

UNLOCKING THE TRUTH

WHAT'S REALLY HAPPENING BEHIND THE DAVIS SCHOOL DISTRICT DOORS



THE FACTS. WHERE THE DOTS LEAD.

THE AGREEMENT & THE LAW

1.

In 1990, local landowners and the Davis School District entered into a Mello-Roos district, i.e., C.F.D. #2, to provide funding to build additional schools to accommodate students resulting from proposed residential subdivisions. It was a 30-year agreement, from 1990 to 2020. There were no State laws governing the mitigation fee process until 1996.

2.

In 1996, the State Legislature adopted statutes that preempted local rules for mitigating the cost of providing new schools for children resulting from residential subdivisions. The 1996 laws set a uniform statewide formula. The 1996 State laws in some respects overruled portions of C.F.D. #2. The District did not seek, and has not since sought, to amend C.F.D. #2 to conform to the 1996 State law. As a result, sometime in the early 2000s, C.F.D. #2 "taxes" exceeded and continue to exceed the maximum fees permitted under State law.

3.

Roughly 40% or more of the homes in Davis are included in C.F.D. #2, whose fee schedule exceeds the maximum allowed by the State. In essence, homes built since approximately 2006 are paying school mitigation fees that exceed the maximum permitted by State law. Overcharges apply to residential units within the original 1990 boundaries of C.F.D. #2 and those that have been annexed by the District since then.

4.

C.F.D. #2 does not require the District or Landowners to disclose that the subsequent 1996 State laws restrict the maximum tax charged to Homeowners and that C.F.D. #2's fee formula **EXCEEDS THE MAXIMUM ALLOWED.**

CLASSROOM CAPACITY

5.

The School District, by its own statements, has indicated that it does not require **ANY NEW SCHOOLS** to accommodate the student growth resulting from newly built homes in Davis. In fact, it has stated that it has, and will continue to have, excess student capacity.

6.

The District has existing classroom capacity to accommodate at least 1,600 new Davis students, as follows:

A. Space occupied by 1,200 children "imported" each day from other districts to fill what would otherwise be 1,200 empty Davis classroom seats available to children generated by new Davis residential developments.

AND

B. In addition to these 1,200 "seats," the District has 400 vacant classroom seats that can also accommodate student growth from new Davis residential subdivisions.

7.

Nothing in State law permits the Davis District to charge Davis Homebuyers a mitigation fee to provide classroom space for children generated in other school districts.

THE MONEY & ACCOUNTABILITY

8.

Under C.F.D. #2 and cash fees paid by Residential Developers, the School District is collecting roughly **\$3.8 million per year** to pay for building new schools, despite having neither the intention nor the need to build them. Its own projections show that, with the approval of both Village Farms (which failed) and Willowgrove (which is likely to pass), it does not require any new schools to be built to accommodate Davis-based students.

9.

The District owns two designated school sites: Nugget Fields and excess land at Harper Jr. High. State laws require the District to consider selling these excess sites **BEFORE** charging new school mitigation fees. It has not done so.

10.

The District must account for the amount of fees collected by C.F.D. #2 and refund the excess fees to the Homeowners, current or past, who paid fees in excess of the State maximum. In some cases, the fee (tax) being charged is **three times the maximum allowed.**

Next Week: What actions school Trustees are required to take under California law.

For more details: unlockDSDdoors.com