

**Investigation Report  
for  
Fort Bend ISD Board of Trustees**

**Regarding the Bond 2023 Natatorium Project**

September 22, 2024

**Prepared by:**

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## I.

### **INTRODUCTION AND EXECUTIVE SUMMARY**

The Fort Bend ISD Board of Trustees voted to authorize this investigation on July 22, 2024, in light of allegations that certain District stakeholders felt misled about the scope of the Natatorium project approved under Proposition C of the November 2023 Bond election (“Project”). By all accounts from both current and former FBISD administrators involved in the planning of the 2023 Bond Program, the Project was always intended to be a second practice facility, similar to existing Aquatics Practice Facility on the west side of the District. Yet, some have alleged that the administration led voters to believe that the Project would be similar to the District’s Don Cook Natatorium (“Don Cook”).

The purpose of this investigation is to determine whether evidence exists that the FBISD administration intentionally confused or misled voters regarding the Project. This investigation did not uncover evidence that the administration acted with an intent to deceive the public. However, the preponderance of evidence supports a finding that the administration did not adequately communicate to the Board or the public that the Project would be a replica of the District’s existing Aquatics Practice Facility. The lack of clear messaging, including varying wording used in the District’s public communications, led some voters to reasonably believe the Project would be similar to Don Cook.

## II.

### **SCOPE OF THE INVESTIGATION**

In conducting this investigation, I had discussions or written communications with the following individuals:

- Rashid Khokhar, FBISD Bond Oversight Committee member
- Helen (“Chips”) Adams, FBISD Bond Oversight Committee member
- Stephanie Means-Brown, FBISD Bond Oversight Committee member
- Beth Martinez, FBISD Deputy Superintendent/Chief of Staff
- Sherri Williams, FBISD Director of Strategic Communications
- Damian Vilts, FBISD Chief Operations Officer
- Steve Bassett, former FBISD Deputy Superintendent

- Carolina Fuzetti, former FBISD Director of Design & Construction
- Dr. Christie Whitbeck, former FBISD Superintendent
- Ronna Johnson, CEO, edVantage Strategy Group
- Various current and former FBISD Trustees, individually

I also reviewed various documents, including the following:

- Working files and documents related to 2023 Bond communications
- FBISD Design and Construction documents related to Natatorium project
- Agendas, minutes and presentations for FBISD Board of Trustees meetings
- Agendas, minutes and presentations for FBISD Bond Oversight Committee meetings
- Emails to and from FBISD employees, BOC members, edVantage Strategy Group and other individuals related to 2023 Bond election, bond communications and Natatorium project

### **III.**

#### **PROJECT PLANNING FOR THE “NATATORIUM”**

The District currently has two indoor swim facilities: Don Cook, completed in 1998, and the Aquatics Practice Facility, completed in 2011. Rapid growth over the years has led to a shortage of swim facilities sufficient to accommodate the District’s aquatics program, which includes swimming, diving and water polo. Over the years, the District has leased swim space from third-party entities to ensure access to pool facilities for its aquatics teams. According to multiple FBISD administrators and trustees, students and families have been required to travel substantial distances for daily practice, and the logistical burden has resulted in decreased participation in the District’s aquatics programs.

While the Aquatics Practice Facility has been used for both practice and competitions, it is smaller than Don Cook, and does not have indoor reception or seating areas for spectators and parents. For competitive events, the Aquatics Practice Facility’s overhead garage-style door walls are opened to the outside, and parents and teams set up outside using their own chairs and shade canopies. The limited number of bleachers inside the Aquatics Practice Facility are reserved for swimmers, not spectators. Additionally, unlike

Don Cook, the Aquatics Practice Facility does not have a contained indoor air processing and dehumidification system.

