

RESOLUTION NO. 2019/20-35
RESOLUTION OF THE GOVERNING BOARD OF THE
SANTA ROSA CITY SCHOOL DISTRICT
REGARDING ACCOUNTING OF DEVELOPMENT FEES
FOR 2018-2019 FISCAL YEAR
IN THE FOLLOWING FUND OR ACCOUNT:
CAPITAL FACILITIES FUND – FUND 25
(Government Code sections 66001(d) & 66006(b))

1. **Authority and Reasons for Adopting this Resolution.**

- A. This District has levied school facilities fees pursuant to various resolutions, the most recent of which is dated August 23, 2017, and is referred to herein as the “School Facilities Fee Resolution” and is hereby incorporated by reference into this Resolution. These resolutions were adopted under the authority of Education Code section 17620. These fees have been deposited in the following fund or account:

CAPITAL FACILITIES FUND – FUND 25 (the “Fund”);

- B. Government Code sections 66001(d) and 66006(b) require this District to make an annual accounting of the Fund 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;
- C. Government Code sections 66001(d) and 66006(b) further require that the annual accounting of the Fund and those findings be made available to the public no later than December 27, 2019, that this information be reviewed by this Board at its next regularly scheduled board meeting held no earlier than 15 days after the findings become available to the public, and that notice of the time and place of this meeting (as well as the address at which this information may be reviewed) be mailed at least 15 days prior to this meeting to anyone who has filed a written request for it.
- D. The Superintendent has informed this Board that a draft copy of this Resolution (along with Exhibits 1 and 2 which are hereby incorporated by reference into this Resolution) was made available to the public on December 26, 2019. The Superintendent has further informed this Board that notice of the time and place of this meeting (as well as the address at which this information may be reviewed) was mailed at least 15 days prior to this meeting to anyone who had filed a written request for it.
- E. The Superintendent has also informed this Board that there is no new information which would adversely affect the validity of any of the findings made by this Board in its School Facilities Fee Resolution.

2. **What This Resolution Does.**

This Resolution makes various findings and takes various actions regarding the Fund as required by and in accordance with Government Code sections 66001(d) and 66006(b).

3. Findings Regarding the Fund.

Based on all findings and evidence contained in, referred to, or incorporated into this Resolution, as well as the evidence presented to this Board at this meeting, the Board finds each of the following with respect to the Fund for the 2018-2019 Fiscal Year:

- A. In reference to Government Code section 66006(b)(2), the information identified in section 1 above is correct;
- B. In further reference to Government Code section 66006(b)(2), this Board has reviewed the annual accounting for the Fund as contained in Exhibit 1 and determined that it meets the requirements set forth in Government Code section 66006(b)(1);
- C. In reference to Government Code section 66001(d)(1)(A), and with respect only to that portion of the Fund remaining unexpended at the end of the 2018-2019 Fiscal Year, the purpose of the fees is to finance the construction or reconstruction of school facilities necessary to reduce overcrowding caused by the development on which the fees were levied, which facilities are more specifically identified in Exhibit 2;
- D. In reference to Government Code section 66001(d)(1)(B), and with respect only to that portion of the Fund remaining unexpended at the end of the 2018-2019 Fiscal Year, the findings and evidence referenced above demonstrate that there is a reasonable relationship between the fees and the purpose for which it is charged as more specifically identified in Exhibit 2;
- E. In reference to Government Code section 66001(d)(1)(C), and with respect only to that portion of the Fund remaining unexpended at the end of the 2018-2019 Fiscal Year, all of the sources and amounts of funding anticipated to complete financing in any incomplete improvements identified as the use to which the fees are to be put is identified in Exhibit 2;
- F. In reference to Government Code section 66001(d)(1)(D), and with respect only to that portion of the Fund remaining unexpended at the end of the 2018-2019 Fiscal Year, the approximate dates on which the funding referred to in paragraph E above is expected to be deposited into the appropriate account or fund is designated in Exhibit 2; and
- G. In reference to the last sentence of Government Code section 66006(d), because all of the findings required by that subdivision have been made in the fees that were levied in paragraphs C-F above, the District is not required to refund any moneys in the Fund as provided in Government Code section 66001(e).

