

STOCKTON UNIFIED SCHOOL DISTRICT

Resolution No. 19-64

Adopting the 2020 School Facility Fee Justification Report for Residential, Commercial and Industrial Development Projects and the 2020 School Facility Needs Analysis and Justification Study and Establishing School Facility Fees in Accordance with the Law at the Conclusion of the Public Hearing on this Matter

WHEREAS, pursuant to Education Code section 17620, which was enacted pursuant to Chapter 407, Statutes of 1998 (“Senate Bill 50” or “SB 50”), a school district’s governing board may establish and/or increase fees to offset the cost of school facilities made necessary by new construction following the making of certain findings by such governing board; and

WHEREAS, the Stockton Unified School District (“District”) has undertaken a review of its eligibility to establish and increase fees under the provisions of SB 50; and

WHEREAS, separate and apart from determining its eligibility to establish and increase such fees, the District has prepared analyses entitled “School Facility Fee Justification Report for Residential, Commercial and Industrial Development Projects” (“Fee Justification Report”), and “School Facility Needs Analysis and Justification Study” (“Needs Analysis Study”), dated June 2020, in accordance with the provisions of SB 50; and

WHEREAS, the District by way of a prior resolution has heretofore established Level I fees under the provisions of Government Code section 65995; and

WHEREAS, the District seeks to adjust such Level I fees consistent with the adjustment authorized by the State Allocation Board based upon the statewide cost index for Class B construction, and to establish Level II (and if applicable Level III) fees in accordance with and under the authority of SB 50, for the purpose of funding the construction and reconstruction of school facilities made necessary by development within the District’s boundaries; and

WHEREAS, the District had determined that it is eligible to levy fees pursuant to SB 50; and

WHEREAS, in accordance with Education Code section 17620 and Government Code sections 65995 and 65995.5, a purpose of this Resolution is to declare the District’s eligibility to increase and establish fees under the provisions of SB 50 consistent with the information and data set forth in the Fee Justification Report and the Needs Analysis Study, respectively, and upon such other information and documentation prepared by or on file with the District, as presented and described to the Board.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Stockton Unified School District as follows:

Section 1. Recitals. The above recitals are true and correct.

Section 2. Procedure. This Board hereby finds that prior to the adoption of this Resolution; the Board conducted a public hearing on this matter at its regular meeting on June 9, 2020. Notices of the time and place of the public hearing, including a general explanation of the matter to be considered and a statement that the Fee Justification Report and the Needs Analysis Study required by Government Code sections 66001 and 65995.6, respectively, were available, have been published in a newspaper of general circulation in accordance with law. Said Notices were also mailed prior to the public hearing to any interested party who had previously filed a written request with the District for mailed notice of the meeting on new or increased fees or service charges within the period specified by law. Additionally, at least 30 days prior to the public hearing, the District made available to the public data indicating the amount of the cost, or estimated cost, required to provide the facilities for which the fee is to be levied pursuant to this Resolution, and the revenue sources anticipated to provide this service. By way of such public meeting, the Board received written information from District staff which are summarized and contained in the District's Fee Justification Report and Needs Analysis Study, along with the District's Facility Master Plan, the District's applications and related documents filed with the State Allocation Board pursuant to the State Lease-Purchase Program (hereinafter collectively referred to as the "Plan"), and other materials which formed the basis for the action taken pursuant to this Resolution.

Section 3. Findings. The Board has reviewed the provisions of the Fee Justification Report, the Needs Analysis Study, and the Plan as they relate to proposed and potential development, the resulting school facilities needs, the cost thereof, and the available sources of revenue including the fees provided by this Resolution, and based thereon and upon all other written and oral presentations to the Board, the Board hereby approves and adopts the Fee Justification Report and the Needs Analysis Study, and makes the following findings:

(a) Enrollment at public schools within the District boundary is presently at or exceeding capacity;

(b) Additional development projects within the District, whether new residential, commercial or industrial construction or residential reconstruction involving increases in habitable areas, will increase the need for school facilities;

(c) Without the addition of new school facilities, further residential, commercial and industrial development projects within the District will result in a significant decrease in the quality of education presently offered by the District;