The District had hoped to include funding for an additional swim facility in its 2018 bond election. In order to limit the size of the bond proposition, however, a swim center was not included. According to Dr. Whitbeck, an additional district-owned swim facility was needed to accommodate the District's growth and to provide students on the southeast side of the District with equitable access to pool facilities. For its third swim center, the District's administration planned to replicate the District's westside Aquatics Practice Facility, not Don Cook. This fact was confirmed by Dr. Whitbeck, former Deputy Superintendent Steve Bassett, and former Executive Director of Design and Construction, Carolina Fuzetti.

In 2021, Fuzetti asked PBK Architects to prepare a Project Cost Worksheet estimate for an additional "Aquatics Practice Facility," along with other potential major projects planned for the District's next bond election. According to Fuzetti, PBK's preliminary cost estimate included scope and spaces that the District did not have in its existing Aquatics Practice Facility, such as seating for 300 spectators, a weight room, and a spectator/parent reception area. Fuzetti accordingly set the Project budget lower than what PBK had estimated, in order to align the budget with the administration's intended scope for the Project. Fuzetti and others on her staff confirmed the District's intent to retain Kirksey Architects, the same architect firm that designed the existing Aquatics Practice Facility, to replicate the design for the new Project.

The District's published "Capital Plan" document used the term "Natatorium," as the Project title. The same is true for the election order adopted by the Board of Trustees, the bond information published to voters, and the official election day ballot proposition. The exact origin or reasoning for use of the term "Natatorium" as the Project's title, as opposed to "Aquatics Practice Facility" is unclear. Those asked provided varying and speculative answers. Some believed other departments were responsible for first using the word. Several witnesses maintained that the term "natatorium" is the accurate title for an indoor pool project, pointing out the term is commonly used by other school districts to describe their indoor pool facilities. Regardless of the source or reason, it appears the Project was referred to as the "Natatorium" in public-facing documents. In internal planning documents and meetings, however, both Fuzetti and Damian Vilts (FBISD's Chief Operations Officer) recalled the project being known as the "Aquatics Practice Facility." This inconsistency is illustrated in Figures 1 through 3 below:

**Figure 1:  
June 2022 version of Draft Capital Plan for Bond**

Bond 2022 – DRAFT Capital Plan – As of June 2022		
<b>DESIGN &amp; CONSTRUCTION</b> <span style="float:right"><b>\$1.064B</b></span>		
Major Projects	Elementary School 55 (North West)	\$46M
	Fernell Henry Renovations & Additions - ES 56 (South East)	\$18M
	New Middle School 16	\$82M
	Briargate Re-Build	\$47.2M
	Mission Bend Re-Build	\$47.2M
	Clements HS Re-Build	\$222.8M
	Natatorium	\$22.9M
	Transportation Facility	\$19.2M
	<b>Sub-Total Major Projects</b>	<b>\$05.3M</b>
Facility Deficiencies & Life Cycle Needs, Educational Adequacy Deficiencies	\$558.9M	
<b>SAFETY &amp; SECURITY</b> <span style="float:right"><b>\$5.6M</b></span>		
Security Cameras	\$3M	
Police Vehicles	\$1.02M	
Floor Mounted Door Locks	\$200K	
Standardized Weapons and Response Kits	\$200K	
Emergency Notification System	\$175K	
Safety and Security Contingency	\$1.05M	


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**Figure 2:  
2021 PBK Project Cost Estimate Worksheet**

Fort Bend Independent School District New Aquatics Practice Facility Project Cost Worksheet		
<b>Total Construction Cost</b>		<b>\$19,686,000</b>
Construction Non-Contract Cost:	6.0%	\$1,181,160
Furniture & Equipment:	3.5%	\$689,010
Technology:	3.5%	\$689,010
A & E Fee:	6.0%	\$1,181,160
<b>Total Project Cost - 2022</b>	<b>8%</b>	<b>\$25,300,447</b>
<b>Total Project Cost - 2023</b>	<b>7%</b>	<b>\$27,071,479</b>
<b>Total Project Cost - 2024</b>	<b>6%</b>	<b>\$28,695,767</b>
<b>Total Project Cost - 2025</b>	<b>6%</b>	<b>\$30,417,513</b>
<b>Total Project Cost - 2026</b>	<b>6%</b>	<b>\$32,242,564</b>
<b><i>The following items are included in the estimated Project Cost:</i></b>		
• 50 meter pool with pre-engineered steel structure, operable doors, restrooms, locker rooms, 300 spectator seats, storage room, pool equipment room, administration area containing manager and coaches' suites, weight room, vending area, and reception space.		\$18,900,000
• Parking Lot		\$400,000
• Design and Estimating Contingency		\$386,000
<small>1. Costs shown are estimated costs and have assumed estimated projected inflation rates using various construction industry data.                  2. All non-contract, FF&amp;E, technology and other soft cost percentages are estimated from most recently completed projects of similar scope and size.                  3. Costs shown on this sheet exclude required property purchases and unknown site infrastructure considered not typical to a typical green field site.</small>		

