

# Editorial: Fresno Unified should hire independent investigator

By The Bee Editorial Board

The [5th District Court of Appeal's finding](#) that Fresno Unified School District's contract with Harris Construction to build Gaston Middle School was illegal has raised many questions about how the district awards contracts and spends taxpayers' money.

Three district trustees — Brooke Ashjian, Luis Chavez and Carol Mills — have called for an independent investigation of the Gaston contract. In a [letter to the editor](#) published Tuesday by The Bee, they said that details released so far about the deal have been “conflicting” and “incomplete.”

It's time to clear the air for the benefit of the district, the administration, the contractor and the public. An independent investigator can do just that, and the full school board should support hiring someone with the independence and credibility to get at the truth and give everyone a fair shake. The district's credibility is at stake.

One fact in dispute: Whether the school board was told by Superintendent Michael Hanson that Harris Construction had been hired to consult on the \$42 million Gaston project seven months before the company was awarded the contract to build the school in September 2012.

[Hanson told The Bee on June 11](#) that trustees were alerted on several occasions about the pre-construction consulting deal with the builder.

“We very clearly communicated to our board when we were using lease-leaseback on which projects and pre-construction agreements were part of the agreement,” Hanson said.

In a [modified opinion](#) released last Friday, however, the Court of Appeal noted that attorneys for Fresno Unified argued in court that there was no pre-construction contract for the Gaston project. The district can't have it both ways.

In addition, Mills told The Bee that after the court found the contract to be illegal, the district's legal counsel told her no consulting agreement existed. Hanson was present when the comment was made, Mills said, and he did not disagree with the statement or correct it.

[Ashjian told The Bee](#) that “once we got the 42-page (appellate court) ruling, I read it five times and it consistently talked about the consultant agreement. Then I asked (Hanson) at the board meeting, where is the consultant agreement? He said there wasn't one. I asked our legal counsel. They said there isn't one.”

It appears that Fresno Unified made fools of their lawyers, sending them into an appellate court to argue something that wasn't true in the lawsuit filed by Fresno contractor Stephen Davis against the district.

But there are many questions that need answers. Among them:

Why, after the passage of a \$280 million bond measure in 2010, did Fresno Unified start handpicking contractors for major multimillion dollar projects using the leaseback method instead of selecting firms, as it previously had done, through competitive bidding?

And how was it that from 2011 to 2014, Harris Construction received \$116 million of the more than \$200 million awarded by district?

Such questions are best answered by independent investigators. The board majority and superintendent have not brought clarity to the controversy.