(d) New residential, commercial and industrial development is projected within the District's boundaries and the enrollment produced thereby will exceed the capacity of the schools of the District. Projected development within the District, without additional school facilities, will result in conditions of overcrowding which will impair the normal functioning of the District's educational programs;

(e) The fees proposed in the Fee Justification Report and the Needs Analysis Study, and levied pursuant to this Resolution, are for the purpose of providing adequate school facilities, and related support facilities to maintain the quality of education offered by the District;

(f) The fees proposed in the Fee Justification Report and the Needs Analysis Study, and levied pursuant to this Resolution, will be used for construction and reconstruction of school facilities and support facilities as identified in the Fee Justification Report and the Needs Analysis Study;

(g) The uses of the fees proposed in the Fee Justification Report and the Needs Analysis Study, and levied pursuant to this Resolution, are reasonably related to the types of development projects on which the fees are imposed;

(h) The fees proposed in the Fee Justification Report and the Needs Analysis Study, and levied pursuant to this Resolution, bear a reasonable relationship to the need for school and support facilities created by the types of development projects on which the fees are imposed;

(i) The fees proposed in the Fee Justification Report and the Needs Analysis Study, and levied pursuant to this Resolution, do not exceed the estimated amount required to provide funding for the construction or reconstruction of school and support facilities for which the fees are levied; and in making this finding, the Board declares that it has considered the availability of revenue sources anticipated to provide such facilities, including general fund revenue; and

(j) The fees will be collected for school and support facilities for which an account has been established and funds appropriated, and for which the District has adopted a construction schedule or in some instances, will be used to reimburse the District for expenditures previously made.

Section 4. Determination of Eligibility for Level II and Level III Fees.

(a) The District has submitted a timely application to the State Allocation Board for new construction funding, and its eligibility for such funding will be affirmed by the Office of Public School Construction by the effective date of this Resolution in accordance with the provisions of Education Code sections 17071.10 et seq. and section 17071.75 et seq. along with Government Code sections 65995.5(b)(1);

(b) In accordance with the provisions of Government Code section 65995.5(b)(3)(B), the District has placed a general obligation bond measure to finance school facilities on the ballot within the previous four years and the measure received at least 50 percent plus one of the votes cast;

(c) In accordance with the provisions of Government Code section 65995.5(b)(3)(C), the District has issued debt or incurred obligations for capital outlay in an amount equivalent to 30 percent of the District's local bonding capacity; and

(d) The Board has reviewed the provisions of the Needs Analysis Study along with such oral and written information as has been presented by District staff and consultants and has determined that the Needs Analysis Study meets the requirements of Government Code section 65995.6 and is a suitable basis for the establishment of Level II and Level III fees in accordance with the provisions of Government Code section 65995 et seq.

Section 5. Determination and Establishment of Fees. Based upon the foregoing findings, the Board hereby establishes the following fees, to be known as the "Level I Fee," the "Level II Fee," and the "Level III Fee," as follows:

(a) Level I Fees. The Board hereby increases the previously levied fees to the amount established by the State Allocation Board on January 22, 2020. Specifically, the District hereby establishes that the fee per square foot of residential development shall be \$4.08 and that the fee per square foot of all types of commercial and industrial development shall be \$0.61, except for Rental Self-Storage and other types of low-employee generating business.

(b) Level II Fees. The Level II Fee is hereby established and set at the rate of \$4.44 per square foot of single-family residential development. The Level II Fee shall be collected as a precondition to the issuance of any building permit for construction within the District's boundaries;

(c) Level III Fees. In accordance with the provisions of Government Code section 65995.7, the District's Board is authorized to establish a fee in an amount higher than the Level II fee in the event the State Allocation Board is no longer approving apportionments for new construction as set forth in law or as otherwise allowed by law. In the event that on or before the anniversary date of this Resolution as defined below, the law allows for school district to levy fees pursuant to Government Code section 65995.7, the District's Level III fee established herein may be levied at the direction of the Superintendent or designee. The Level III Fee for residential construction is hereby established and set at the rate of \$8.88 per square foot of single family residential development; and

(d) The Level III Fee shall, when appropriate, be placed in effect immediately by action of the Superintendent, without any additional action by the Board other than a determination by the Superintendent that the requirements of law have been met.