**Figure 3:  
Excerpt from Administration’s 2023 Bond Update to Board of Trustees  
February 5, 2024**

Variance in Initial Major Project Bond Plan				
Major Projects (\$M)	All-In Original Bond Budget	Assessment		
		Budget w/ Consultant Info	Delta	Percent
Briargate ES Rebuild	\$ 47.3	\$ 61.1	\$ (13.7)	29%
Mission Bend ES Rebuild	\$ 47.3	\$ 61.1	\$ (13.7)	29%
Clements HS Rebuild	\$ 222.8	\$ 249.9	\$ (27)	12%
Ferndell Henry Reno & Adds	\$ 18.0	\$ 18.0	\$ -	0%
Middle School 16	\$ 82.0	\$ 106.5	\$ (24.5)	30%
Elementary School 55	\$ 46.1	\$ 55.8	\$ (9.7)	21%
Aquatic Practice Facility	\$ 22.9	\$ 27.4	\$ (4.5)	20%
Transportation Facility	\$ 19.2	\$ 19.7	\$ (0.5)	3%
	\$ 505.6	\$ 599.3	\$ (93.6)	19%



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At the October 20, 2022 meeting of the District’s Bond Oversight Committee (BOC), the administration made a presentation regarding the need to include a new aquatics facility in the potential 2023 bond election.<sup>1</sup> The committee discussed two potential locations for a potential “Natatorium” project: the Marshall High School campus site, and the proposed new Middle School 16 campus site. The administration shared data showing the drive times and distances of each of the two proposed locations relative to other FBISD high schools. The data and meeting minutes demonstrated that the Middle School 16 site would benefit more campuses than the Marshall High School site. The minutes do not reflect any discussion of the size or physical features of the proposed project. However, Fuzetti presented a slide showing a test fit of the proposed aquatics facility at the same site being considered for Middle School 16. The proposed building footprint shown to the BOC was the same as the District’s already existing Aquatics Practice Facility.

According to BOC member Stephanie Means-Brown, she understood, based on the size of the building Fuzetti presented to the BOC that the Project would not be a replica of the larger Don Cook. BOC member Chips Adams had also assumed the new facility would be a practice facility based on the discussions about the need for student access to practice facilities. BOC member Rashid Khokhar recalls the focus of the BOC’s discussion centering around the best location for the Project; however, he did not have any predetermined notions of the Project’s scope, other than understanding it to be an indoor pool. None of the BOC members interviewed for this investigation recalled any discussion or inquiry regarding the

<sup>1</sup> See BOC Minutes and Presentation Materials available at:  
<https://www.fortbendisd.com/site/default.aspx?PageType=3&ModuleInstanceID=203362&ViewID=7b97f7e-d-8e5e-4120-848f-a8b4987d588f&RenderLoc=0&FlexDataID=190555&PageID=103972>

proposed size, scope or physical features of the Project prior to the May 2023 election, and none recalled the administration making any representations to the BOC about which of the District's two already existing aquatics facilities the new Project would resemble.

