Some Homeowners Due Refund on School Fees In Pleasanton

By Ron McNicoll | Posted: Friday, December 30, 2011 9:22 am

Some homeowners and developers are eligible for a partial refund on the fees that they paid the Pleasanton school district between January 2010 and Dec. 13, 2011.

Robert Kingsley, a Folsom attorney who represents the district, told the school board Dec. 13 that anyone who paid the fee of $8.62 per square foot in school mitigation fees for a residence is entitled to the refund.

The new fee, set by the board Dec. 13, 2011, is $6.74 per square foot for a single family residence. In essence, the board's action made the new fee retroactive to January 2010, when the district conducted a study to justify the mitigation fee amount.

By law, school districts must undertake such studies every two years, said Kingsley. He told the board, "Based on the study of January 2010, you could justify the $6.74 amount. Anyone who paid $8.62 from January of 2010 to today's date will receive a refund of the difference between the two, or $1.88 per square foot."

Two homeowners at the board meeting spoke up urging the board to pass the new fee schedule, since they had built in 2011 in Pleasanton and had to pay the $8.62 fee.

However, the homeowners wanted the board to go further, and allot them bigger rebates. They said that instead of paying $6.74 now, they really should be paying $2.97, which is the state-mandated cap on school mitigation fees.

David De Bonis, one of the homeowners, said that charging above the state mandated fee is illegal, in his opinion.

However, the district over the past decade has made it clear that signers of the gift fee agreement, which is voluntary, pay the gift fee agreement. There is no law that prevents it.

But De Bonis told The Independent that he never signed the gift fee agreement. Asked whether the developer of improved lots, who sold him his property in the Serenity Terrace development, had signed it, DeBonis said "no."

That developer purchased the property from an initial developer. If any agreement by that firm were signed, no one, including the school district, has produced a record of it, said De Bonis.

De Bonis said that he has approached the district several times for a copy of the agreement. He said that if he could see a signed agreement, he would be satisfied concerning the fee amount.

Calls to district officials who may be in a position to know about a signed agreement had not been returned in time for the Independent's deadline.

The district will be looking at conducting another study next month for the upcoming two-year period. However, the district is expected to range much further than the previous scope of study. Officials want to know how the much larger development expected after Pleasanton's loss of its housing cap will affect the district. That will involve a facilities needs study.

MONEY LEFT OVER; FUTURE LESS ROSY

The board also heard a report from Assistant Superintendent Luz Cázares about the first interim report to Alameda County on the current year's budget.

Cázares projects an ending balance of over $11 million at the end of the fiscal year, June 30, 2012. Some $3.6 million of that is for the district's state-mandated 3 percent reserve. The remaining $7.3 million can be spent on a variety of things, depending on what the board decides in the coming months.

The board could decide to hold all of money over for next year's budget. The assumption for the 2012/13 school year is that Pleasanton schools will be back to a 30:1 ratio of students to teachers next year in K-3. This year the ratio has been 25:1. Keeping the 25:1 ratio next year would cost about $1.3 million.

There are loans from the district's Sycamore Fund, the technology fund, which the district could pay back to itself.

However, whatever the district might restore for next year needs to be seen in the context of both that year and the following year, as state budgets will continue to be difficult, said trustee Chris Grant.

The projected $6.7 million in undesignated reserves now could shrink to zero in two years if the state financing is taken into account, said Grant. "That assumes we don't restore many of the critical programs, like class size reduction, counselors, and reading specialists. If we migrate some of those back to previous levels, the undesignated reserve goes away a lot quicker than 24 months, maybe it would be 12 months," he said.