

**RESOLUTION NO. 1569**  
**GOVERNING BOARD OF THE SEQUOIA UNION HIGH SCHOOL DISTRICT**

**INCREASING SCHOOL FACILITIES FEES AS AUTHORIZED BY**  
**GOVERNMENT CODE SECTION 65995 (b)(3)**

WHEREAS, California State Assembly Bill (AB)2926 (Chapter 887/Statutes of 1986) authorizes the governing board of any school district to levy a fee, charge, dedication or other form of requirement against any development project for the reconstruction of school facilities; 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 every two years as set forth in the state-wide cost index for Class B construction as determined by the State Allocation Board at its January meeting; and,

WHEREAS, at its February 24, 2016, meeting, the State Allocation Board increased the maximum fee authorized by Education Code Section 17620 to \$3.48 per square foot of residential construction described in Government Code Section 65995(b)(1) and \$0.56 per square foot of commercial and industrial construction described in Government Code Section 65995(b)(2); and,

WHEREAS, the purpose of this Resolution is to approve and adopt school facilities fees on residential construction in the amount of up to \$3.48 per square foot as authorized by Education Code Section 17620; and California Government Code Section 65995; and,

WHEREAS, the further purpose of this Resolution is to approve and adopt school facilities fees on commercial and industrial construction in the amount of up to \$.56 per square foot as described in Education Code Section 17620 and Government Code Section 65995 with the exception that the school facilities fees on the mini storage category of construction shall be \$.03 per square foot..

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Governing Board of the Sequoia Union High School District 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, during the Board's regularly scheduled April 20, 2016, 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 54994.1, and a notice, including a statement that the data required by Government Code Section 54992 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 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. 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 Developer Fee Implementation Study dated April 1, 2016, (hereinafter referred to as the "Plan") and 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 facilities needs, the cost thereof, and the available sources of revenue including the 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 the district school(s) presently exceeds capacity, and will continue to do so until the 2020-2021 school year.
  - B. Additional development projects within the District, whether new residential construction or residential reconstruction involving increases in assessable area greater than 500 square feet, or new commercial or industrial construction will increase the need for reconstruction of school facilities.

- C. Without the addition of new school facilities, and/or reconstruction of existing 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. Substantial Residential development and commercial or industrial development is projected within the district's boundaries and the enrollment produced thereby will exceed the capacity of the schools of the district. As a result, conditions of overcrowding, exists within the district, which will impair the normal functioning of the district's educational programs.
  - E. The fees proposed in the Plan and the fees implemented pursuant to this Resolution are for the purposes of providing adequate school facilities to maintain the quality of education offered by the District;
  - F. The fees proposed in the Plan and implemented pursuant to this Resolution will be used for the construction or reconstruction of school facilities as identified in the Plan;
  - G. The uses of the fees proposed in the Plan and implemented 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 implemented pursuant to this Resolution bear a reasonable relationship to the need for reconstructed school facilities created by the types of development projects on which the fees are imposed;
  - I. The fees proposed in the Plan and implemented 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 schools and are reasonably related and limited to the need for school facilities 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 reconstruction schedule and/or to reimburse the District for expenditures previously made.
3. Fee. Based upon the foregoing findings, the Board hereby increases fees in the amount of \$3.48 per square foot for assessable space for new residential construction and for residential reconstruction to the extent of the resulting increase in assessable areas (and to the extent that the resulting increase in assessable space exceeds 500 square feet); and to the amount of \$0.56 per square foot for new commercial or industrial construction with the exception of mini-storage, for which the amount of fees shall be \$0.03 per square foot.
  4. Fee Adjustments and Limitation. The fees adjusted herewith shall be subject to the following:
    - A. The amount of the District's fees as authorized by Education Code Section 17620 shall be reviewed every two years 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. 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.
    - C. The term "development project" as used herein is as defined by Section 65928 of the Government Code.
  5. 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. 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.

6. 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.
7. California Environmental Quality Act. The Board hereby finds that the implementation of these fees pursuant to this resolution is exempt from the California Environmental Quality Act (CEQA).
8. Commencement Date. The effective date of this Resolution shall be June 19, 2016, which is 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 and a Map of the District to the Planning Commission and Board of Supervisors of San Mateo County and to the Planning Commissions and City Councils of the Cities of Atherton, Belmont, East Palo Alto, Menlo Park, Portola Valley, Redwood City, San Carlos and Woodside.
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.

APPROVED, PASSED and ADOPTED by the Governing Board of the Sequoia Union High School District this 20<sup>th</sup> day of April 2016, by the following vote:

AYES: Alan Sawyer  
[Signature]  
[Signature]  
[Signature]  
[Signature]

NOES: none

ABSENCES: none

ATTEST:

[Signature]  
Clerk of the Board