

MODESTO CITY SCHOOLS
GOVERNING BOARD RESOLUTION NO. 20/21-01

INCREASING SCHOOL FACILITIES FEES FOR INFLATION IN ACCORDANCE
WITH THE DETERMINATION OF THE STATE ALLOCATION BOARD
AT ITS JANUARY 22, 2020 MEETING

WHEREAS, on January 2, 1987, this Board adopted Resolution No. 86/87-21 requiring the payment of certain fees on residential development projects, and on commercial and industrial development projects, and subsequently adopted Resolution No. 87/88-32 on April 18, 1988, on the same matter increasing the residential fee to \$1.53 per square foot and \$0.25 per square foot of covered or enclosed space in any commercial or industrial development, pursuant to the determination of the State Allocation Board and found in Government Code Section 65995 and Education Code Section 17620; and

WHEREAS, Government Code Section 65995 establishes a maximum amount of fee that may be charged against such development projects, and authorizes the maximum amount set forth in said section to be adjusted for inflation as set forth in the statewide cost index for Class B construction, as determined by the State Allocation Board at its January/February meeting; and

WHEREAS, at its January 22, 2020 meeting, the State Allocation Board determined that based on the adjustment for inflation, it should set a maximum fee of four dollars and eight cents (\$4.08) per square foot for residential development and sixty-six cents (\$.66) per square foot for commercial and industrial development; and,

WHEREAS, the purpose of this Resolution is to approve and adopt an increase in the fees on residential projects and to make certain findings with respect to said fees.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Education of the Modesto City Schools as follows:

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 July 27, 2020 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 66018, and a notice, including a statement that the data required by Government Code Section 66016 was available, was mailed at least 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 or increased fees or service charges within the period specified by law.

Additionally, at least 10 days prior to the meeting, the District made available to the public data 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, including general fund revenues. By way of such public meeting, the Board received oral and written presentations by District

staff which are summarized and contained in the District's School Facilities Fee Plan dated March 2020, (hereinafter referred to as the "Plan") along with other materials 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 facility needs, the cost thereof, and the available sources of revenue including the increase in 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. Enrollment at many of the various District schools is presently at or approaching capacity;

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

C. Without the addition of new school facilities, and/or 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;

D. Residential development and commercial or industrial development is projected within the District's boundaries and the enrollment produced thereby will impact the capacity of the schools of the District. Projected development within the District, without additional school facilities, could result in conditions of overcrowding which will impair the normal functioning of the District's educational programs.

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

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

G. The uses of the fees proposed in the Plan and increased 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 Plan and increased pursuant to this Resolution bear a reasonable relationship to the need for school facilities created by the types of development projects on which the fees are imposed;

I. The fees proposed in the Plan and increased 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.

J. The fees imposed on commercial or industrial development bear a reasonable

relationship and are limited to the needs of the community for high school facilities and are reasonably related and limited to the need for schools caused by the development.

K. The fees will be collected for school facilities for which an account has been established and funds appropriated and for which the District has adopted a construction schedule and/or to reimburse the District for expenditures previously made.

3. School Facilities Fee Plan. The Board has reviewed and hereby adopts the School Facilities Fee Plan as updated March 2020.

4. Fee. Based upon the foregoing findings, the Board hereby increases the previously levied fee to the amount of \$4.08 per square foot of assessable space for new residential construction and for residential reconstruction, which is therefore divided, \$2.45 per square foot for the Modesto City Elementary School District (elementary district) and \$1.63 per square foot for the Modesto High School District (high school district). Commercial or industrial construction will also be increased to the maximum of \$0.40 per square foot (60% of the established maximum fee) within Modesto City Elementary School District and a maximum of \$0.66 per square foot within the Modesto High School District., although some areas may see a lower fee based on agreements with the local elementary school districts.

5. Fee Adjustments and Limitations. The fees adjusted herewith shall be subject to the following:

A. The amount of the District's fees shall be reviewed biennially 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 fees adjusted pursuant to this Resolution do not apply during the term of any contract entered into between a subdivider or builder and the District, or the City of Modesto or the County of Stanislaus 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.

C. 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.

6. 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 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.

7. Implementation. For residential, commercial or industrial 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.

8. Commencement Date. The effective date of this Resolution shall be September 28, 2020, which is at least 60 days following its adoption by the Board.

9. Notification of Local Agencies. The Secretary of the Board is hereby directed to forward copies of this Resolution to the Planning Commission and Board of Supervisors of Stanislaus County and to the Planning Commissions and City Councils of the Cities of Modesto, Riverbank and Ceres.

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.

PASSED AND ADOPTED this 27th day of July 2020, at a meeting of the Board of Education by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

MODESTO CITY SCHOOLS, under a common governing board and acting on behalf of Modesto City School District of Stanislaus County and Modesto High School District of Stanislaus County

By: _____
Board President

ATTEST:

Clerk of the Board

No. 20/21-01
July 27, 2020