

## **RESOLUTION NO. 71-1516**

### **A RESOLUTION OF THE GOVERNING BOARD OF THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT INCREASING SCHOOL FACILITIES FEES AS AUTHORIZED BY GOVERNMENT CODE SECTION 65995(b)(3)**

**WHEREAS**, Statute AB 2926 (Chapter 887/Statutes of 1986) authorizes the governing board of any school district to levy a fee, charge, dedication, or other form of requirement against any development project within the school district's boundaries for the construction or reconstruction of school facilities; and

**WHEREAS**, Government Code section 65995 establishes a maximum amount of fees that may be charged against development projects and authorizes that maximum amount to be adjusted for inflation every two years, as set forth in the state-wide cost index for Class B construction and as determined by the State Allocation Board; and

**WHEREAS**, at its February 2016, meeting, the State Allocation Board increased the maximum fee authorized by Education Code section 17620 to \$3.48 per square foot for residential construction as described in Government Code section 65995(b)(1), and to \$0.56 per square foot for commercial and industrial construction as described in Government Code section 65995(b)(2); and

**WHEREAS**, the purpose of this Resolution is to approve and adopt fees on residential projects in the amount of \$3.48 per square foot as described in Government Code section 65995(b)(1) and as authorized by Education Code section 17620; and

**WHEREAS**, the purpose of this Resolution is to approve and adopt fees on commercial and industrial development projects in the amount of \$0.56 per square foot as described in Government Code section 65995(b)(2) and as authorized by Education Code section 17620, except the mini-storage category of commercial/industrial justification which has less impact than the statutory \$0.56 per square foot fee and should be collected at the justified rate of \$0.05 per square foot.

**NOW, THEREFORE**, the Governing Board of the West Contra Costa Unified School District hereby resolves, determines, and finds the following:

1. Procedure. This Board hereby finds that prior to the adoption of this Resolution, the Board conducted a public hearing at which oral and written presentations were made, as part of the Board's regularly scheduled April 27, 2016 meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, has been published twice in a newspaper in accordance with Government Code section 66016, and a notice, including a statement that the information required by Government Code section 66016 was available, was mailed at least fourteen (14) days prior to the meeting to any interested party who had filed a written request with the District for mailed notice of the meeting on new fees or service charges within the period specified by law. Additionally, at least ten (10) days prior to the meeting, the District made available to the public information indicating the amount of the cost, or estimated cost, required to provide the service for which the fee or service charge is to be adjusted pursuant to this Resolution, and the revenue sources anticipated to provide this service. At the public meeting, the Board received oral and written presentations by District staff which are summarized and contained in the Level I Developer Fee Study for West Contra Costa Unified School District prepared by Jack Schreder & Associates, dated April 7, 2016 (hereinafter referred to as the "Plan") and which formed the basis for the action taken pursuant to this Resolution.

2. Findings. The Board has reviewed the Plan as it relates 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, hereby makes the following findings:

a. Additional development projects within the District, whether new residential construction or residential reconstruction involving increases in assessable area greater than 500 square feet, or new commercial or industrial construction, will increase the need for reconstruction of school facilities;

b. Without reconstruction of present school facilities, any further residential development projects or commercial or industrial development projects within the District will result in a significant decrease in the quality of education presently offered by the District;

c. The fees proposed in the Plan and the fees implemented pursuant to this Resolution are for the purpose of providing adequate school facilities to maintain the quality of education offered by the District;

d. The fees proposed in the Plan and implemented pursuant to this Resolution will be used for the construction or reconstruction of school facilities as identified in the Plan;

e. The uses of the fees proposed in the Plan and implemented pursuant to this Resolution are reasonably related to the types of development projects on which the fees are imposed;

f. The fees proposed in the Plan and implemented pursuant to this Resolution bear a reasonable relationship to the need for constructed or reconstructed school facilities created by the types of development projects on which the fees are imposed;

g. The fees proposed in the Plan and implemented pursuant to this Resolution do not exceed the estimated amount required to provide funding for the construction or reconstruction of school 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 revenues;

h. The fees imposed on residential and commercial or industrial development as implemented pursuant to this Resolution bear a reasonable relationship and are limited to the needs of the community for schools and are reasonably related and limited to the need for constructed or reconstructed school facilities caused by the development; and

i. The fees implemented pursuant to this Resolution will be collected for school facilities for which an account has been established, funds appropriated, and the District has adopted a schedule for construction or reconstruction and/or reimbursement to the District for expenditures previously made.

3. Fee. Based upon the foregoing findings, the Board hereby increases the previously levied fee to the amount of \$3.48 per square foot for assessable space for new residential construction and for residential reconstruction to the extent of the resulting increase in assessable areas; and to the amount of \$0.56 per square foot for new commercial or industrial construction, except the mini-storage category of commercial/industrial justification which has less impact than the statutory \$0.56 per square foot fee and should be collected at the justified rate of \$0.05 per square foot.

4. Fee Adjustments and Limitation. The fees adjusted herewith shall be subject to the following:

a. The amount of the District's fees, as authorized by Education Code section 17620, shall be reviewed every two (2) years 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. Any development project for which a final map was approved and construction had commenced on or before September 1, 1986, is subject only to the fee, charge, dedication, or other form of requirement in existence on that date and applicable to the project.

c. The term "development project" as used herein is as defined by section 65928 of the Government Code.

5. 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 section 53311, et seq.) and such other funding mechanisms. 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.

6. Implementation. For residential and commercial or industrial projects within the boundaries of 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.

7. California Environmental Quality Act. The Board hereby finds that the implementation of Developer Fees is exempt from the California Environmental Quality Act.

8. Commencement Date. The effective date of this Resolution shall be June 26, 2016, which is sixty (60) days following its adoption by the Board.

9. Notification to Local Agencies. The Secretary of the Board is hereby directed to forward copies of this Resolution and a map of the District to the Planning Commission and Board of Supervisors of Contra Costa County and to the Planning Commissions and City Councils of the Cities of Hercules, El Cerrito, Pinole, San Pablo, and Richmond.

10. 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.

**APPROVED, PASSED and ADOPTED** by the Governing Board of the West Contra Costa Unified School District this 27th day of April, 2016, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
President, Governing Board  
West Contra Costa Unified School district

ATTEST:

\_\_\_\_\_  
Secretary, Governing Board  
West Contra Costa Unified School District