

EL DORADO UNION HIGH SCHOOL DISTRICT

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June 13, 2014

The Honorable Suzanne N. Kingsbury
Presiding Judge
El Dorado County Superior Court
1354 Johnson Blvd.
South Lake Tahoe, CA 96150

RE: Response to El Dorado County Grand Jury Report Number 13/14-05
IS THE PONDEROSA HIGH SCHOOL FOOTBALL FIELD DANGEROUS?

Dear Judge Kingsbury:

In accordance with California Penal Code §933 and 933.05, the enclosed response to the Grand Jury findings and recommendations is being provided by the El Dorado Union High School District.

An electronic "PDF" file of this response is also being emailed to you at scadmin@eldoradocourt.org and to Neil P. Cunningham, Foreperson, 2013-14 El Dorado County Grand Jury at Grand.jury@edcgov.us.

The District will be happy to provide any additional information as requested.

Sincerely,



Baldev Johal
Associate Superintendent
Business Services

enclosure

cc: ✓ Neil P. Cunningham, Foreperson, 2013-14 El Dorado County Grand Jury
Christopher R. Hoffman, Superintendent

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**EL DORADO UNION HIGH SCHOOL DISTRICT RESPONSE TO
EL DORADO COUNTY GRAND JURY, 2013-2014
REPORT NUMBER 13/14-05**

IS THE PONDEROSA HIGH SCHOOL FOOTBALL FIELD DANGEROUS?

Reason for the Report

A citizen complaint was received regarding dangerous depressions on the surface of the Ponderosa High School football field's 4-year-old artificial turf.

Background

In 2008, the voters of the El Dorado Union High School District (EDUHSD) approved Measure Q which would provide \$66.3 million in general obligation school bonds to renovate and modernize educational facilities in the district. The EDUHSD consists of nine schools, which include four comprehensive high schools (El Dorado, Oak Ridge, Ponderosa, and Union Mine), three continuation schools, one charter school and one community day school. All Measure Q funds were to be spent exclusively on school improvements - not on administrator or teacher salaries. The EDUHSD Board of Trustees created a Citizens' Oversight Committee (COC) to inform the public concerning the expenditure of bond revenues. The COC actively reviews and reports on the proper expenditure of taxpayers' money for school construction.

2013-2014 Grand Jury Actions

1. The Grand Jury inspected the football fields at El Dorado, Oak Ridge, Ponderosa, and Union Mine high schools.
2. The Grand Jury interviewed relevant staff at three high schools, relevant EDUHSD staff and a member of the EDUHSD Board of Trustees.
3. The Grand Jury met with representatives of Roebbelen, the general contractor involved in the installation of the artificial turf at Ponderosa's football field.
4. The Grand Jury interviewed FieldTurf, the contractor that installed the artificial turf.
5. The Grand Jury reviewed documents chronicling the events and communications regarding a drain trench remediation effort at Ponderosa during the installation of the football field's artificial turf.
6. The Grand Jury inspected the construction plans for Ponderosa's football field.
7. The Grand Jury reviewed the EDUHSD Consolidated Expenditure Reports and the COC's annual reports for Measure Q.

Grand Jury Findings

1. The cost of replacing the track and football fields with synthetic all-weather materials at El Dorado, Oak Ridge, Ponderosa, and Union Mine high schools was \$10,018,000.

The EDUHSD agrees with Finding 1.

2. At Ponderosa high school, the Grand Jury observed two rows of depressions on the football field's surface running the length of the field. These depressions are located near the middle of the field and parallel to the hash marks.

The EDUHSD partially disagrees with Finding 2 because it gives the impression that there are two regular rows of depressions running the length of the football field. The "depressions" actually fluctuate from a variance of zero to a variance of maximum $\frac{7}{8}$ " measured over a width of about six to ten feet.

3. The other football field installed by the same contractor, Roebbelen Construction, was within specified limits.

The EDUHSD agrees with Finding 3. The Ponderosa football field was also within specified limits when it was constructed.

4. Roebbelen representatives stated that the standard variance for artificial turf installation is $\frac{1}{4}$ " to level. Measurements were taken of the football field's depressions and it was found that the west hash mark depression has a variance up to $\frac{7}{8}$ ". The east hash mark depression is slightly less, but still outside of the $\frac{1}{4}$ " variance in many places.

