

PAJARO VALLEY UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 21-22-07 INCREASING FEES ON DEVELOPMENT PROJECTS PURSUANT TO GOVERNMENT CODE SECTION 65995 LEVEL 2

WHEREAS, Education Code section 17620 authorizes school districts to impose certain fees as set forth in Government Code section 65995 *et seq.* to finance the construction and reconstruction of school facilities, and;

WHEREAS, under Senate Bill 50 (“SB 50”), the Leroy F. Greene School Facilities Act of 1998 (chapter 407, Statutes of 1998), Government Code section 65995.5 provides that in lieu of a residential fee imposed under Government Code section 65995, subdivision (b)(1), a school district may impose alternative fees on new residential construction in amounts calculated pursuant to Section 65995.5, subdivision (c) and 65995.7; and

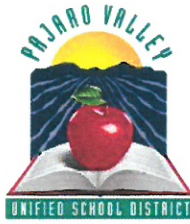
WHEREAS, pursuant to Government Code section 65995.5, subdivision (b), the District is currently levying a fee of **\$5.38** per square foot of assessable residential construction, and;

WHEREAS, pursuant to Government Code section 65995.5, subdivision (b), in order to be eligible to impose fees in these alternative amounts, the school district is required to do all of the following: (1) make a timely application to the State Board of Allocation (“SAB”) for new construction funding and be deemed by SAB to meet the eligibility requirements for new construction funding; (2) conduct and adopt a School Facilities Needs Analysis pursuant to Government Code section 65995.6; and (3) satisfy at least two of the requirements set forth in subparagraphs (A) to (D) inclusive of Government Code section 65995.5, subdivision (b) (3), and;

WHEREAS, the District has conducted a School Facilities Needs Analysis as specified by Government Code section 65995.5.

NOW, THEREFORE, BE IT RESOLVED that the Board makes the following findings:

1. The District has been determined by the State Allocation Board to meet the eligibility requirements for new construction funding.
 - a. The District has satisfied the requirements of Government Code section 65995.5, subdivision (b)(3)(C)(ii), in that the District has issued debt or incurred obligations for capital outlay in an amount greater than fifteen percent (15%) of its local bonding capacity.



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- b.* In addition, the District meets the requirement of Government Code section 65995.5, subdivision (b)(3)(D), in that at least twenty percent (20%) of the teaching stations within the District are relocatable classrooms.
2. The District has conducted a School Facilities Needs Analysis consistent with the requirements of Government Code section 65995.6 whereby the District has determined the need for school facilities to accommodate unhoused pupils that are attributable to projected enrollment growth from the development of new residential units over the next five (5) years.
 3. The District's School Facilities Needs Analysis results in a maximum alternative residential fee of **\$5.38** per square foot of assessable residential construction.
 4. The purpose of the alternative Level 2 fees is to provide school facilities for unhoused students that will be generated as a result of the construction of new residential units in the District over the next five (5) years.
 5. The alternative Level 2 fees must be used exclusively for the school facilities identified in the District's School Facilities Needs Analysis consistent with Government Code section 65995.5, subdivision (f).
 6. There is a reasonable relationship between the need for school facilities and the type of development on which the fees are imposed because, as set forth in the District's School Facilities Needs Analysis, the construction of new residential units generates students that cannot be housed without additional facilities in that the District currently lacks facility capacity to house significant numbers of existing students in grades kindergarten through twelfth grade.
 7. There is a reasonable relationship between the use of the fees and the types of development projects on which the fees are imposed in that new residential units of all types generate students who will attend the District schools, these students cannot be housed by the district without the construction of additional facilities, and the fees will be solely expended to finance these new additional facilities.
 8. There is a reasonable relationship between the amount of the fees and the cost of the facilities attributable to the construction of new residential units on which the fees are imposed in that the square footage of all types of residential units has a direct relationship to the number of students generated and, thus, to the facilities which the District must add to accommodate these students.
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BE IT FURTHER RESOLVED that the Board conducted a noticed public hearing at a board meeting on August 25, 2021 at Pajaro Valley Unified School District at which time information contained in the District's School Facilities Needs Analysis was presented, together with the District's responses to all written comments received regarding the School Facilities Needs Analysis. The Board hereby adopts the School Facilities Needs Analysis and incorporates its School Facilities Needs Analysis herein by reference; and

BE IT FURTHER RESOLVED, that the Board hereby establishes an alternative Level 2 Fee of \$5.38 per square foot of new residential construction; and

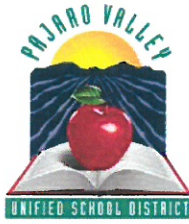
BE IT FURTHER RESOLVED, that the District has established a separate Developer Fee Fund, Level 2 Fees in which all Level 2 fees collected pursuant to this Resolution, along with any interest income earned therein, shall be deposited in order to avoid any commingling of the fees with other fees, revenues and funds of the District, except for temporary investments, and that the District is authorized to make expenditures or to incur obligation solely for the purposes for which the fees are collected, which the Governing Board hereby designates to be those purposes permitted by any applicable law; and

BE IT FURTHER RESOLVED, that the District will review the above-mentioned Developer Fee Fund, Level 2 Fees on a fiscal year and five-year basis in accordance with Government Code section 66001 and 66006; and

BE IT FURTHER RESOLVED, that if the District has unexpected or uncommitted fees within five (5) years of collection, the District will make required findings or refund the fees as set forth in Education Code Section 17624; and

BE IT FURTHER RESOLVED, that the alternative Level 2 fees established pursuant to this Resolution are not subject to the restriction contained in subdivision (a) of Government Code section 66007, and that no building permit shall be issued for any development absent certification of compliance by the development project with the fees imposed pursuant to this Resolution; and

BE IT FURTHER RESOLVED, that the Superintendent give notice to all cities and counties with jurisdiction over the territory of the District of the Board's action by serving a copy of this Resolution, the supporting documentation and a map indicating the areas subject to the Level 2 alternative fees on each agency and requesting that no building permits or, for manufactured homes,



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certificates of occupancy, be issued on or after the date of this Resolution without certification from the District evidencing compliance with the District's Level 2 alternative fees as specified herein.

The foregoing Resolution was moved by Trustee Orozco, seconded by Trustee Schacher, and adopted on roll call vote by majority vote of the members of the Governing Board of the Pajaro Valley Unified School District.

AYES: 5

NOES: 0

ABSENT/NOT VOTING 2

I hereby certify the foregoing to be a full, true, and correct resolution duly adopted by the Board of Trustees of the Pajaro Valley Unified School District.

Jennifer Holm, President
Governing Board Trustee

Jennifer Schacher Vice President /Clerk
Governing Board Trustee

F. District Map