4. Superintendent Authorized to Take Necessary and Appropriate Action.

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

5. **Certificate of Resolution.**

I, Laurie Fong, President of the Governing Board of the Santa Rosa City Schools District of Sonoma County, State of California, certify that this Resolution proposed by _____, seconded by _____, was duly passed and adopted by the Board, at an official and public meeting this __22__ day of January, 2020, by the following vote:

Board Member Laurie Fong	_____
Board Member Ed Sheffield	_____
Board Member Alegría De La Cruz	_____
Board Member Jenni Klose	_____
Board Member Omar Medina	_____
Board Member Stephanie Manieri	_____
Board Member Jill McCormick	_____

AYES:

NOES:

ABSENT:

_____ (signature)
President of the Governing Board
of the Santa Rosa City Schools District
of Sonoma County, California

EXHIBIT 1

**TO RESOLUTION REGARDING
ACCOUNTING OF DEVELOPMENT FEES
FOR FISCAL YEAR 2018-2019
FOR THE FOLLOWING FUND OR ACCOUNT:
CAPITAL FACILITIES FUND – FUND 25 (the “Fund”)**

Per Government Code section 66006(b)(1)(A-H) as indicated:

- A. A brief description of the type of fee in the Fund: Statutory school facilities fees
- B. The amount of the fee. See Attachment A.

STATUTORY FEES: \$3.48 per square foot of assessable space of residential construction; and \$0.56 per square foot of covered and enclosed space of commercial/industrial construction; but subject to the district’s determination that a particular project is exempt from all or part of these fees. Pursuant to Education Code section 17623 and an agreement with the other elementary district(s) sharing territory with this district, generally only 30% of the maximum fee specified above is distributed to this district.

FULL MITIGATION FEES:

RESIDENTIAL:	ELEMENTARY:	\$3.63
	SECONDARY:	\$2.03
	TOTAL:	\$5.66

- C. The beginning and ending balance of the Fund.
BEGINNING BALANCE: \$4,397,371.54
ENDING BALANCE: \$4,641,685.95
- D. The amount of the fees collected and the interest earned.
DEVELOPER FEES: \$921,189.78
INTEREST & OTHER REVENUES: \$94,823.45
- E. An identification 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.
See Attachment B.

F. An identification of an approximate date by which the construction of the public improvement will commence if the local agency 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.
The District has not made this determination.

G. A description of each interfund transfer or loan made from the account 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. The District has not made any such interfund transfers or loans.

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

N/A. No refunds or allocations were made pursuant to subdivision (e) or (f) of section 66001.

EXHIBIT 2

TO RESOLUTION REGARDING ACCOUNTING OF DEVELOPMENT FEES FOR FISCAL YEAR 2018-2019 FOR THE FOLLOWING FUND OR ACCOUNT: CAPITAL FACILITIES FUND – FUND 25 (the “Fund”)

Per Government Code section 66001(d)(1)(A-D) as indicated:

- A. With respect to only that portion of the Fund remaining unexpended at the end of the 2018-2019 Fiscal Year, the purpose of the fees is to finance the construction or reconstruction of school facilities necessary to reduce overcrowding caused by the development on which the fees were levied, which facilities are more specifically identified as follows: The fund balance at 06/30/2019 was \$4,641,685.95. Attachment C, Projected Developer Fee Fund Expenditures, shows that the projected expenditures from developer fees in 2019-2020 are estimated to be \$827,844.46. All of the funds necessary to complete the projects are already in the District’s possession. It is anticipated that the remaining \$3,813,841.49 in this fund will be spent by 06/30/2022 on leasing portables; completion of modernization projects throughout the District; consulting and administrative costs; and additional furniture and equipment required at school sites. See Attachment C.
- B. With respect to that portion of the Fund remaining unexpended at the end of the 2018-2019 Fiscal Year, there is a reasonable relationship between the fee and the purpose for which it is charged, including:
 - a. There is an ongoing need for the Fund to complete construction or reconstruction to reduce overcrowding caused by the development.
 - b. The status of improvements identified when the fee was established are as follows: See Attachment C.
 - c. The following has been done since the fee was imposed: leasing portables; completion of modernization projects throughout the District; consulting and administration costs; and additional furniture and equipment required at school sites.
 - d. Future plans include: leasing portables; completion of modernization projects throughout the District; consulting and administration costs; and additional furniture and equipment required at school sites.
- C. With respect to only that portion of the Fund remaining unexpended at the end of the 2018-2019 Fiscal Year, the sources and amounts of funding anticipated to complete financing in any incomplete improvements identified in paragraph A above are as follows: N/A.

