

RESOLUTION NO. 18-07

**A RESOLUTION OF THE GOVERNING BOARD OF THE
LEMOORE UNION HIGH SCHOOL DISTRICT
ADOPTING A DEVELOPMENT FEE JUSTIFICATION STUDY AND INCREASING
THE LEVEL ONE DEVELOPMENT FEES**

WHEREAS, Education Code section 17620 authorizes school districts to levy a fee, charge or dedication against any new construction within its boundaries for the purpose of funding the construction or reconstruction of school facilities and to impose certain fees thereon; and

WHEREAS, Lemoore Union High School District (“District”) by agreement with the elementary school districts sharing geographical territory with the District, may levy 40 percent of the total fees permitted pursuant to Government Code Section 65995 for development in areas in which the District provides services. The remaining 60 percent of permitted fees shall be allocated to the elementary school districts within whose boundaries the residential, commercial or industrial development shall occur; and

WHEREAS pursuant to the authority of Government Code Section 65995, subdivision (b)(3), the allowable fees authorized by Education Code Section 17620 were increased by the State Allocation Board (“SAB”) in January 2018 from **\$3.48** per square foot to **\$3.79** per square foot for residential development and from **\$0.56** per square foot to **\$0.61** per square foot for commercial/industrial development; and

WHEREAS, the District has caused a study to be prepared entitled “Development Fee Justification Study” dated March 2018 (incorporated herein by reference and hereinafter referred to as the “Study”) which identifies the purpose and use for the fee and sets forth a reasonable relationship between the fee to be imposed, the type of development project on which the fee is to be imposed, as well as the cost of the increased school facilities made necessary by virtue of the burden imposed by the development; and

WHEREAS based upon the District’s agreement with the elementary school district and in accordance with the increased level of fees permitted by the SAB pursuant to Government Code Section 65995, the District may levy the following fees, which represent a percentage of the fee(s) established by the SAB:

1. **\$1.52** per square foot of residential development (40 percent of **\$3.79**)
2. **\$0.24** per square foot of commercial or industrial development (40 percent of **\$0.61**)

These amounts are justified by the needs of the District alone and do not include the needs of the elementary school district.

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”) (Public Resources Code Section 21000 et.seq.); and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Governing Board of the Lemoore Union High School District as follows:

1. Prior to the adoption of this resolution (“Resolution”), the Board of the District conducted a public hearing at which oral and written presentations were made as part of the Board’s regularly scheduled March 22, 2018 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 the Hanford Sentinel in accordance with Government Code Section 66018. Additionally, at least 10 days prior to the meeting, the District made all relevant information available to the public indicating the cost, or estimated cost, of the construction or reconstruction of school facilities made necessary by the residential and/or commercial/industrial development to which the fee shall apply.

2. The purpose of the fee is to provide adequate school facilities for the students of the District who will be generated by residential and commercial/industrial development in the District.

3. The fees are to be used to finance the construction or reconstruction of school facilities.

4. There is a reasonable relationship between the need for the imposition of the fee and the types of development projects upon which the fees shall be imposed for the purpose of the construction or reconstruction of school facilities, in that residential, commercial and industrial development will generate students who will attend District schools. These students cannot be housed by the District without additional school facilities, or the reconstruction of existing school facilities. The fees will be used to fund all, or a portion of new school facilities, or to reconstruct existing school facilities.

5. There is a reasonable relationship between the amount of the fee and the cost of the additional or reconstructed school facilities attributable to the development upon which the fee shall be imposed, in that the square footage of these developments has a direct relationship to the number of students that will be generated, and, thus, to the facilities the District must add or reconstruct in order to accommodate the additional students.

6. The District maintains a separate capital facilities account, or fund, as required by Government Code section 66006.

7. There are no other adequate sources of funds to meet the District’s school facilities needs occasioned by, and as a direct result of, the construction of new residential and/or commercial/industrial development within the District.

AND BE IT FURTHER RESOLVED that the Board incorporates herein by reference, approves and adopts the Study entitled “Development Fee Justification Study”, dated March 2018, which documents the need for the fees.

AND BE IT FURTHER RESOLVED that since the Study justifies fees in excess of the allowable limits, the District, in accordance with Education Code sections 17620, et seq., and Government Code sections 65995 et seq., and the District's agreement with the elementary school districts, hereby increases fees to the following amounts:

1. **\$1.52** per square foot of residential development (40 percent of **\$3.79**)
2. **\$0.24** per square foot of commercial or industrial development (40 percent of **\$0.61**)

AND BE IT FURTHER RESOLVED that the amount collected on behalf of both the District and the elementary school districts pursuant to this Resolution shall not exceed a total of **\$3.79** per square foot for residential development and **\$0.61** per square foot of commercial or industrial development, except as otherwise set forth herein.

AND BE IT FURTHER RESOLVED that the increase in the fees shall take effect on May 21, 2018.

AND BE IT FURTHER RESOLVED that the Superintendent of the District, or his designee, shall give notice of the Board's action herein to all cities and counties with jurisdiction over the territory of the District in accordance with the requirements of Education Code section 17620 and 17621, requesting that no building permits (or, for manufactured homes and mobile homes, certificates of occupancy) be issued on or after the date which is sixty (60) days after the date of this Resolution, without certification from the District that the fees specified herein have been paid.

AND BE IT FURTHER RESOLVED that the developers of commercial or industrial development be provided the opportunity for a hearing to appeal the imposition of the fee on their developments.

AND BE IT FURTHER RESOLVED that nothing contained or expressed in this Resolution shall be construed to affect the District's authority to increase the fee, enter into agreements with developers, or otherwise adopt or impose, to the extent permitted by law, additional fees, to fully mitigate the impact of residential and/or commercial/ industrial development upon the District's school facilities.

APPROVED, PASSED and ADOPTED by the Governing Board of the Lemoore Union High School District this 22nd day of March, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President, Governing Board
Lemoore Union High School District

ATTEST:

Secretary, Governing Board
Lemoore Union High School District