

# DOCUMENT 8

**Emphasis Added By Grand Jury's Underscoring**

# Capistrano Unified School District

*Excellence in Education*

32972 Calle Perfecto, San Juan Capistrano, California 92675 Phone (714)496-1215/837-5181



BOARD OF TRUSTEES

January 31, 1990

FEB 2 9 23 AM '90

WALTER B. GUDE  
President

CRYSTAL  
LOCHENDORFER  
Vice President

MARLENE M. DRAPER  
Clerk

MICHAEL R. DEMSEY  
Member

PAUL B. HASEMAN  
Member

ED. TED KOPP  
Member

LEONARD  
NESTBERG, Ed.D.  
Member

DISTRICT ADMINISTRATION

BERNARD  
THORNSLEY, Ed.D.  
District Superintendent

WILLIAM O. ELLER, Ed.D.  
Assistant Superintendent,  
Instructional Operations

WILLIAM F. DAWSON  
Assistant Superintendent,  
Facilities & Services

LINDA KRONER  
Director  
Employee Relations

CAROLEE BAILEY  
Director  
Fiscal Services

ANGIE  
DERRA  
Secretary  
Office

Fair Political Practices Commission  
ATTN: Mr. Michael Kenney  
428 "J" Street, Suite 800  
P.O. Box 807  
Sacramento, CA 95804

Dear Mr. Kenney:

This letter is in reference to an election held May 9, 1989 by Capistrano Unified School District to form a Mello-Roos Facilities District. More specifically, it relates to communication you had with Dr. William Eller, Assistant Superintendent-Instructional Operations and Mr. Michael Grob, the attorney handling matters relating to our election. Apparently, the issue of concern relates to whether or not CUSD is (was) required to file with the Fair Political Practices Commission certain reports concerning expenditures made by the School District relating to the election.

Whether or not such reporting is legally required, our District is most happy to provide the Commission any information relating to our recent election, including costs we incurred. As a public agency all of this information is a matter of public record.

At this time, I would like to report generally on costs we incurred and for what purposes. By category expenditures were as follows:

1. Cost to conduct the election.....\$84,284.38

This cost was paid by CUSD to the Orange County Registrar of Voters who conducted the election on election day.

2. Consultants.....\$29,935.00
- Consultant costs generally involved conducting voter opinion polls, assisting CUSD with effective means of communicating with school constituents concerning the purposes for the election, acquiring computer tapes of registered voters, etc.
3. Postage.....\$ 1,308.00
- A certain number of informational flyers were mailed to voters informing them of the election and the purpose for which it was being held.
4. Telephones.....\$23,000.00
- CUSD had additional telephones installed at various schools to be used during the election. This was for the purpose of calling voters and reminding them to vote.
5. Printing.....\$ 136.31
- This cost was for covers for CUSD's school facilities report which was an informational document relating to the purpose for the election.
6. Shipping.....\$ 63.00
- This represents the cost of air mailing a computer tape of registered voters within CUSD.
7. Computer Tape.....\$ 197.69
- The cost to purchase from the Orange County Registrar of Voter office a computer tape of registered voters in CUSD.
8. Informational Booth Rental.....\$ 30.00
- CUSD manned an informational booth at a community fajita cook off to assist in informing voters of the Mello-Roos election.
9. CUSD Printing.....\$ 3856.53
- CUSD maintains its own print shop and this cost reflects internal costs to CUSD.

I wish to stress that in all the activities undertaken by CUSD, no printed or oral communication urged a "yes" vote by potential voters. The District made a concerted effort to inform voters of the purpose and importance of forming a Mello-Roos Facilities District and urged voters to get out and vote on election day.

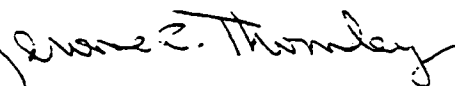
If you feel CUSD should have originally at the time of the election or now comply with any State law governing such election activities, our District would be most happy to do so. Simply let me know the steps to be followed.

Please be aware that during the election, in previewing many guidelines for conducting such elections and in conversations with legal counsel, it was never indicated to our District that under the circumstances we needed to file reports with the Fair Political Practices Commission. If we had been so notified, we obviously would have complied. Interestingly, I have recently telephoned a number of school districts in Southern California who have conducted elections during the past year and have yet to find one who has filed with the Fair Political Practices Commission.

You should be aware that during the election a group of citizens within our District formed a committee to raise funds and support the election. I know they raised approximately \$100,000 and, although I wasn't directly responsible for any of the activities of the committee, I know they formed a PAC and I believe met all the legal requirements for filing with the Fair Political Practices Commission. They obviously conducted a very aggressive campaign, including urging citizens to vote "yes."

Hopefully, this information will be of assistance to you. Please feel free to contact me personally if you have any questions or desire additional information.

Sincerely,



Jerome R. Thornsley  
District Superintendent

st

cc: Mr. Michael Grob