

BEFORE THE GOVERNING BOARD
OF THE CENTRAL UNIFIED SCHOOL DISTRICT
OF FRESNO COUNTY, CALIFORNIA

In the Matter of)
THE ADOPTION OF)
ALTERNATIVE SCHOOL FACILITIES FEES)
AND APPROVAL OF CEQA EXEMPTION)
_____)

Resolution No. 17/18-25

WHEREAS, Education Code section 17620 and Government Code sections 65995.5 and 65995.7, authorize a school district's governing board, after making certain findings, to establish fees to offset the cost of school facilities made necessary by residential construction ("Alternative Fees"); and

WHEREAS, Central Unified School District ("District") has undertaken a review of eligibility to establish the Alternative Fees; and

WHEREAS, the District is currently authorized to impose a fee of \$3.48 per square foot of residential development pursuant to Government Code section 65995 (the "Level 1 fee"), which shall be replaced by the Alternative Fees established in this Resolution; and **WHEREAS**, the District has prepared an analysis entitled School Facilities Needs Analysis and Justification Study dated November 2017 (SFNA) in accordance with the provisions of Government Code section 65995.6; and

WHEREAS, the District seeks to establish the Alternative Fees for the purpose of funding the construction and/or reconstruction of school facilities; and

WHEREAS, the Alternative Fees described herein will be used for construction and/or reconstruction of the District's school facilities; and

WHEREAS, the District has submitted applications to the State Allocation Board of the State of California for new construction funding and the State Allocation Board has determined that the District has met the eligibility requirements for new construction funding; and

WHEREAS, in accordance with Government Code section 65995.6, the purpose of this Resolution is to adopt the SFNA, and to declare the District's eligibility for and to establish fees under the provisions of Government Code sections 65995.5 and 65995.7, consistent with the information and data set forth in the SFNA and upon such other information and documentation prepared by or on file with the District, as presented and described to the Governing Board of the Central Unified School District ("Board").

WHEREAS, Education Code section 17621 specifically exempts the adoption, increase, or imposition of any fee, charge, dedication or other requirement pursuant to Education Code section 17620 from the provisions of the California Environmental Quality Act ("CEQA") (Pub. Resources Code section 21000, et seq.; and

WHEREAS, upon a determination that the imposition of school facilities fees under Education Code section 17620 is exempt from CEQA, the District is entitled to file a Notice of Exemption with the County Clerk pursuant to California Code of Regulations, title 14, section 15062.

NOW THEREFORE BE IT RESOLVED:

1. The Board hereby finds that prior to the adoption of this Resolution, the Board held a public hearing at its regular meeting of January 9, 2018, at which oral and written presentations were made. Notice of the time and place of the public hearing were published in the Fresno Bee newspaper on December 8, 2017 and January 2, 2018, including a Statement that the SFNA was available for public review at the Central Unified School District Annex, 4605 N. Polk Ave, Fresno, CA 93722.

2. The Board has determined that the District has submitted timely applications to the State Allocation Board for new construction funding, and the State Allocation Board has determined that the District has met the eligibility requirements for new construction funding.

3. The Board has determined the following related to establishing fees pursuant to Government Code sections 65995.5 and 65995.7:

(A) The District has incurred debt equivalent to greater than 30% of its bonding capacity.

(B) At least 20 percent of the teaching stations within the District are re-locatable classrooms.

4. Based on the foregoing, the District is eligible to levy alternative fees pursuant to Government Code sections 65995.5 and 65995.7.

5. The Board has reviewed the provisions of the SFNA as they relate to proposed and potential residential development, the resulting school facilities needs, the cost thereof, and the available sources of revenue, and based thereon and upon all other written and oral presentations to the Board, the Board makes the following findings:

(A) The purpose of the fees is to provide adequate school facilities for the students of the District who will be generated by residential development in the District.

(B) The fees are to be used for construction and/or reconstruction of the District's facilities.

(C) There is a reasonable relationship between the need for the fees and the use of the fees, and the types of development projects on which the fees are imposed, in that residential development will generate students who will attend District schools, these students cannot be housed by the District without additional facilities and/or the reconstruction of existing facilities, and the fees will be used to fund portions of these facilities.