D. With respect to only that portion of the Fund remaining unexpended at the end of the 2018-2019 Fiscal Year, the following are the approximate dates on which the funding referred to in paragraph C above is expected to be deposited into the appropriate account or fund: N/A

**ATTACHMENT A
TO RESOLUTION REGARDING
ACCOUNTING OF DEVELOPMENT FEES
FOR FISCAL YEAR 2018-2019
FOR THE FOLLOWING FUND:
CAPITAL FACILITIES FUND – FUND 25 (the “Fund”)**

Per Government Code section 66006(b)(1)(A-H) as indicated:

(A) DESCRIPTION OF FEE:

DEVELOPER FEE: The fee is charged against a development project to finance the construction or reconstruction of school facilities.

(B) AMOUNT OF FEE: (per square foot)

STATUTORY FEES: \$3.48 per square foot of assessable space of residential construction; and \$0.56 per square foot of covered and enclosed space of commercial/industrial construction; but subject to the district’s determination that a particular project is exempt from all or part of these fees. Pursuant to Education Code section 17623 and an agreement with the other elementary district(s) sharing territory with this district, generally only 30% of the maximum fee specified above is distributed to this district.

FULL MITIGATION FEES:

RESIDENTIAL:	ELEMENTARY:	\$3.63
	SECONDARY:	\$2.03
	TOTAL:	\$5.66

(C) FUND BALANCES:

BEGINNING:	\$4,397,371.54
ENDING:	\$4,641,685.95

(D) FEES COLLECTED & INTEREST EARNED:

DEVELOPER FEES:	\$921,189.78
INTEREST & OTHER REVENUES:	\$94,823.45

(E) LISTING OF IMPROVEMENTS ON WHICH FEES WERE EXPENDED:

See Attachment B, Summary of 2018-2019 expenditures.

(F) INCOMPLETE IMPROVEMENTS READY FOR COMPLETION:

N/A.

(G) INTER-FUND TRANSFERS OR LOANS:

There were no inter-fund transfers or loans in 2018-2019.

(H) AMOUNT OF REFUND OF DEVELOPER FEES:

N/A. No refunds or allocations were made pursuant to subdivision (e) or (f) of section 66001.

(I) PROJECTED USE OF UNEXPENDED FEES AT 6-30-19: (Government Code section 66001 (d)(A)-(D))

The fund balance at 6-30-19 was \$4,641,685.95. Attachment C, Projected Construction Expenditures, shows that the projected expenditures from developer fees in 2019-20 are estimated to be \$827,844.46. The source and amount of funds to complete all projects in 2019-2020 are also shown on Attachment C. All of the funds necessary to complete the projects are already in the District's possession. It is anticipated that the remaining \$3,813,841.49 in this Fund will be spent by 6-30-2022 on leasing portables; completion of modernization projects throughout the District; consulting and administration costs; and additional furniture and equipment required at school sites.

- A) **Identify the purpose to which the fee is to be put** – The fee is charged against a development project to finance the construction or reconstruction of school facilities.
- B) **Demonstrate a reasonable relationship between the fee and the purpose for which it is charged** – Attachment C details the planned expenditures for the fees collected.
- C) **Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements** – N/A.
- D) **Designate the approximate dates on which the funding referred to in C) is expected to be deposited into the appropriate account or fund** – N/A

ATTACHMENT B**Santa Rosa City Schools****Developer Fee Fund Expenditures****July 1 , 2018 - June 30, 2019**

