

Letter of Protest

Date _____

To: Chris Hoffman, Superintendent
4675 Missouri Flat Rd
Placerville, CA 95667

Re: El Dorado Union High School District

This letter is to protest mitigation fees in order to meet the requirements of Government Code 66020¹, which requires fees to be paid and a letter of protest provided. This letter states the reason for the protest.

The student populations of the district indicate that space is available in the classrooms. Mitigation fees are based on mitigating impacts from population growth. The CBEDS for the district indicate declining student populations over time. Therefore, no impacts have been generated from population growth, so the fee is unjustified.

The justification report is critically flawed for the following reasons.

1) The 2012 justification report includes Table 7 (see Exhibit A), which indicates that the capacity of the 9-12 student housing is 7,054. The 2014 California Basic Educational Data System (CBEDS) report (see Exhibit C) indicates 9-12's current enrollment at 6,847 students. Student populations have declined since 2002 and now fall well below capacity levels. This indicates space available for students in the classroom. Therefore, the fees are not justified.

2) Student projections based on new growth (see Exhibit B) do not take into account the decline in student populations each year over the past 14 years (see Exhibit C).

3) All districts in the county have lost significant numbers of students (see Exhibit C). Almost all school districts in the county are experiencing decreasing student enrollments, which are at around 2003 levels.

4) The purpose for the fee is for building new facilities for new growth and maintenance. The district has a trend line of negative student population growth (see Exhibit C). Thus, there is no need for new building facilities since there are no new student populations.

¹ 66020. (a) Any party may protest the imposition of any fees, dedications, reservations, or other exactions imposed on a development project, as defined in Section 66000, by a local agency by meeting both of the following requirements:

(1) Tendering any required payment in full or providing satisfactory evidence of arrangements to pay the fee when due or ensure performance of the conditions necessary to meet the requirements of the imposition.

(2) Serving written notice on the governing body of the entity, which notice shall contain all of the following information:

(A) A statement that the required payment is tendered or will be tendered when due, or that any conditions which have been imposed are provided for or satisfied, under protest.

(B) A statement informing the governing body of the factual elements of the dispute and the legal theory forming the basis for the protest.

Please be advised that payment is made for the fee in the amount of _____ and the mitigation fee is paid under protest. All information contained here is true and to the best know of my knowledge accurate and correct. This document is signed under penalty of perjury.

Signed _____

Date _____

Address of project _____

APN _____

Check Number _____

Exhibit A

Table 7

School Facility	EL DORADO UNION HIGH Summary of Existing Facility Capacity						
	Permanent Classrooms	Portable Classrooms	Chargable Portables	Total Chargable Classrooms	State Loading Factor	State Funded Projects	Total State Capacity
Grades 9-12	172	125	45	217	27	1,121	6,980
Special Ed	6	0	0	6	13	0	74
Totals	178	125	45	223		1,121	7,054

As Table 7 shows, the total State capacity of the District facilities is 7,054 students.

Exhibit B

Table 4

**EL DORADO UNION HIGH
FIVE YEAR ENROLLMENT PROJECTIONS**

<u>Grades</u>	<u>Current Enrollment</u>	<u>Development Projection</u>	<u>Projected Enrollment</u>
9 to 12	6,907	113	7,020
Totals	6,907	113	7,020

Exhibit B

El Dorado County Public School Enrollment Retrospect														
District	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Black Oak Mine Unified	2,002	2,012	2,022	2,016	1,943	1,979	1,922	1,847	1,745	1,644	1,636	1,569	1,422	1,362
Buckeye Union Elementary	3,967	4,100	4,213	4,279	4,527	4,623	5,053	5,101	5,100	5,075	5,073	4,997	5,099	5,085
Camino Union Elementary	575	592	555	521	507	492	446	450	438	426	449	473	513	544
El Dorado County Office Of Edu	717	773	753	708	899	927	1,039	1,059	1,036	1,054	1,089	1,052	980	962
El Dorado Union High	6,427	6,612	6,858	6,981	7,248	7,411	7,344	7,280	7,262	7,061	6,966	6,908	6,873	6,847
Gold Oak Union Elementary	759	756	756	727	747	716	695	692	633	589	550	493	445	464
Gold Trail Union Elementary	660	645	645	610	553	539	549	552	552	542	541	543	568	601
Indian Diggings Elementary	36	38	36	40	40	39	34	31	26	23	18	22	18	18
Lake Tahoe Unified	5,712	5,489	5,238	5,083	4,771	4,520	4,291	4,182	4,076	3,965	3,878	3,858	3,793	3,855
Latrobe	175	192	203	196	215	210	202	197	181	178	171	170	150	130
Mother Lode Union Elementary	1,638	1,663	1,611	1,629	1,574	1,550	1,477	1,450	1,386	1,343	1,225	1,196	1,142	1,105
Pioneer Union Elementary	591	589	556	554	539	492	450	440	428	403	397	342	312	330
Placerville Union Elementary	1,307	1,345	1,304	1,290	1,294	1,210	1,181	1,140	1,166	1,211	1,258	1,278	1,268	1,259
Pollock Pines Elementary	1,001	935	851	804	799	797	780	769	745	721	699	704	694	712
Rescue Union Elementary	3,218	3,346	3,529	3,624	3,695	3,811	3,936	4,089	4,108	4,116	4,065	3,993	3,899	3,773
Sbc - Aspire Public Schools								364	436	1,104	1,696	1,871	1,972	
Sbc - Pacific Technology										130	249	297	283	176
Silver Fork Elementary	10	17	17	10	17	16	18	19	18	16	12	14	10	14
Total	28,795	29,104	29,147	29,072	29,368	29,332	29,417	29,662	29,336	29,601	29,972	29,780	29,441	27,237

[Return to Previous Level](#)