(D) There is a reasonable relationship between the amount of the fees and the cost of the facilities attributable to the developments upon which the fee is to be imposed, in that the square footage of these developments have a direct relationship to the number of students generated, and thus to the facilities which the District must add to accommodate these students.

(E) There exists in the District accounts for a separate capital facilities account or fund, in accordance with the requirements of Government Code section 66006 into which fees collected pursuant to this Resolution shall be placed.

(F) There are no other adequate sources of funds to meet District school facilities needs due to residential development.

6. Based upon all available information, including but not limited to evidence presented at the public hearing on the matter, the Board finds that the SFNA meets the requirements of Government Code section 65995.6 and is a suitable basis for establishing the Alternative Fees. The Board hereby approves and adopts the SFNA as the basis for approving fees pursuant to Government Code sections 65995.5 and 65995.7.

7. Based upon information contained in the SFNA and the foregoing findings, the Board hereby establishes new Alternative Fees to be levied against residential construction pursuant to Government Code section 65995.5, to be known as the "Level 2 Fee," in the amount of, \$4.58 per square foot of residential construction.

8. Pursuant to Government Code section 65995.7, when permitted, the District is authorized to establish a fee in excess of the Level 2 fee in the event that the State Allocation Board is no longer approving apportionments for new construction in accordance with Education Code section I 7072.20 due to lack of funds available for new construction. In the event the State Allocation Board notifies the Secretary of the Senate and Chief Clerk

of the Assembly in writing of the determination that such funds are no longer available, an increased alternative fee shall be established when permitted, pursuant to the provisions of Government Code section 65995.7, which shall be known as the "Level 3 Fee," in the amount of, \$9.16 per square foot of residential construction.

When permitted by law, the Level 3 Fee shall be placed into effect in lieu of the Level 2 fee by action of the Superintendent or designee, without need for any additional action by the Board.

9. The collection of Level 2 or, if applicable, Level 3 fee is not subject to the restriction set forth in Government Code section 66007, subdivision (a), but, pursuant to subdivision (b) of that statute, the fees are to be collected prior to issuance of building permits. Upon payment of the Level 2 or, if applicable, Level 3 fee, the District shall issue a Certificate of Compliance to the appropriate building department certifying that school fee requirements have been satisfied.

10. The District's Level 2 or, if applicable, Level 3 fees shall be effective for a period of no longer than one year following the adoption date of this Resolution as set forth below.

11. Should the District's Level 2 or, if applicable, Level 3 fee be legally invalidated, the Level 1 fee previously adopted pursuant to Government Code section 65995 and replaced by the fee levied in this Resolution shall immediately become effective.

12. The policies set forth in this Resolution are not exclusive, and the Board reserves the authority to undertake other or additional methods to finance school facilities as are permitted by law or through mutual agreement with other parties.

13. The Board hereby orders that the Level 2 fee established pursuant to this Resolution shall take effect immediately; the Level 3 fee shall take effect at any time state

funds for new school facility construction are deemed no longer available as defined by Government Code section 65995.7, and subject to any restrictive set forth provisions therein, or as set forth in any subsequent legislation affecting the same.

14. The Secretary of the Board is hereby directed to forward copies of this Resolution, together with all relevant supporting documentation and a map clearly indicating the boundaries of the area subject to the fee, to the local planning agencies having jurisdiction within the District's boundaries.

AND BE IT FURTHER RESOLVED, that the District's administration is authorized to make expenditures and to incur obligations of the fees for the purposes authorized by law.

AND BE IT FURTHER RESOLVED, that the Board hereby finds that the adoption of fees hereunder is statutorily exempt from the requirements of CEQA pursuant to Education Code section 17621.

AND BE IT FURTHER RESOLVED, that this Board hereby approves the CEQA Notice of Exemption regarding the imposition of fees and directs the Superintendent, or his or her designee, to file the CEQA Notice of Exemption, together with a certified copy of this Resolution, with the County Clerk of each County in which the District shall collect fees pursuant to Education Code section 17621.

This Resolution is adopted this 9th day of January, 2018 by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

ABSENT: _____

Clerk of the Governing Board
Central Unified School District