

**PROPOSAL/AGREEMENT TO PREPARE
FACILITY NEEDS ASSESSMENT
for
MILPITAS UNIFIED SCHOOL DISTRICT**

Prepared by:

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CONTENTS

PURPOSE OF THE PROJECT	1
PROJECT METHODOLOGY	1
CONSULTING FEES.....	4
TIME SCHEDULE	5
SIGNATURE	5
PROFESSIONAL QUALIFICATIONS	6
CLIENT LIST	9

PURPOSE OF PROJECT

The objective of this project is to determine the eligibility of the District to impose developer fees in excess of the statutory developer fee. The study will be documented to provide the District with the justification necessary to levy developer fees as authorized by Government Code Section 65995. The report will comply with any new legislative requirements to date, including SB 50 requirements.

PROJECT METHODOLOGY

The project that Jack Schreder & Associates, Inc. is proposing will be comprised of four separate components. Compliance with Components A and B must be determined before proceeding with Components C and D.

Component A: Determine if the District is eligible for new construction funding under the new eligibility requirements for new construction funding set forth in Article 2 (commencing with Section 17071.10) and Article 3 (commencing with Section 17071.75) of Chapter 12.5 of Part 10 of the Education Code. Make an application to the State Allocation Board for new construction funding, if needed.

Component B: Determine if the District is eligible to collect developer fees in excess of the statutory developer fee based on meeting two of the following four criteria.

1. Identify if the District has a “substantial enrollment” of its pupils on a multi track year-round schedule. “Substantial enrollment” for purposes of this paragraph means at least 30% of district pupils in kindergarten and grades 1 to 6, inclusive, in the high school attendance area in which all or some of the new residential units identified in the needs analysis are planned for construction. A high school district shall be deemed to have met the requirements of this paragraph if either of the following apply:
 - (a) At least 30% of the high school district’s pupils are on a multi track year-round schedule.

- (b) At least 40% of the pupils enrolled in public schools in kindergarten and grades 1 to 12, inclusive, within the boundaries of the high school attendance area for which the school district is applying for new facilities are enrolled in multi track year-round schools.
- 2. Determine if the District has placed a local general obligation bond to finance school facilities on the ballot in the previous four years and if the measure received at least 50% plus one of the votes cast.
- 3. Determine if the District has issued debt or incurred obligation for capital outlay in an amount equivalent to 15 or 30% of the District's local bonding capacity.
- 4. Identify if at least 20% of the teaching stations within the District are relocatable classrooms.

Proceed only if requirements of Components A and B are satisfied.

Component C: Conduct a school facility needs analysis pursuant to Section 65995.6. The specific steps required to justify the facility needs analysis in this component are:

- 1. Project enrollment utilizing CBEDS data and cohort survival procedure.
- 2. Identify historical student generation rates of new residential units constructed during the previous five years that are of a similar type of unit to those anticipated to be constructed either in the school district or the city or county in which the school district is located. Relevant planning agency information, such as multi phased development projects, will be reviewed that may modify the historical figures.
- 3. Identify residential units to be constructed in the next five years that are of similar type to those constructed in the last five years. Analyze square footage for each residential project.
- 4. Calculate the number of unhoused elementary, middle and high school pupils generated by new residential units identified in #3.

5. Analyze each district school site to determine the existing school building capacity calculated pursuant to Article 2 (commencing with Section 17071.10) of Chapter 12.5 of Part 10 of the Education Code.
6. Identify and consider the extent to which projected enrollment growth may be accommodated by excess capacity in existing facilities.
7. Identify and consider any surplus property owned by the District that can be used as a school site or that is available for sale to finance school facilities.
8. Identify and analyze local sources other than fees, charges, dedications, or other requirements imposed on residential construction available to finance the construction or reconstruction of school facilities needed to accommodate any growth in enrollment attributable to the construction of new residential units.

Component D: Calculate the developer fee justified which is in excess of the statutory fee and document said fee as required by SB 50. The information and conclusions identified in Components A through C will be included in a report to be delivered to the District upon completion of the project.

CONSULTING FEES

Milpitas Unified SD

Price

Component A

\$165 Hour

Eligibility determined in the State Building Program (if needed)

Component B

No Charge

Determination of criteria to assess District eligibility to collect developer fees in excess of the statutory fee.

Component C and D

\$10,342

Needs Assessment and Report

Additional Considerations

- The quoted price does not include attendance at the Board meeting when the report is presented; this is an additional optional cost for the District.
- Expenses incurred for necessary visitations to the district by the Consultant prior to the completion of the draft report will be reimbursed to the Consultant.
- Visitations to the District following the study will be reimbursed to the Consultant in the amount of \$165 an hour including travel time.
- Reproduction costs for bound hard copies of the final report will be reimbursed to the Consultant.
- Express mail expenses will be documented and reimbursed to the Consultant.

TIME SCHEDULE

The draft report will be presented to the District within 90 days of a signed agreement and receipt of requested information. The final report will be completed 15 days after receipt of the final draft from the District.

This agreement is between the Milpitas Unified School District and Jack Schreder & Associates, Inc.

Wendy Zhang
Assistant Superintendent
Business Services
Milpitas Unified School District

Jack Schreder
Jack Schreder & Associates, Inc.

Date

June 11, 2019
Date