The EDUHSD partially disagrees with Finding 4. The EDUHSD is not certain what the Roebbelen representatives stated to the grand jury or the context of the statements. The $\frac{1}{4}$ " specification refers to the tolerance limit of the field base before the Styrofoam cushion (brock) and the synthetic turf is installed on top of the base. It is important to note that there is between 2 $\frac{1}{2}$ to 3 inches of rubber in-fill material that is groomed into the synthetic grass.

5. The Superintendent stated the new field is better than the old grass field and that it would cost too much to fix the depressions. In a follow-up email, the Superintendent wrote that Ponderosa's football field is inspected each year by the artificial turf's company representatives, FieldTurf Company. The FieldTurf Company is aware of the depressions and has indicated that the depressions have not affected the field's warranty.

The EDUHSD agrees with Finding 5.

The old field was composed of "tall fescue" grass; a type of playing field surface popularly used on fields nationwide for many years. Fescue is a bunch-grass variety that tends to grow in clumps or bunches, which can leave bare spaces or divots between the clumps if not meticulously managed. Even with careful management, a bunch-grass field is naturally bumpy and the surface is much less regular than the artificial turf fields that Ponderosa and the other district high schools now enjoy.

The old grass field at Ponderosa safely hosted hundreds, perhaps thousands, of games despite the divots, despite a high crown that ran down the entire center of the field for drainage purposes and despite the overall drop of more than three feet from one end of the field to the other. The new field is flat and level, without divots or a crown, but with two slight depressions

running the length of the field with a variance fluctuating between zero to a maximum of 7/8" inches.

The EDUHSD would like to note for the record that officials from the California Interscholastic Federation (CIF) inspect the field prior to each game – this includes all football games and all boys' and girls' soccer games - and they have noted no safety concerns. In the past, CIF officials have required improvements to EDUHSD fields to meet their standards. Since the artificial turf fields were installed, CIF has approved the fields prior to each game, including the field at Ponderosa.

The EDUHSD invited officials from the Northern California Officials Association (NCOA) specifically to inspect the field area in question at Ponderosa and they found it to be in a safe condition.

During the initial installation of the synthetic turf, large pieces of turf are sewn together for maximum durability and longevity. In the event of a repair, large sections of the turf would have to be cut, more base rock inserted, and then the turf would have to be glued back together. Experience has shown that glued seams do not work as well and are more likely to come apart than those that are sewn together. The EDUHSD's concern is that making the repairs may end up creating a potentially more hazardous condition than the one it was designed to remedy. Furthermore, each turf section removed and replaced will be visible from the stands and will negatively impact the aesthetics of the playing field.

6. A member of the EDUHSD Board stated that the Board was advised of these depressions only after the initiation of this Grand Jury investigation. However, the Grand Jury learned that the district was notified three years ago about the field's depressions during the installation of artificial turf at Ponderosa's football field. At that time mitigation efforts were undertaken to address depressions that developed in the field's drainage trenches. The mitigation work that was done was to remove the existing crushed rock to a depth of 6" from all drainage trenches and replace it with larger 3/4" crushed angular rock. The construction plans for Ponderosa's football field showed that the drainage trenches are 24" in depth.

The EDUHSD partially disagrees with Finding 6. The EDUHSD and FieldTurf have continued to monitor the Ponderosa field (and the other High School fields) since they were constructed. The CIF also inspects the fields prior to each game. The EDUHSD has no reason to believe there are any safety issues at any of the fields. Therefore, no report to the Board was necessary.

During construction, four drainage trenches were built under the Ponderosa field, running its length. As the base and the FieldTurf material were being installed, the contractor noted that the rock in the trenches displaced slightly when heavy equipment drove over the trenches. Remediation efforts were undertaken to correct this displacement issue, which was not a "depression" problem. The top six inches of 3/4" rock in the trenches was replaced with a different type of 3/4" rock, which was more angular and tended to interlock better. The 3/4" rock was covered with smaller rock and experienced no displacement when the base was installed over it. After remediation, the field was within planarity tolerances, with no depressions.

7. Ponderosa High School staff indicated that students have tripped while using the field during school hours.

The EDUHSD disagrees with Finding 7. Neither the EDUHSD nor Ponderosa High School administration have received any report of students tripping or any other safety concerns on the field due to any depression or unevenness of the field surface. Student health and safety remain of primary importance to the EDUHSD, and the EDUHSD believes the new field provides a much improved and safer playing surface than the previous grass field.

