

BEFORE THE GOVERNING BOARD OF THE
COLFAX ELEMENTARY SCHOOL DISTRICT

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NOV 24 2008

CLERK OF THE
BOARD OF SUPERVISORS

In the Matter of: A RESOLUTION
INCREASING FACILITIES FEES LEVIED
PURSUANT TO GOVERNMENT CODE
SECTIONS 17620 AND 65995 et seq.

RESOLUTION # 3 08/09

RECITALS

WHEREAS, on the 5th day of February, 1987, this Board adopted Resolutions #19 and #20 levying facilities fees on residential and commercial/industrial development as authorized by Education Code 17620 and established by Government Code 65995 et seq.; and

WHEREAS, Government Code 65995(b)(3) requires the State Allocation Board to consider an increase in facilities fees every two years for inflation; and

WHEREAS, the State Allocation Board acted in January of this year to increase the maximum fee to \$2.97 per square foot for residential development and \$.47 per square foot for commercial/industrial; and

WHEREAS, the District, due to the financial impact as a result of the cost of new construction and reconstruction of school facilities, must levy the maximum facilities fee as permitted by law; and

WHEREAS, the purpose of this Resolution is to approve an increase in such fees consistent with the increase authorized by the State Allocation Board.

WHEREAS, Government Code 66001 requires findings to be made by the Governing Board to support any increase in facilities fees; and

WHEREAS, the Developer Fee Justification Study, as attached and incorporated herein, establishes the basis for this increase of facilities fees to be levied on all applicable residential and commercial/industrial development inside District boundaries.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Governing Board of the Colfax Elementary 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, as part of the Board's regularly scheduled meeting on the 18th day of November, 2008. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, was published twice in a newspaper in accordance with Government Code section 66018, and a notice, including a statement that the data required by Government Code section 66016 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 or increased fees or service charges within the period specified by law. Additionally, at least 10 days prior to the

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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, including general fund revenues. 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 "Capital Improvement Plan & Revenue/Expenditure Simulation" hereinafter referred to as the "Plan" along with other materials 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 increase in 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 various District schools presently exceeds capacity or is at capacity;

B. Additional development projects within the District, whether new residential construction or residential reconstruction involving increases in habitable areas, or new commercial or industrial construction will increase the need for school facilities;

C. Without the addition of new school facilities, 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. 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. Projected development within the District, without additional school facilities, will result in conditions of overcrowding which will impair the normal functioning of the District's educational programs;

E. The fees proposed in the Plan and the fees increased pursuant to this Resolution are for the purpose of providing adequate school facilities to maintain the quality of education offered by the District;

F. The fees proposed in the Plan and increased pursuant to this Resolution will be used for the construction and reconstruction of school facilities as identified in the Plan;

G. The uses of the fees proposed in the Plan and increased 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 increased pursuant to this Resolution bear a reasonable relationship to the need for school facilities created by the types of development projects on which the fees are imposed;

I. The fees proposed in the Plan and increased 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 elementary, middle or high school facilities and are reasonably related and limited to the need for schools caused by the development.

K. The use of the fees proposed in the Plan and increased pursuant to this Resolution (the construction and reconstruction of school facilities) is reasonably related to the types of development projects on which the fees are imposed (residential, commercial and industrial) because such development projects will produce increased enrollment that exceeds the existing capacity of District facilities and that will require such newly constructed or reconstructed facilities.

L. The need for public facilities (the newly constructed or reconstructed school facilities) is reasonably related to the types of development projects on which the fees are imposed (residential, commercial and industrial) because such development projects will produce increased enrollment that exceeds the existing capacity of District facilities and that will require such newly constructed or reconstructed facilities.

M. With respect to commercial or industrial developments, each of the findings and determinations made above in subsections F, K, and L, pursuant to the requirements of subdivision (a) of Government Code section 66001, were made on the basis of categories of commercial and industrial development; and in making these determinations, the Board declares that it has taken into account all of the documents and information presented to it.