PROJECT	DISBURSEMENT
101-9806-5192 - Brookhill - Plan Review - DSA Fees	\$1,482.30
101-9807-5192 - Brookhill - Three Leased Portable Classrooms	\$20,160.00
104-9807-5192 - Charter School For The Arts - One Leased Portable	\$6,780.00
104-9852-5192 - Charter School For The Arts - Two Leased Portables	\$14,280.00
105-9625-5192 - Lehman - Two Leased Portable Classrooms	\$13,584.00
107-9569-5192 - Lincoln - Furniture and Equipment	\$13,833.90
111-9569-5192 - Steele Lane - Furniture and Equipment	\$5,159.76
119-0000-9795 - Elementary District Wide - Project Support	\$7,185.98
119-9660-5192 - Elementary District Wide - Modernization and New Construction Eligibility	\$22,240.63
127-9569-5192 - Cesar Chavez Language Academy - Furniture and equipment for three new classrooms	\$16,578.04
230-9807-5192 - Cook Middle - Three Portable Classrooms for Head Start Program	\$49,280.08
232-9535-5192 - Comstock Middle - Four Portable Classrooms	\$52,911.64
233-9807-5192 - Rincon Valley Middle - Five Portable Classrooms	\$32,345.00
234-9630-5192 - Santa Rosa Middle - Five Portable Classrooms	\$43,452.00
249-0000-9795 - Secondary District Wide - Project Support	\$16,581.90
249-9569-5192 - Secondary District Wide - Furniture for various sites	\$1,356.75
249-9660-5192 - Secondary District Wide - Consultants for Modernization and New Construction	\$26,184.73
250-9630-5192 - Montgomery High - Four Portable Classrooms	\$23,424.00
250-9807-5192 - Montgomery High - Two portable buildings for dance and drama classrooms and adjunct faculty offices	\$46,860.00
250-9808-5192 - Montgomery High - One Portable Classroom	\$7,128.00
251-9569-5192 - Piner High - Furniture and Equipment	\$7,677.65
252-9973-5192 - Santa Rosa High - One Portable Building Used for Classrooms	\$8,253.33
260-9807-5192 - Ridgway Continuation High - Portable Classrooms	\$42,198.12
392-0000-5192 - District Wide - Transportation JPA Facility Lease	\$292,761.01
TOTAL EXPENDITURES FOR FUND 25 (all projects above 100% funded by fees)	\$771,698.82

ATTACHMENT C

Santa Rosa City Schools
Projected Developer Fee Fund Expenditures
2019-2020 Fiscal Year

PROJECT	PROJECTED EXPENSES
101-9807-5192 - Brookhill - Three Leased Portable Classrooms	\$23,593.00
104-9807-5192 - Charter School For The Arts - One Leased Portable	\$8,237.00
104-9852-5192 - Charter School For The Arts - Two Leased Portables	\$15,760.00
105-9625-5192 - Lehman - Two Leased Portable Classrooms	\$15,780.00
111-9569-5192 - Steele Lane - Furniture and Equipment	\$6,149.91
119-0000-9795 - Elementary District Wide - Project Support	\$6,517.42
119-9660-5192 - Elementary District Wide - Modernization and New Constructi	\$8,175.60
127-9569-5192 - Cesar Chavez Language Academy - Furniture & equipment for three new classrooms	\$16,708.91
127-9807-5192 - Cesar Chavez Language Academy - Leased Portables	\$190,603.65
127-9816-5192 - Cesar Chavez Language Academy - HVAC/projects	\$47,124.00
230-9807-5192 - Cook Middle - Three Portable Classrooms for Head Start Program	\$50,983.88
230-9700-5192 - Cook Middle - Minor Remodel	\$95,921.65
232-9535-5192 - Comstock Middle - Four Portable Classrooms	\$56,930.00
232-9807-5192 - Comstock Middle - Portable Classrooms	\$5,670.01
233-9807-5192 - Rincon Valley Middle - Five Portable Classrooms	\$36,895.00
233-9569-5192 - Rincon Valley Middle - Furniture and Equipment	\$4,904.79
234-9569-5192 - Santa Rosa Middle - Furniture and Equipment	\$7,987.12
234-9630-5192 - Santa Rosa Middle - Five Portable Classrooms	\$46,403.00
249-0000-9795 - Secondary District Wide - Project Support	\$17,621.04
249-9660-5192 - Secondary District Wide - Consultants for Modernization and New Construction	\$19,076.40
250-9630-5192 - Montgomery High - Four Portable Classrooms	\$24,424.24
250-9807-5192 - Montgomery High - Two portable buildings for dance and drama classrooms and adjunct faculty offices	\$43,514.00
250-9808-5192 - Montgomery High - One Portable Classroom	\$7,886.23
251-9569-5192 - Piner High - Furniture and Equipment	\$10,752.26
252-9973-5192 - Santa Rosa High - One Portable Used for Classrooms	\$8,705.63
254-9569-5192 - Maria Carrillo High - Furniture and Equipment	\$3,394.72
260-9807-5192 - Ridgway Continuation High - Portable Classrooms	\$48,125.00
Grand Total	\$827,844.46

State of California

GOVERNMENT CODE

Section 66001

66001. (a) In any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency, the local agency shall do all of the following:

(1) Identify the purpose of the fee.