Grand Jury Evaluation of Findings

Measure Q bond monies totaling \$10,018,000 were spent for the replacement of the track and football fields at the EDUHSD four high schools. Unfortunately, the depressions in the surface of the Ponderosa football field are a constant reminder to the taxpayers that they are paying for a potentially dangerous football field and nothing has been done to make it right.

The Grand Jury is concerned about the field's condition, as it presents a significant safety and liability issue to the school district and its taxpayers. As time passes, the depth of these depressions in the football field may increase and create an even larger safety and liability issue.

Response to Evaluation of Findings: The EDUHSD strongly disagrees with the Grand Jury's Evaluation of Findings. The EDUHSD has no reason to believe that the "depressions" constitute a safety hazard. The deflection is slight and is spread over a fairly wide area. The EDUHSD is concerned that the Grand Jury would reach such a conclusion without explaining the basis for its finding or the qualifications of those providing this opinion.

The EDUHSD has received no reports of any accidents, tripping incidents or any other safety issues associated with the condition of the field surface. In fact, the existing surface is a good deal smoother and more level than the old field and therefore safer than the bunch-grass turf that existed at Ponderosa and the other district high schools for many years. The EDUHSD and FieldTurf have continued to monitor the condition of the fields at all district high schools and the CIF inspects the fields before each game. Representatives of the NCOA inspected the field on April 28, 2014, and reported, "We inspected the field yesterday and we do not believe, at this time, it presents a safety problem. Further, I do not have any records reflecting any safety concern noted by any referee last year (nor am I aware of any referee concerns in the years 2009 to present)."

The EDUHSD takes its responsibility for student safety very seriously and has provided some of the safest playing fields in existence for its students.

Grand Jury Recommendations

1. The Grand Jury recommends the EDUHS District arrange a meeting within sixty (60) days from the publication of this report. Representatives from all involved parties are to work out a remediation action plan to fix the field depressions.

This meeting should include at least the following parties:

Roebbelen Construction, Project General Contractor

Beales & Alliance, Project Architects

Joe Vicini, Inc, Project Grading Contractor

FieldTurf Company, Turf Installation Contractor

Representatives from Ponderosa High School, and EDUHSD

Response to Recommendation #1: The recommendation has been implemented. The EDUHSD has met with the parties involved in the design and construction of the Ponderosa track and field, in order to evaluate and discuss the condition of the field, in an effort to clarify the Grand Jury's findings. An electronic 3D image of the field will be prepared by the contractor with the use of lasers to fully assess the current condition of the field. The EDUHSD will use this information to monitor changes in the condition of the field and in potential discussions with safety experts, if such discussions appear necessary in the future.

2. The Grand Jury expects that within 60 days of the meeting the EDUHSD will report back to the Grand Jury with a plan including accountable parties, deadline dates and status update.

Response to Recommendation #2: The recommendation requires further analysis. The cause of the field's surface deflection is unclear and therefore establishing the accountable parties will be expensive (from a legal standpoint) and difficult at best. The EDUHSD will continue to monitor the field in conjunction with the contractor and others.

3. The Grand Jury recommends that the cost of this repair work not be paid with Measure Q monies, nor borne by the EDUHSD and its taxpayers.

Response to Recommendation #3: The recommendation requires further analysis. See response to recommendation #2. The existence of a dangerous condition has not been established. The recommendation also fails to acknowledge statute of limitation issues, the potential cost/benefit analysis of spending EDUHSD funds in pursuing legal claims against the other parties and the fact that the field has already reached five years of its ten year projected useful life.

4. The Grand Jury recommends that the EDUHSD adopt a policy to ensure that completed capital projects are reviewed for proper standards and contract compliance.

Response to Recommendation #4: This recommendation will not be implemented because it is not warranted. The EDUHSD carefully reviews every capital project for proper standards and contract compliance. In this case, the final project complied with the design standards and with the contract at the time of completion. The EDUHSD, in conjunction with contractors and others, will continue to monitor the condition of the Ponderosa field, and will have further inspections completed as needed to assure the safe condition of the field.

Responses:

This Report has been provided to the El Dorado Union High School District Board for their review and response.

Responses to both findings and recommendations in this Report are required by law in accordance with California Penal Code §933 and §933.05. Address responses to:

The Honorable Suzanne N. Kingsbury, presiding judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

The Presiding Judge of the El Dorado County Superior Court additionally requests that the responses be sent electronically as a "Word" file or "PDF" file to facilitate the economical and timely distribution of such responses. Please email responses to the El Dorado County Grand Jury at:

scadmin@eldoradocourt.org