In interviews with current and former trustees as part of this investigation, their expectations and assumptions prior to the May 2023 election were likewise varied. One former trustee believed the Project would be a "practice facility." This was based on her recollection of public discussions focusing on the need for an additional pool facility for students to practice. Her understanding was not based on any specific discussions regarding the Project's proposed design. All other trustees with whom I spoke characterized their assumptions and expectations as leaning towards a facility similar to Don Cook. This was largely based on the fact that the District had named its existing swim facilities differently, naming the larger Don Cook facility as a "Natatorium" while naming its smaller facility an "Aquatics Practice Facility." Yet no trustee recalled the administration representing that the Project would be a facility similar to Don Cook. Based on a review of Board meeting videos and minutes, there is no record of a public discussion regarding the Project details prior to the May 2023 bond election.

#### **IV.**

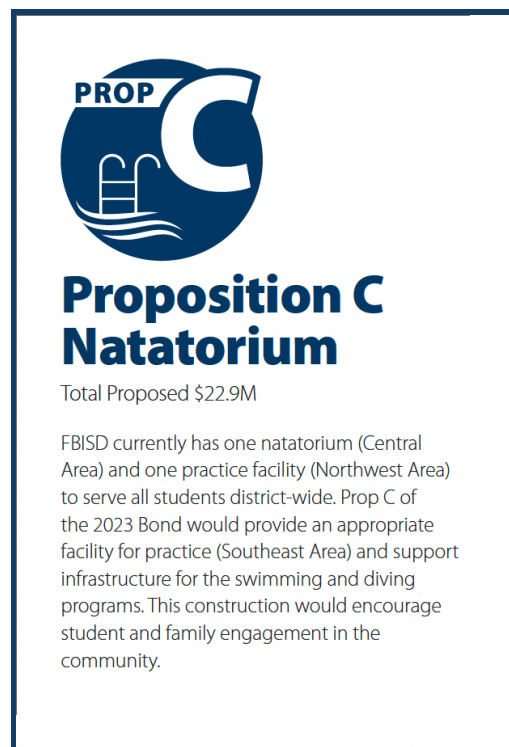
#### **PUBLIC COMMUNICATIONS RELATED TO PROPOSITION C**

In or around the time the Board ordered the 2023 bond election, the District retained Ronna Johnson of edVantage Strategy Group, to assist with developing public communications about the 2023 bond election. According to Johnson, the administration was uncertain what the final dollar amount or components of a proposed bond election the FBISD Board would support until the days preceding the final legal deadline for the Board to order a May 2023 bond election. Until the week preceding the deadline to call the election, it was uncertain whether the proposed bond order would include Proposition C. According to Johnson, once the Board ordered the bond election on February 16, 2023, Johnson and the administration began what Johnson described as an accelerated group effort to prepare detailed messaging regarding the proposed bond. Johnson described working closely with the District's executive leadership team, including Dr. Whitbeck, Bassett, and Fuzetti, as well as with the District's communication staff and legal department in developing the bond messaging. The initial effort required the team to simplify a large volume of facilities and construction details into public-facing communication materials, presenting anticipated projects by type, campus and feeder patterns, along with dollar amounts allocated for the various categories. Current and former administrators all recalled spending the vast majority of time and effort preparing, reviewing, and vetting information and communications related to the Proposition A projects, specifically the Clements High School rebuild, the elementary rebuilds/consolidations, and the large number of life cycle deficiency projects throughout the District. A review of thousands of pages of email communications and documents generated between February and May 2023 confirms this fact. The collective evidence

supports a finding that, compared to Proposition A, the administration and communications team spent very little time focused on communications regarding Proposition C.

