

**SYLVAN UNION SCHOOL DISTRICT  
RESOLUTION NO. 2017/2018 - #26**

**ADOPTING AND IMPLEMENTING A CHANGE IN LEVEL 1 DEVELOPER FEES LEVIED  
ON RESIDENTIAL DEVELOPMENT AND LEVYING FEES ON COMMERCIAL AND  
INDUSTRIAL DEVELOPMENT TO FUND THE CONSTRUCTION AND  
RECONSTRUCTION OF SCHOOL FACILITIES**

**WHEREAS**, pursuant to Government Code section 65995 and Education Code section 17620 the Sylvan Union School District ("District") may levy a fee on all residential, commercial, and industrial development within the District boundaries, to fund the construction or reconstruction of school facilities; and

**WHEREAS**, the District has a facilities plan which states an overall vision for new school construction in order to meet the needs of District students; and

**WHEREAS**, the District has performed a study to assess the impact on the District's facilities from residential, commercial, and industrial development and established a nexus between such development and the need for funding to construct and improve schools; and

**WHEREAS**, there is a continuing and urgent need for expansion and reconstruction of school facilities due to the impact of new residential construction as well as commercial and industrial development; and the State Allocation Board has established the maximum fee that can be levied by a school district is \$3.79 per square foot of habitable residential development and \$0.61 per square foot for commercial and industrial development for chargeable covered and enclosed space, which sums shall be used to fund the delivery of improvements to the District's facilities and construct new facilities; and

**WHEREAS**, the District has agreed to split the statutory maximum developer fees with Modesto City Schools on a 60%/40% basis, with the District receiving 60% of the statutory developer fee established by the State.

**WHEREAS**, the District conducted a public hearing to discuss the proposed increase in developer fees for residential and commercial/industrial development and has considered the comments provided therefrom.

**NOW, THEREFORE, BE IT RESOLVED**, that the District shall change the fees levied on new residential development from \$2.09 per square foot to \$2.27 per square foot (60% of the established maximum fee) for all new residential development within the District boundaries, in accordance with Education Code section 17620.

**BE IT FURTHER RESOLVED**, that the Board of Trustees of the Sylvan Union School District (the "Board") authorizes District staff to give notice to the City of Modesto, City of Riverbank, the County of Stanislaus, Modesto City Schools, and other applicable agencies, of the Board's adoption and implementation of this Resolution by serving a copy of the Resolution to each agency and by requesting that no building permits and no certificates of occupancy for residential, manufactured homes, mobile homes, commercial or industrial construction be issued without certification from the District that the specified fees, including any subsequent increases authorized by the State, have been paid.

**BE IT FURTHER** the District preserve a separate account where in all developer fees, including those fees collected pursuant to this Resolution will be deposited and the

District shall review and provide the Board a report on the reconciliation of that account every fiscal year.

**BE IT FURTHER RESOLVED**, that if the District has unexpected or uncommitted fees within five (5) years of collection of those fees, the District will make the statutorily required findings or refund those fees.

**BE IT FURTHER RESOLVED**, that the developer fees established by this Resolution, including any increases for inflation as authorized by the State, shall be collected prior to the issuance of a building permit on each eligible unit.

**THE FOREGOING RESOLUTION** was introduced at a Regular Board meeting of the **SYLVAN UNION SCHOOL DISTRICT** Board of Trustees held on the 1<sup>st</sup> day of May, 2018, by Board Member \_\_\_\_\_ who made the motion, which motion being duly seconded by Board Member \_\_\_\_\_ was, upon roll call vote, carried into Resolution and passed by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTENTIONS:**

**I, DEBRA HENDRICKS**, Secretary of the Board of Trustees, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Trustees of the **SYLVAN UNION SCHOOL DISTRICT** at a Regular meeting on May 1, 2018, which Resolution is on file in office of said Board.

May 1, 2018

Date

\_\_\_\_\_  
**Debra Hendricks, Secretary**  
**Board of Trustees**