(2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged.

(3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

(4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

(b) In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

(c) Upon receipt of a fee subject to this section, the local agency shall deposit, invest, account for, and expend the fees pursuant to Section 66006.

(d) (1) For the fifth fiscal year following the first deposit into the account or fund, and every five years thereafter, the local agency shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

(A) Identify the purpose to which the fee is to be put.

(B) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.

(C) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in paragraph (2) of subdivision (a).

(D) Designate the approximate dates on which the funding referred to in subparagraph (C) is expected to be deposited into the appropriate account or fund.

(2) When findings are required by this subdivision, they shall be made in connection with the public information required by subdivision (b) of Section 66006. The findings required by this subdivision need only be made for moneys in possession of the local agency, and need not be made with respect to letters of credit, bonds, or other instruments taken to secure payment of the fee at a future date. If the findings are not

made as required by this subdivision, the local agency shall refund the moneys in the account or fund as provided in subdivision (e).

(e) Except as provided in subdivision (f), when sufficient funds have been collected, as determined pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 66006, to complete financing on incomplete public improvements identified in paragraph (2) of subdivision (a), and the public improvements remain incomplete, the local agency shall identify, within 180 days of the determination that sufficient funds have been collected, an approximate date by which the construction of the public improvement will be commenced, or shall refund to the then current record owner or owners of the lots or units, as identified on the last equalized assessment roll, of the development project or projects on a prorated basis, the unexpended portion of the fee, and any interest accrued thereon. By means consistent with the intent of this section, a local agency may refund the unexpended revenues by direct payment, by providing a temporary suspension of fees, or by any other reasonable means. The determination by the governing body of the local agency of the means by which those revenues are to be refunded is a legislative act.

(f) If the administrative costs of refunding unexpended revenues pursuant to subdivision (e) exceed the amount to be refunded, the local agency, after a public hearing, notice of which has been published pursuant to Section 6061 and posted in three prominent places within the area of the development project, may determine that the revenues shall be allocated for some other purpose for which fees are collected subject to this chapter and which serves the project on which the fee was originally imposed.

(g) A fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan.

(Amended by Stats. 2006, Ch. 194, Sec. 1. Effective January 1, 2007.)

State of California

GOVERNMENT CODE

Section 66006

66006. (a) If a local agency requires the payment of a fee specified in subdivision (c) in connection with the approval of a development project, the local agency receiving the fee shall deposit it with the other fees for the improvement in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the local agency, except for temporary investments, and expend those fees solely for the purpose for which the fee was collected. Any interest income earned by moneys in the capital facilities account or fund shall also be deposited in that account or fund and shall be expended only for the purpose for which the fee was originally collected.

(b) (1) For each separate account or fund established pursuant to subdivision (a), the local agency shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year:

(A) A brief description of the type of fee in the account or fund.

(B) The amount of the fee.

(C) The beginning and ending balance of the account or fund.

(D) The amount of the fees collected and the interest earned.

(E) An identification 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.

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

(G) A description of each interfund transfer or loan made from the account 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.

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

(2) The local agency shall review the information made available to the public pursuant to paragraph (1) at the next regularly scheduled public meeting not less than 15 days after this information is made available to the public, as required by this subdivision. Notice of the time and place of the meeting, including the address where this information may be reviewed, shall be mailed, at least 15 days prior to the meeting, to any interested party who files a written request with the local agency for mailed

notice of the meeting. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(c) For purposes of this section, "fee" means any fee imposed to provide for an improvement to be constructed to serve a development project, or which is a fee for public improvements within the meaning of subdivision (b) of Section 66000, and that is imposed by the local agency as a condition of approving the development project.

(d) Any person may request an audit of any local agency fee or charge that is subject to Section 66023, including fees or charges of school districts, in accordance with that section.

(e) The Legislature finds and declares that untimely or improper allocation of development fees hinders economic growth and is, therefore, a matter of statewide interest and concern. It is, therefore, the intent of the Legislature that this section shall supersede all conflicting local laws and shall apply in charter cities.

(f) At the time the local agency imposes a fee for public improvements on a specific development project, it shall identify the public improvement that the fee will be used to finance.

(Amended by Stats. 1996, Ch. 569, Sec. 2. Effective January 1, 1997.)