



ACTON-AGUA DULCE
UNIFIED SCHOOL DISTRICT
"NOTHING GOLD CAN STAY" - ROBERT FROST

RESOLUTION NO. 17-18.18

**RESOLUTION OF THE GOVERNING BOARD OF THE ACTON-AGUA DULCE
UNIFIED SCHOOL DISTRICT APPROVING AN INCREASE IN STATUTORY SCHOOL
FEES IMPOSED ON NEW RESIDENTIAL AND COMMERCIAL/INDUSTRIAL
CONSTRUCTION PURSUANT TO GOVERNMENT CODE SECTION 65995 AND
EDUCATION CODE SECTION 17620**

WHEREAS, the Governing Board ("Board") of the Acton-Agua Dulce Unified School District ("District") provides for the educational needs for Grades K-12 students within the unincorporated communities of Acton and Agua Dulce ("Towns") in the County of Los Angeles ("County"); and

WHEREAS, on January 24, 2018, the State Allocation Board ("SAB") authorized an adjustment in the statutory school fee amounts for unified school districts pursuant to Government Code section 65995(b)(3) to \$3.79 per square foot for assessable space of new residential construction and \$0.61 per square foot of chargeable covered and enclosed space for the categories of new commercial/industrial construction, collectively referred to as "Statutory School Fees," as long as such increases are properly justified by the District pursuant to law; and

WHEREAS, new residential and commercial/industrial construction continues to generate additional students for the District's schools and the District is required to provide school facilities ("School Facilities") to accommodate those students; and

WHEREAS, the District does not have sufficient funds available for the construction or modernization of its School Facilities to accommodate students from new residential and commercial/industrial construction; and

WHEREAS, the Board has considered the following reports: Level I Developer Fee Study for Acton- Agua Dulce Unified School District; and

WHEREAS, the reports pertaining to the Statutory School Fees and to the capital facilities needs of the District have been available to the public, for at least 10 days, before the public hearing by the Board to increase in the Statutory School Fees; and

WHEREAS, all notices of the proposed increase in the Statutory School Fees have been given in accordance with applicable law; and

WHEREAS, a public hearing was duly held at a regularly scheduled meeting of the Board relating to the proposed increase in the Statutory School Fees on April 12, 2018; and

WHEREAS, as to the Statutory School Fees, Education Code section 17621 provides that the adoption, increase or imposition of any fee, charge, dedication, or other requirement, pursuant to Education Code section 17620 shall not be subject to the California Environmental Quality Act, Division 13 (commencing with section 21000) of the Public Resources Code.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE ACTON-AGUA DULCE UNIFIED SCHOOL DISTRICT AS FOLLOWS:

Section 1. All of the recitals herein contained are true and correct.

Section 2. That the Board accepts and adopts the reports listed above.

Section 3. That the Board finds that the purpose of the Statutory School Fees imposed upon new residential construction is to fund the additional School Facilities required to serve the students generated by the new residential construction upon which the Statutory School Fees are imposed.

Section 4. That the Board finds the Statutory School Fees imposed on new residential construction will be used to finance the School Facilities required to serve the students generated by the new residential construction within the District;

Section 5. That the Board finds there is a reasonable relationship between the use of the Statutory School Fees and the new residential construction within the District because the Statutory School Fees imposed on new residential construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new residential construction.

Section 6. That the Board finds that the amount of the Statutory School Fees imposed on new residential construction as set forth in this Resolution is reasonably related to, and does not exceed the cost of, providing the School Facilities required to serve the students generated by such new residential construction within the District.

Section 7. That the Board finds that the purpose of the Statutory School Fees imposed on new commercial/industrial construction is to fund the additional School Facilities required to serve the students generated by the new commercial/industrial construction upon which the Commercial/Industrial Fees are imposed.

Section 8. That the Board finds that the Statutory School Fees imposed on new commercial/industrial construction (by category) will be used only to finance those School Facilities required to serve the students generated by such new commercial/industrial construction.

Section 9. That the Board finds that there is a reasonable relationship between the use of the Statutory School Fees and new commercial/industrial construction by category within the District because the Statutory School Fees imposed on commercial/industrial construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new commercial/industrial construction.

Section 10. That the Board finds that the amount of the Statutory School Fees imposed on new commercial/industrial construction by category as set forth in this Resolution is reasonably related to and does not exceed the cost of providing the School Facilities required to serve the students generated by such new commercial/industrial construction within the District.

Section 11. That the Board finds that a separate fund (“Fund”) and/or sub-funds (“Sub-Funds”) have been created or are authorized to be established for all monies received by the District for the deposit of Statutory School Fees imposed on construction within the District and that said Fund and Sub-Funds at all times have been separately maintained, except for temporary investments, with other funds of the District as authorized by law.