Section 6. Fee Adjustments and Limitations. The fees established herewith shall be subject to the following:

(a) The District's Level I Fee shall be reviewed bi-annually to determine if a fee increase according to the adjustment for inflation set forth in the statewide cost index for Class B construction as determined by the State Allocation board is justified;

(b) The District's Level II Fee (or the Level III Fee when applicable) shall be effective for a period of one year following the effective date of this Resolution as set forth below and shall be reviewed annually to determine if such fee is to be re-established or revised;

(c) The Level I Fee and Level II Fee established hereby (or the Level III Fee when applicable) shall not apply during the term of any contract entered into between a developer or builder and the District, or any applicable city or county on or before January 1, 1987, that requires the payment of a fee, charge or dedication for the construction of school facilities as a condition to the approval of residential development;

(d) The Level I Fee and Level II Fee established hereby (or the Level III Fee when applicable) shall not apply during the term of any contract entered into between a person and the District or any applicable city or the County, after January 1, 1987, but before November 4, 1998, that requires payment of a fee, charge, or dedication for school facilities mitigation; and

(e) The Level I Fee and Level II Fee established hereby (or the Level III Fee when applicable) shall not apply to any construction that is not subject to a contract such as described above, but that is carried out on real property for which residential development was made subject to a condition relating to school facilities imposed by a state or local agency in connection with a legislative act approving or authorizing such residential development after January 1, 1987, but before November 4, 1998. Any such construction shall be required to comply with such condition until January 1, 2000. On and after January 1, 2000, such construction shall be subject to the Level I Fee, the Level II Fee, or the Level III Fee as applicable.

Section 7. Additional Mitigation Methods. 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, including, but not limited to the Mello-Roos Community Facilities Act of 1982 (Government Code §§53311, et seq.) and such other funding mechanisms as are authorized by Government Code section 65996. This Board reserves the authority to substitute the dedication of land or other property or other form of requirement in lieu of the fees levied by way of this Resolution at its discretion, so long as the reasonable value of land to be dedicated does not exceed the maximum fee amounts contained herein or modified pursuant hereto.

Section 8. Implementation. For construction projects within the District, the Superintendent, or the Superintendent's designee, is authorized to issue Certificates of Compliance upon the payment of any fee levied under the authority of this Resolution.

Section 9. California Environmental Quality Act. The Board hereby finds that the fees established pursuant to this Resolution are exempt from the provisions of the California Environmental Quality Act (CEQA).

Section 10. Effective Date. The Board orders that, pursuant to Education Code section 17621, the Level I Fees called for herein be effective 60 days hereafter. The Board orders that the Level II Fees (and if applicable Level III Fees) established hereby shall take effect as of the latter of either the date the District is informed by the State Allocation Board of its eligibility under the Leroy Greene Act or the date of the adoption of this Resolution.

Section 11. Notification of Local and State Agencies. The Secretary of the Board is hereby directed to forward copies of this Resolution along with a map of the District's boundaries to the Planning Commission and City Council of the City of Stockton, to the Planning Commission and Board of Supervisors of San Joaquin County and to the Office of State-wide Health Planning and Development and file a Notice of Exemption from the California Environmental Quality Act with the San Joaquin County Clerk.

Section 12. Severability. If any portion of this Resolution is found by a Court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares its intent to adopt this Resolution irrespective of the fact that one or more of its provisions may be declared invalid subsequent hereto.

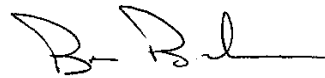
PASSED AND ADOPTED by the following vote of the members of the Governing Board, of the Stockton Unified School District, of San Joaquin County, State of California, this 9th day of June, 2020.

AYES: *Kathleen Garcia, Lange P. Luntao, Candelaria Vargas, AngelAnn Flores, Maria Mendez, Scot McBrian, Cecilia Mendez*

NOES:

ABSENT:

ABSTAIN:



Brian Biedermann, Interim Superintendent/Secretary
Board of Education, Stockton Unified School District,
San Joaquin County, State of California