

Testimony by Steven McKay in Support of Bill 16-09 to Amend and Sunset the School Construction Fee

Good evening, I am here to strongly support getting rid of the School construction fee. Frankly, I would rather that we discuss getting rid of this option entirely, including as it is codified under the 40 or so DRRAs and APFO LOUs already in place. This was a bad feature of those bad agreements. I understand, however, that there are limits to what can be done given those poor decisions – and the contracts that codified those poor decisions – so I suppose it’s a good start to just get this option off the books for future developers to take advantage of.

Let me be clear on my objections to this fee, this “pay-go” policy that was put in place by the former BoCC. Previously and, hopefully in the future, when a development failed the school APFO test there were two choices – the developer could fund the needed capacity to support the proposed development, or the development could stop and wait for the CIP to provide needed capacity. In either case, the key point was that capacity was brought online in time with the expanded needs being generated by the new development. It may not have been a perfect system – we see that in areas like Urbana and Centreville Elementary – but it was a far cry better than the “pay-go” policy that the school construction fee represented.

You see, under that policy, there was no longer a direct connection between the demand for school capacity created by a new development and the actual capacity created by new seats in schools. When the developer failed APFO, they simply wrote their checks representing the thin slice of school capacity required for each new home – and then they could keep building. It didn’t matter when or if the school capacity would actually be built – the houses would keep coming. Building the actual schools will always be in doubt. Between rising costs and competition across areas of the county in need of new schools, we don’t know when or where the next school will open. But we know the houses will keep getting built. We know the schools supporting those developments will get more over-crowded.

It’s high time that we fix this problem. It’s high time that we re-align the developments that create over-crowded schools with the funding and schedule to build the schools required by those developments. This bill is a step forward in that direction. As I said, we should be talking about removing this option from those prior DRRAs and LOUs. We should be arguing that it is essential to our children’s health, safety and welfare that the developments under those DRRAs and LOUs no longer get to write those checks, and build and build and build more homes, while we wait and hope that the schools will come in time – knowing that for far too many children, they’ll be far too late. Yes, we should be talking about a somewhat different change to the ordinance. For now, however, I’m content with this bill and for eliminating this option for future developments. I hope that you’ll agree.