N. 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 construction schedule and/or to reimburse the District for expenditures previously made.

3. Increase in Fees. The fee on residential development is hereby increased from \$2.24 to \$2.97 per square foot. The fee on commercial/industrial development is hereby increased from \$.36 to \$.47 per square foot. This fee is split between the elementary district and the high school district as follows: **\$1.78 per square foot on applicable residential development to the elementary district; \$1.19 per square foot on applicable residential development to the high school district; \$.28 per square foot on applicable commercial/industrial development to the elementary school district and \$.19 per square foot on applicable commercial/industrial development to the high school district.**

4. Fee Adjustments and Limitations. The fees adjusted herewith shall be subject to the following:

A. The amount of the District's fees shall be reviewed as provided by law 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. The fees adjusted pursuant to paragraph 3, above do not apply during the term of any contract entered into between a subdivider or builder and the District, or any applicable city or county on or before January 1, 1987, that requires the payment of a fee, charge or dedication for the construction of school facilities as a condition to the approval of residential development.

C. 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.

D. The term "development project" as used herein is as defined by section 17620 of the Education Code.

5. Appeal Procedure. Any person or company paying fees on commercial or industrial developments pursuant to this Resolution may appeal the imposition of the fee to the District's Superintendent. Any such appeal must be filed in writing with the District's Superintendent within ten days after payment of the fees. The document shall state all grounds for the appeal. The grounds for any such appeal include the inaccuracy of including the project within any particular category, if any, or that the employee generation or pupil generation factors utilized for any applicable category are inaccurate as applied to the project. The party appealing will be given an opportunity to meet with the District's Superintendent. The Superintendent will render his written decision within thirty days of the filing of the appeal, unless this time is extended by mutual agreement. If the person or company is dissatisfied with the decision of the District Superintendent, the person or company may appeal to the Governing Board. The appeal must be filed with the Superintendent within ten days of the Superintendent's decision. The Board shall make its decision after conducting a hearing. The decision of the Board shall be final.

Any party appealing the fee shall bear the burden of establishing that the fee is improper.

6. 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 §§53311, et seq.) and such other funding mechanisms as are authorized by law. 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.

7. 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, which fees are to be collected at the time of issuance of building permit.

8. California Environmental Quality Act. The Board hereby finds that the increase in fees provided by this Resolution is to obtain funds for capital projects necessary to maintain service within the District and that therefore this action is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA).

9. Commencement Date. **The effective date of this Resolution shall be January 19, 2009**, which is the first business day at least 60 days following the Resolution's adoption by the Board.

10. Notification of Local Agencies. Pursuant to Education Code section 17621(c), the Secretary of the Board is hereby directed to forward copies of this Resolution to the Planning Commission and Board of Supervisors of the County of Placer and to the City of Colfax Planning Commission. The Resolution should be accompanied by all relevant support documents, and a

map clearly indicating the boundaries of the area subject to the fee.

11. 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.

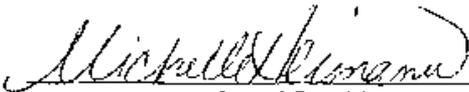
APPROVED, PASSED and ADOPTED by the Governing Board of the Colfax Elementary School District this 18th day of November, 2008 by the following roll call vote:

AYES: Brant Hoffmann, Michelle Gibbs, Carmen Armstrong,
Janelle LaBrecque, Michelle Heimann

NOES: None

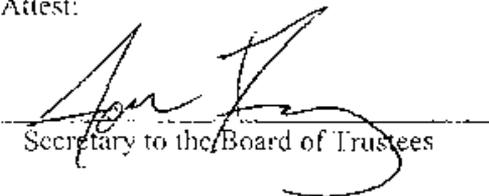
ABSENT: None

ABSTENTION: None



Board President

Attest:



Secretary to the Board of Trustees