

901 Andrade Ave. Calexico, Ca. 92231

For Immediate Release:
December 17, 2020

Contact: Alejandra Limon
760 791-9996
alimon@cusdk12.org

Calexico Unified School District Files a Lawsuit against the City of Calexico

Calexico, CA: On December 16, 2020, the Calexico Unified School District served its lawsuit against the City of Calexico over the City's failure to ensure construction project applicants paid the District's school impact fees as required by law. The District had previously submitted a Government Code claim to the City over this issue and filed this lawsuit after it had not heard a response from the City within the City's period to respond to that claim under California law. [Please click here to access a copy of the Complaint](#)

The District recently discovered and confirmed the discrepancies between records of building permits issued by the City and District records through a Public Records Act request for approved building permits and related information. The documents reviewed by the District show that the City issued building permits, but neglected to require certification from the District that the District had received the required school impact fee payment for the project or a specific exemption from fee payment. Based on the initial records that have been released, the preliminary estimated amount of the developer fees that have not been paid because of the City's actions are approximately \$1,000,000. Though this amount may increase and other related details may come to light as a review is conducted of all of the City's records during litigation.

Under California law, the school impact fee payments from construction projects are one of only a very limited number of options available to pay for costs for upkeep and construction of new school facilities that will be required by the students enrolled with the District. The fact that the City has issued building permits without following its legal obligations has put the District in an untenable position with regard to paying for increased facilities needs to house students in this community.

To address this issue with the City, and reflecting the severity of not having enough funding for its school facilities, the District has undertaken the following:

- The District filed a claim with the City and an amended claim to make the City aware of the issues. The District has not received a response from the City to these claims.
- The District approached the City with a request to enter an agreement so that the parties could work to resolve the issues without litigation. The City Council has not agreed to the agreement so that the parties could work cooperatively to resolve the matter, declining to act on the agreement at two separate City Council meetings.
- As a result, the District was left with no choice but to file a lawsuit against the City to pursue the fees to which it was legally entitled so that the District could provide much-needed District facilities to serve our students.