On February 28, 2023, one week after the Board voted to call the 2023 Bond election, the administration developed what appears to be the earliest version of an informational summary for the public. The evening before a scheduled presentation to the Fort Bend County Chamber, Kristoffer Smith (formerly part of the FBISD Communications staff) distributed an electronic version of the proposed flyer to Dr. Whitbeck and Bassett, with various others copied on the email.<sup>2</sup> In this initial iteration of a Bond 2023 information sheet, the Proposition C Project was described as “an appropriate facility for practice (Southeast Area),” as shown in Figure 4:

**Figure 4:  
Proposition C Description on February 28, 2023 Bond Information Flyer**



During late February and March 2023, the District’s leadership team and communications staff worked with Johnson to develop a uniform master messaging document and Frequently Asked Questions (“FAQ”) document addressing all aspects of the

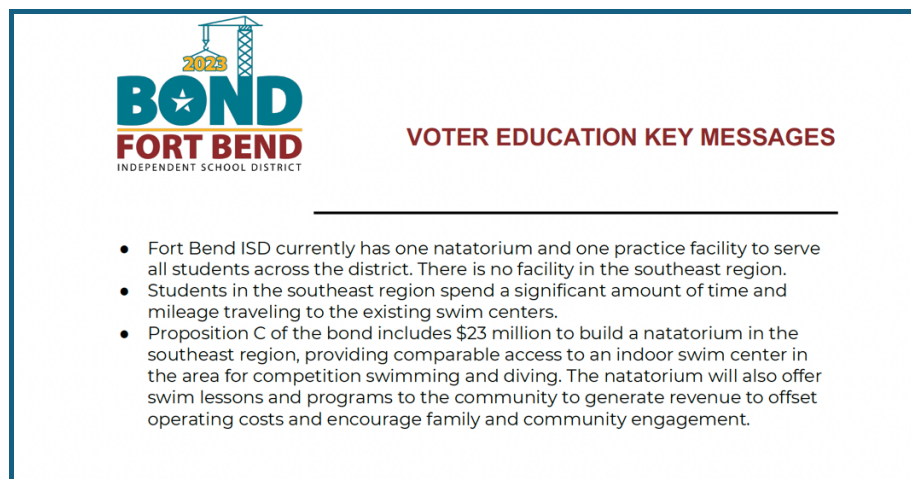
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<sup>2</sup> See Appendix 1, February 28, 2023 email with FB County Chamber Presentation



proposed bond election. On March 1, 2023, Williams sent an email to Katie Anselmo, the FBISD Aquatics Manager, to verify the factual accuracy of proposed draft messaging points related to Proposition C – namely, that the facility would be used for competitions and community events.<sup>3</sup> On March 23, 2023, the FBISD Communications staff disseminated a proposed final “Bond Overview Script” for an informational You Tube video about the bond, as well as a master messaging document containing agreed upon “Voter Education Key Messages” related to the Bond election.<sup>4</sup> The document appears to have received final review and approval by multiple District leaders, including Dr. Whitbeck, Bassett, as well as internal legal review. The agreed upon messaging language related to Proposition C is set forth below in Figure 5:

**Figure 5:  
Approved Messaging for Proposition C from Master Communications Document**



In late March, 2023, the FBISD Communications Department also disseminated written “Bond Presenter Q&A Responses” to FBISD staff and trustees, to assist them in conducting informational sessions about the upcoming bond election throughout the community. This document also served as basis of the public-facing FAQ document posted on the District’s Bond 2023 website. According to Williams, she and Bassett were heavily involved in developing the Bond Presenter Q&A Responses document. On March 29, 2023, Williams reviewed and made additional minor revisions to the document, and returned the document to Bassett.<sup>5</sup> The FAQ language for Proposition C is shown in Figure 6 below:

<sup>3</sup> See Appendix 2, March 1, 2023 email between Williams and Anselmo

<sup>4</sup> See Appendix 3, March 2023 email with Bond Overview Script and Messaging Document

<sup>5</sup> See Appendix 4, March 29, 2023 email from Williams to Bassett with revisions to Bond Presenter FAQs

**Figure 6:**  
**Excerpt from March 2023 Bond Presenter Training Q&A/Website FAQs**

**Why is a swim center included in the bond?**

Proposition C will provide \$22.9 M for a competition swim center (*natatorium*) on the southeast side because the area does not have a facility and student athletes in that section are spending significant time and mileage traveling to the district's other two swim centers to train and compete.