Section 12. That the Board finds that the monies of the separate Fund or the separate Sub-Funds described in Section 11, consisting of the proceeds of Statutory School Fees, have been imposed for the purposes of constructing and reconstructing those School Facilities necessitated by new residential and/or commercial/industrial construction, and thus, these monies may be expended for all those purposes permitted by applicable law. The Statutory School Fees may also be expended by the District for the costs of performing any study or otherwise making the findings and determinations required under subdivisions (a), (b), and (d) of section 66001 of the Government Code. In addition, the District may also retain, as appropriate, an amount not to exceed in any fiscal year, 3 percent of the fees collected in that fiscal year pursuant to Education Code section 17620 for reimbursement of the administrative costs incurred by the District in collecting the Statutory School Fees.

Section 13. That the Board hereby increases previously levied Statutory School Fees as a condition of approval of new residential development projects and imposes the Statutory School Fees on such development projects to the following amounts:

a. \$3.79 per square foot of assessable space for new residential construction or reconstruction, including new residential projects, manufactured homes and mobile homes as authorized under Education Code section 17625, and including residential construction or reconstruction resulting from an increase of assessable space, as defined in Government Code section 65995, in excess of five hundred (500) square feet.

Section 14. That this Board hereby increases the previously levied Statutory School Fees as a condition of approval of new commercial/industrial construction projects and levies the Statutory School Fees on such development projects in the following amounts per square foot of chargeable covered and enclosed space for all categories of commercial/industrial construction to \$0.61 per square foot, except for the self-storage categories, where it is justified in levying a commercial/industrial fee of and \$0.12 per square foot, respectively.

Section 16. That the proceeds of the Statutory School Fees increased and established pursuant to this Resolution shall continue to be deposited into those Funds and Sub-Funds identified in Section 12 of this Resolution, the proceeds of which shall be used exclusively for the purpose for which the Statutory School Fees are to be collected, including, as to Statutory School Fees, accomplishing any study, findings or determinations required by subdivisions (a), (b) and (d) of section 66001 of the Government Code, or retaining an amount not to exceed in any fiscal year, 3 percent of the fees collected in that fiscal year pursuant to Education Code section 17620 for

reimbursement of the administrative costs incurred by the District in collecting the Statutory School Fees or in financing the described Studies or in defending the imposition of Statutory School Fees.

Section 17. That the District's Superintendent, or designee, is directed to cause a copy of this Resolution to be delivered to the building officials of the Towns, the County and the Office of Statewide Health Planning and Development ("OSHPD"), along with a copy of all the supporting documentation referenced herein and a map of the District clearly indicating the boundaries thereof, advising the Towns, the County and the OSHPD that new residential and commercial/industrial construction is subject to the Statutory School Fees increased pursuant to this Resolution and requesting that no building permit or approval for occupancy be issued by any of these entities for any new residential development project, mobile home or manufactured home subject to the Statutory School Fees absent a certification of compliance ("Certificate of Compliance") from the District demonstrating compliance of such project with the requirements of the Statutory School Fees, nor that any building permit be issued for any nonresidential construction absent a certification from this District of compliance with the requirements of the applicable Statutory School Fees.

Section 18. That the Board hereby adopts and establishes the procedures that permit the party against whom the Commercial/Industrial Fees are imposed the opportunity for a hearing to appeal that imposition of Commercial/Industrial Fees for commercial/industrial construction as stated in Education Code section 17621 and Government Code section 66020 and 66021. These procedures are posted on the District's website.

Section 19. That the Superintendent, or designee, is authorized to cause a Certificate of Compliance to be issued for each development project, mobile home and manufactured home for which there is compliance with the requirement for payment of the Statutory School Fees in the amounts specified by this Resolution. In the event a Certificate of Compliance is issued for the payment of Statutory School Fees for a development project, mobile home or manufactured home and it is later determined that the statement or other representation made by an authorized party concerning the development project as to square footage is untrue or in the event the zoning is declared invalid, then such Certificate of Compliance shall automatically terminate, and the appropriate Towns, County or OSHPD shall be so notified.

Section 20. That no statement or provision set forth in this Resolution, or referred to herein, shall be construed to repeal any preexisting fee or mitigation set forth in a mitigation agreement.

Section 21. That if any portion or provision hereof is held invalid, the remainder hereof is intended to be and shall remain valid.

Section 22. That the increase in the District's Statutory School Fees will become effective 60 days from the date of this Resolution unless a separate resolution increasing the fees immediately on an urgency basis is adopted by the Board.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Acton-Agua Dulce Unified School District this **12th** day of April, 2018, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINED: _____

I, _____, President of the Acton-Agua Dulce Unified School District Governing Board, certify that the foregoing is a full, true, and correct copy of the resolution passed and adopted by the Board at a regularly scheduled and conducted meeting held on the above date, which resolution is on file in office of the Board.

Ed Porter, President of the Governing Board
Acton-Agua Dulce Unified School District

I, _____, Clerk of the Governing Board of the Acton-Agua Dulce Unified School District, certify that the foregoing Resolution was introduced and adopted by the Governing Board of the Acton-Agua Dulce Unified School District at a regular meeting thereof held on the ___ day of _____, 2018, by the foregoing vote.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Acton-Agua Dulce Unified School District this ___ day of _____, 2018.

Kelly Jensen, Clerk of the Governing Board
Acton-Agua Dulce Unified School District