

**RESOLUTION TO MEET LEGAL REQUIREMENTS OF MITIGATION FEE  
ACT, GOVERNMENT CODE 66000 et seq.**

**BENICIA UNIFIED SCHOOL DISTRICT  
RESOLUTION #20-21-10**

*A resolution to Certify the annual accounting for development fees for fiscal year 2019/20 according to Government Code Sections 66001(d) and 66006 (b).*

Whereas, the Benicia Unified School District (“the District”) has chosen to levy school facility fees as adopted by various resolutions, referred to herein as the “School Facilities Fee Resolution” and incorporated by reference into this Resolution, and

Whereas, the facility fee resolutions were adopted under the authority of Education Code Section 17620 and the facility fees collected have been deposited in fund or account “Fund 25 – Capital Facilities”(“the Fund”); and

Whereas, Government Code Sections 66001(d) and 66006 (b) require the District to make an annual accounting of the facility fees collected and expended and to make additional findings every five years if there are any funds remaining in the Fund at the end of the prior fiscal year; and

Whereas, Government Code Sections 66001 (d) and 66006 (b) further require: that the annual accounting of facility fees and the Fund be made available to the public no later than December 10, 2020; that this information be reviewed by the Board at its next regularly scheduled board meeting held no earlier than 15 days after the annual accounting information has been made available to the public; and, that notice of the time and place of the meeting (and the address at which the information may be reviewed) be mailed at least 15 days prior to the meeting to anyone who has requested it; and

Whereas, the Superintendent has informed the Board: 1) that a draft copy of this Resolution, along with Exhibits A and B which are incorporated by reference into this Resolution, was made available to the public on November 25, 2020; and, 2) that notice of the time and place of this meeting, as well as the address at which the information may be reviewed, was mailed at least 15 days prior to this meeting to anyone who had requested it; and, 3) that there is no new information that would adversely affect the validity of any of the findings made by this Board in its School Facilities Fee Resolution;

Now therefore, the Board makes the following findings and takes the stated actions regarding the Fund as required by and in accordance with Government Code Sections 66001(d) and 66006(b):

- a) Based on all findings of evidence contained in, referred to, or incorporated into this Resolution, including any evidence presented to the Board at this meeting, the Board finds each of the following with respect to the Fund for the 2019/20 Fiscal Year:
- 1) The information identified above is correct and complies with Government Code Section 66006(b)(2);
  - 2) Consistent with Government Code Section 66006(b)(2) the Board has reviewed the annual accounting for the Fund, as provided in Exhibit A, and determined that the accounting complies with the requirements set forth in Government Code Section 66006(b)(1);
  - 3) As required by Government Code Section 66001(d)(1), and for that portion of the Fund remaining unexpended at the end of the 2019/20 Fiscal Year:
    - a) the purpose of the fees is to add facilities needed by students generated from development, further described in Exhibit B;
    - b) the findings and evidence as referenced demonstrate a reasonable relationship between the fees and the purpose for which it is charged;
    - c) all of the sources and amounts of funding anticipated to complete financing in incomplete improvements identified as a use of the fees are identified in Exhibit B;
    - d) the approximate dates the funding referred to in paragraph (c) above is expected to be deposited in the appropriate account or fund is designated in Exhibit B.
  - 4) Because all of the findings required have been made for the fees that were levied, the District is not required to refund any fees, or portion thereof, as provided in Government Code Section 66001(e).

The Board directs and authorizes the Superintendent or his designee to take on its behalf such further action as may be necessary and appropriate to implement this Resolution.

Ayes:                Noes:                Absent:                Abstain:

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Diane Ferrucci, President, Board of Trustees  
Benicia Unified School District

## EXHIBIT A

### ANNUAL ACCOUNTING OF DEVELOPMENT FEES IN THE FOLLOWING FUND OR ACCOUNT FOR FISCAL YEAR 2019/20: Fund 25

Compliance with Government Code Section 66006(b)(1)(A-H):

A. Description of the type of fee in the Fund:

Level I developer fees

B. Amount of fee:

Level I: The statutory fee level of \$2.97 per square foot of assessable space of residential construction and \$0.47 per square foot of commercial/industrial construction.

C. Balance of the Fund:

Beginning balance at beginning of fiscal year: \$94,979.37  
Ending balance at end of fiscal year: \$120,216.90

D. Amount of fees collected:

Fees collected \$37,177.98  
Interest earned \$2,032.54

E. A listing of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees:

Robert Semple Elementary School Upgrades	\$9,497.99
Bank Administrative Services	\$4,475.00
Total	\$13,972.99

F. The approximate date by which the construction of the public improvement will commence if the District determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) subdivision (a) of Section 66001 and the public improvement remains incomplete:

N/A

G. A description of each interfund transfer or loan made from the amount or fund, including the public improvement on which the transferred or loaned fees will be

expended, and in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.

N/A

H. The amount of refunds made pursuant to subdivision (e) of Section 66001 and allocations pursuant to subdivision (f) of Section 66001:

N/A

## EXHIBIT B

### ANNUAL ACCOUNTING OF DEVELOPMENT FEES FOR FISCAL YEAR 2019/20

FUND OR ACCOUNT: Fund 25

Government Code Section 66001(d)(1-4):

- (1) With respect only to that portion of the Fund remaining unexpended at the end of the 2019/20, the purpose of the fees is to:

Construct and reconstruct facilities at outlined in the District's 2016 Facilities Master Plan.

- (2) The fees were utilized to add facilities needed by the students generated from development.

- (3) With respect only to that portion of the Fund remaining unexpended at the end of the 2019/20 Fiscal Year, the sources and amounts of funding anticipated to complete financing in any incomplete improvements identified in (1) above are as follows:

N/A

- (4) With respect only to that portion of the Fund remaining unexpended at the end of the 2019/20 Fiscal Year, the following are the approximate dates on which the funding referred to in (3) above is expected to be deposited into the appropriate fund or account:

N/A