Fuzetti, who herself has children who participate in competitive swimming, reported that she shared her concern with Bassett that calling the Project a “Natatorium,” rather than “Aquatics Practice Facility,” along with the other messaging language, would mislead the public into expecting a facility similar to Don Cook. Fuzetti claims she voiced her concerns to Bassett on multiple occasions, including in the presence of other District employees, but that Bassett was dismissive of her and told her to “drop it” and “leave it alone.” Bassett denies any such discussions, and claims he would not have responded to Fuzetti in such a manner. No other witnesses involved in the internal Bond planning or communications meetings recalls hearing the exchanges described by Fuzetti.

Damian Viltz (FBISD Chief Operations Officer) explained that upon seeing the Project called a “Natatorium” and other public-facing language regarding the Proposition C project, he also was confused, because he had always understood the Project to be a second Aquatics Practice Facility. According to Viltz, he sought clarification from Fuzetti, who confirmed the Project would, in fact, be another practice facility. Beth Martinez, FBISD Deputy Superintendent, also recalled being told by Fuzetti in the bond presenter training sessions that if asked, she should clarify that the Project would be a second Aquatics Practice Facility, and not the same as Don Cook. Neither Viltz nor Martinez recalled any member of the public ever asking questions about scope of the Project during the public presentations.

On March 29, 2023, another FBISD employee expressed confusion regarding the Project. After attending a training session to prepare District employees to conduct information sessions about the proposed Bond, Wendy Nunez, FBISD’s Executive Director of Elementary Schools, sent the following email message to Bassett:

**Figure 7:  
March 29, 2023 Email from Nunez to Bassett**

**From:** Nunez, Wendy <[Wendy.Nunez@fortbendisd.com](mailto:Wendy.Nunez@fortbendisd.com)>  
**Sent:** Wednesday, March 29, 2023 11:49 AM  
**To:** Bassett, Steven <[Steven.Bassett@fortbendisd.com](mailto:Steven.Bassett@fortbendisd.com)>  
**Subject:** Natatorium

FYI

In yesterday's training, Carolina mentioned the natatorium for the bond would be a practice facility. The website lists it is a competition facility. This may need to be updated.

**Wendy K. Nunez**  
**Executive Director of Elementary Schools**  
**281-634-0058**

Bassett forwarded the email to the District's Communications staff the same day, expressing the need for a "fix."<sup>6</sup> In response, Williams again emailed the District's Aquatics Manager, to verify the accuracy of the term "competition facility." The Aquatics Manager again clarified the facility would, in fact, be used for competitions.<sup>7</sup> Williams also had a vague recollection of discussions within the administration regarding the use of the term "natatorium," but recalled that nobody wanted to abandon the term, because the word "natatorium" would appear in the voter proposition ballot. According to Williams, while the administration understood there was difference between a "natatorium" and a "practice facility," the team was attempting to "thread the needle" and provide accurate information, while presenting the information about the proposed Bond election to the community in the most positive terms possible.

The Project description in Figure 8 below appeared in an 8-page Bond Information Newsletter that was approved for a mass mailing out to District voters in early April, 2023.<sup>8</sup>

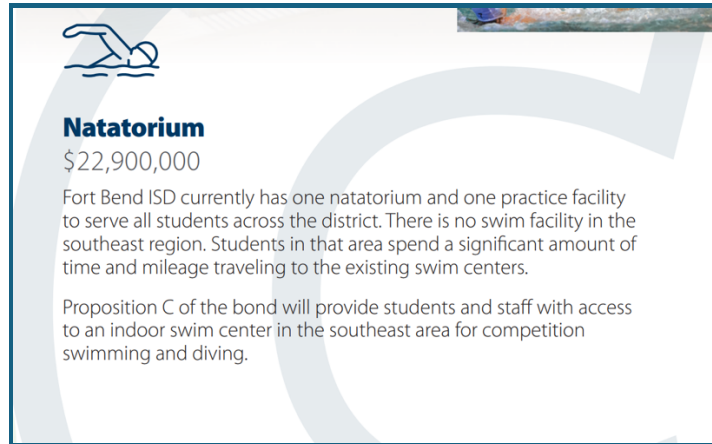
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<sup>6</sup> See Appendix 5, March 29, 2023 email between Bassett and Williams regarding Nunez's concern.

