fence Report, August 17, 2004

Report from Alcott Elementary School Perimeter Fence Ad-Hoc Subcommittee, July 15, 2004

Proposition MM Fences Website

c:

Ron Ottinger, President, Board of Education, San Diego City Schools

Katherine Nakamura, Vice President, Board of Education, San Diego City Schools

John deBeck, Member, Board of Education, San Diego City Schools

Ed Lopez, Member, Board of Education, San Diego City Schools

Frances O'Neill Zimmerman, Member, Board of Education, San Diego City Schools

Alan Bersin, Superintendent, San Diego City Schools

Bob Kiesling, Chief Facilities Officer, San Diego City Schools

Steve Cohen, News Director, KUSI