

Legal
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May 3, 2019

Mays Kakish, Chief Business Officer
Riverside Unified School District
3380 14th Street
Riverside, CA 92501

Re: Measure O Riverside Unified School District

Dear Mays:

I have been asked by the staff of Riverside Unified School District (the "District") to respond to a letter from Mr. Jason Hunter dated February 25, 2019 (the "Letter"). In the Letter Mr. Hunter raised a concern regarding the legal authority to use Measure O bond proceeds to purchase property located at 7351 Lincoln Avenue for the expected use as a school site for the Casa Blanca neighborhood school.

Recall that I had the pleasure of speaking with Mr. Hunter and several other members of the Measure O Independent Citizen's Bond Oversight Committee (the "Committee") on March 11, 2019 during which hour-long conversation I outlined the legal authority to spend bond proceeds and as well as answered a number of members questions regarding the Committee Bylaws and the scope of the Committee's responsibilities.

To confirm the advice I provided during that call, the scope of legal authority to spend Measure O monies is the sum of the projects authorized by the 75-word ballot question for Measure O, plus the types of projects described in the Full Ballot Text of Measure O, plus all of the projects identified in the District's Facilities Master Plan, as it has been approved by the Board of Education on February 1, 2016. These references are additive, meaning that a project needs to be authorized by any one of the three project sources.

In reviewing Measure O, ample legal authority exists for the Board of Education to determine to acquire land with Measure O bond funds. The 75 word ballot statement authorizes the District to "construct, acquire, and repair classrooms, sites, facilities and equipment..." (Emphasis added) Further, the Bond Project List included in the voter pamphlet authorizes the District to "acquire land" and "construct new schools". Based on these provisions, there is no doubt as to the legal authority to acquire a school site for a Casa Blanca neighborhood school. The decision by the Board to exercise their powers in this regard is beyond the purview of the Committee.

Because of the clarity of Measure O on the topic of acquiring property from bond proceeds, the Letter's summary of remedies relating to alleged misuse of bond proceeds is not relevant to the legal analysis.

The Letter also refers to the Foothill-De Anza Community College District case. I happen to have been the bond lawyer handling that case for Foothill-De Anza. The Foothill case stands for the proposition that districts are granted great flexibility in spending their bond funds. The case held that bond funds can be used for any project that is of "type of project" approved by the voters. The case is not relevant to Riverside because Measure O specifically authorized money to use to buy land and construct schools.

In summary, (i) Mr. Hunter has quoted from various provisions of the Education Code and the State Constitution mistakenly, (ii) Measure O specifically approves land acquisition as a bond project, and (iii) there is no case to make against the District for waste or improper expenditure of bond proceeds.

If you or Mr. Hunter has any follow-up questions, please contact me.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "David G. Casnocha". The signature is fluid and cursive, with a long horizontal stroke at the end.

David G. Casnocha