<sup>7</sup> See id.

<sup>8</sup> See Appendix 6, March 2023 email regarding 8 page Bond Newsletter/Mailer

**Figure 8:  
Proposition C Description from April 2023 Bond Information Flyer**



It should be noted that a different version of the 8-page Bond Information Newsletter currently appears on the Bond 2023 website.<sup>9</sup> The current website version refers to the Project as an “indoor swim center” without the phrase “for competition swimming and diving,” as shown in Figure 9 below. It is not clear who made this change, or when it was made, but Williams explained that a former District employee in the communications department, Kristoffer Smith, managed the graphic design documents and website materials.<sup>10</sup> However, the current FAQs on the website still contains the Project description shown in Figure 6 above.<sup>11</sup>

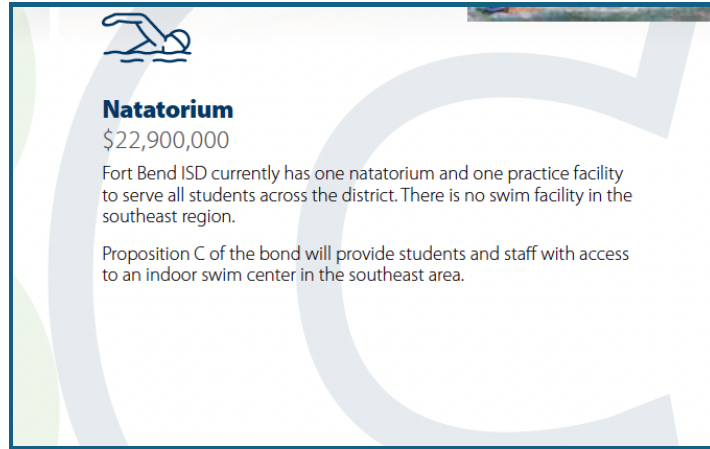
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<sup>9</sup> See FBISD Website; 2023 Bond Program, Bond Resources, 2023 Bond Overview Newsletter <https://www.fortbendisd.com/site/handlers/filedownload.ashx?moduleinstanceid=323587&dataid=194763&FileName=2023%20Bond%20Overview%20Newsletter.pdf>

<sup>10</sup> I attempted through multiple means to reach and interview Kristoffer Smith for this investigation, but he did not respond to my requests.

<sup>11</sup> See FBISD Website, 2023 Bond Program, Bond FAQs: <https://www.fortbendisd.com/Page/156807>

**Figure 9:  
Proposition C Description Current Website/Bond Newsletter**



In hindsight, both Bassett and Williams acknowledged the potential for people to make assumptions based on the Proposition C communications. In initial written responses provided to me by Bassett, he did not recall the details of how all of the communications came to be created and approved, or whether he was involved in drafting or approving the various versions of the messaging related to Proposition C. After sharing additional emails I received from the District’s IT department for his review, Bassett was better able to recall which communications he was more involved in drafting, reviewing and approving. He explained that most of the team’s time and energy was focused on the Proposition A projects, and not Proposition C, which is evident from the emails and documents exchanged during that time. In his responses during this investigation, Bassett stated that he could see how certain messaging could have been misleading, but insisted that it was never anyone’s intent to deceive the public. And, as evidenced by Bassett’s response to the email inquiry sent by Nunez (*see* Appendix 5), he was quick to tell the communications team that a “fix” was needed. In emails and text exchanges between Bassett and other administrators after the election, Bassett expressed surprise and concern that the Project had been referred to as a “competition facility,” and not a “practice facility.”<sup>12</sup> In one email authored by Bassett in November 2023, after trustees began making inquiries regarding the scope of the Proposition C project, Bassett acknowledged that the fact that the Project was going to be a practice facility was “probably was not as wide-spread as it needed to be.”<sup>13</sup>

In response to written questions as part of this investigation, Dr. Whitbeck, like Bassett, explained that the language used to describe the new facility as a competition facility was factually accurate. And like Bassett, she defended the use of the term “natatorium,”

<sup>12</sup> *See* Appendix 7, November 2023 Post-election emails and June 2024 text messages between Bassett and Williams

<sup>13</sup> *See id.*

based on the term's common definition. However, unlike Bassett, Dr. Whitbeck did not express any acknowledgement as to the potential for confusion, nor did she acknowledge her role in the communications process. When asked if she was aware of any confusion regarding the messaging, she responded:

*“I was not engaged in discussion of possible confusion and I was not confused. It was always to be an indoor pool able to host students to practice and compete on smaller levels. It was never to be a duplicate of the Don Cook facility or an elaborate venue to host major championship events.”*

Dr. Whitbeck's statement that she was not engaged in discussions regarding possible confusion is supported by the evidence. There are no documents showing that any discussions regarding potential confusion or clarifications related to Proposition C communications were ever elevated to Dr. Whitbeck. However, unlike Bassett, Dr. Whitbeck did not acknowledge any potential for confusion in the messaging, nor did she reflect on the administration's missed opportunity to prevent any confusion. Rather, she stated as follows:

*“Perhaps instead of looking to blame someone and insinuate misleading intent, you should look at how the facilities are used and you will see that all terms are technically correct.”*

In my written questions to Dr. Whitbeck, I also shared with her the same examples of Proposition C messaging that I had shared with Bassett, and asked whether she knew who had developed, reviewed or approved the various communications. In contrast to Bassett's acknowledgement of his involvement in the process, Dr. Whitbeck responded as follows:

*“I cannot be certain, but bond information typically began with content created from Design and Construction, then polished and distributed by the Communications Department. The Communications Department usually validated their publications with legal before releasing.”*

Dr. Whitbeck's description of the communications process for the 2023 Bond contradicts other witnesses' description of the process, in that it wholly omits her and Bassett's involvement in reviewing and approving communications. Dr. Whitbeck's explanation is also contradicted by multiple emails showing that her and Bassett role in reviewing and approving various communications prior to their release.

## V.

### CONCLUSION AND SUMMARY OF FINDINGS

The evidence reviewed as part of this investigation supports, by a preponderance of the evidence, the following conclusions and findings:

- The use of the project title “Natatorium,” while explaining that the District had “one natatorium and one practice facility” led some to reasonably assume that the Proposition C project would be a second natatorium, rather than a second practice facility;
- Communications regarding the “Natatorium” project focused solely on the intended use of the facility, and omitted clarifying information about the intended design and scope of the facility;
- The administration’s focus regarding Proposition C messaging was limited to whether the descriptions were factually correct, and failed to appreciate the expectations or assumptions that the messaging could create; and
- There was awareness of the potential for confusion, yet no efforts were made to clarify the administration’s intent as to the Project’s design; and
- No administrator misrepresented that the Project would resemble the Don Cook Natatorium.

While the communications surrounding Proposition C were technically correct, and do not create any legal liability for the District, the shortcomings of the communications are less about what the communications said, and more about what the communications failed to say. Regardless of the proposed uses for the facility, the planned design features of the proposed facility were clearly important to certain District stakeholders.

It may be worth noting, and as Ronna Johnson pointed out, there had only been one public Board workshop between the administration and the Board prior to the Board calling the 2023 Bond election. In Johnson’s professional experience, a Board’s vote to call a bond election should be preceded by multiple informational workshops where the Board and the public can fully vet issues and receive detailed, advance information about the projects being considered. It is possible that had the Board and the public had more time to review, question and discuss the administration’s plans for the various proposed bond projects, including the Natatorium, the disconnect between the administration’s understanding about the Natatorium project and the public’s assumptions and expectations, could have been avoided and resolved prior to the Board calling the election.