

**RESOLUTION #19-20-12
RESOLUTION OF THE GOVERNING BOARD
OF THE SOUTHERN KERN UNIFIED SCHOOL DISTRICT
REGARDING SCHOOL FACILITIES FEES**

1. Authority and Reasons for Adopting Resolution.

a. This Board has adopted a resolution levying school facilities fees under Education Code section 17620 and has subsequently adopted resolutions increasing the amount of those fees as authorized in that section. Those resolutions are incorporated by reference into this Resolution. It is appropriate at this time to review the findings made in those resolutions to determine if it is still necessary to levy fees under Education Code section 17620 and, if so, at what levels;

b. The State Allocation Board determined the adjustment for inflation in the statewide cost index for Class B construction at its January 2020 meeting, by which fees imposed under Education Code section 17620 may be changed; and

c. This Board has conducted a public hearing on the issues referred to above at a duly noticed public meeting, during which this Board received and considered evidence on these issues, including a report from its consultant, Cooperative Strategies, LLC. analyzing the capital facilities needs of the District and the revenue sources available. That report indicates that the District is overcrowded and that it is both necessary and appropriate to continue levying fees under the authority of section 17620 in the amounts set forth below. That report is attached as Exhibit "A" and is incorporated by reference.

2. What This Resolution Does.

This Resolution updates, amends, and confirms prior resolutions on school facilities fees and increases fees to be assessed on residential, commercial, and industrial construction projects pursuant to Education Code section 17620.

3. Levying of Fees Exempt From CEQA.

Based on its earlier Resolutions and pursuant to Education Code section 17621(a), this Board finds again that the levying of fees pursuant to Education Code section 17620 is exempt from the provisions of the California Environmental Quality Act (CEQA).

4. Exemptions From Fees.

a. This Board recognizes that various categories of residential, commercial, or industrial construction as well as individual construction projects are or will be exempted from fees imposed under Education Code section 17620 by such statutory provisions as Education Code sections 17621, et seq., Government Code sections 50076, 65995, et seq., 66000, et seq., and judicial decisions.

b. In compliance with statutory and decisional law, and pursuant to Government Code sections 66008-66009 and Education Code sections 17621(e) and 35014, this Board has adopted the procedures, criteria, and definitions contained in this Board's "Resolution Regarding School Facilities Fees Exemption Procedures," as amended.

c. By adopting these criteria and procedures, this Board has ensured that no fees will be levied upon any individual construction project without the project's proponent being afforded an opportunity for individualized review by this Board of the propriety of imposing fees on that project and, as to commercial or industrial construction projects, for the findings required by Government Code section 66001(a) and (b) to be made on an individual project basis as provided in Education Code section 17621(e)(1).

5. School Facilities Fees Are Necessary and Reasonable.

Based on all of the above, the findings and evidence contained in the Board's earlier Resolutions on this subject, and the evidence presented to this Board at the hearing and in Exhibit "A" this Board confirms its earlier Resolutions, adopts the findings and conclusions set forth in Exhibit "A" as its own, and finds each of the following:

a. The purpose of the fees adopted and confirmed in this Resolution is to fund the construction or reconstruction of school facilities;

b. These fees will be used to fund the construction or reconstruction of school facilities needed to reduce overcrowding which exists in the District and impairs the normal functioning of educational programs;

c. The overcrowding to be reduced by use of these fees exists because the enrollment projected to result from continuing residential, commercial, or industrial construction exceeds the capacity of the District to provide adequate housing;

d. The amount of fees to be paid pursuant to this Resolution bears a reasonable relationship and is limited to the needs of the community for elementary or high school facilities and is reasonably related and limited to the need for schools caused by residential, commercial, or industrial construction; and

e. The amount of fees to be paid pursuant to this Resolution does not exceed the estimated reasonable costs of providing for the construction or reconstruction of school facilities necessitated by the construction projects from which the fees are to be collected.

6. Adoption and Confirmation of Fees.

a. Based on all of the above, the findings and evidence contained in the Board's earlier Resolutions on this subject, and the evidence presented to the Board at the hearing and in Exhibit "A," this Board adopts and levies the following increased fees for the purpose of funding the construction or reconstruction of school facilities upon residential construction projects within the boundaries of the District.

(1) \$4.08 per square foot of assessable space of all new residential construction and of all other residential construction to the extent of any resulting increase in assessable space in excess of 500 square feet; or

(2) Any lesser amount as may be determined pursuant to the procedures, criteria, and definitions contained in the Resolution referred to in 4b above.

b. Based on all of the above, the findings and evidence contained in the Board's earlier Resolutions on this subject, and the evidence presented to the Board at the hearing and in Exhibit "A," this Board adopts and levies the following increased fees for the purpose of funding the construction or reconstruction of school facilities upon commercial or industrial construction projects within the boundaries of the District:

(1) \$0.66 per square foot of all chargeable covered and enclosed space of any new commercial or industrial construction not within a category expressly exempted by this Board in the Resolution referred to in 4 above; or

(2) Any lesser amount as may be determined pursuant to the procedures, criteria, and definitions contained in the Resolution referred to in 4b above.

c. This Board determines that the fees to be levied will be collected for public improvements or facilities for which an account has been established and funds appropriated, and for which this Board has adopted a proposed construction schedule or plan. Based on this determination, and pursuant to Government Code section 66007, this Board orders that payment of the fees specified above will be required prior to issuance of a building permit. This Board will review the facilities fee account every fiscal year, and if the District has unexpended or uncommitted fees within five (5) years of collection, this Board will either make the findings required by Government Code section 66001 or direct the refund of the fees.

d. Pursuant to Government Code section 65995(b)(3), these rates shall be increased each even numbered calendar year according to the adjustment for inflation set forth in the statewide cost index for Class B construction, or a lesser amount as determined by the State Allocation Board at its January meeting or the relevant Fee Justification Study.

e. This Board directs its Superintendent, or designee, to cause a copy of this Resolution to be delivered to the building official of the Cities and County within the School District's boundaries and the Office of Statewide Health Planning and Development ("OSHDP") along with a copy of all the supporting documentation referenced herein and a map of the School District clearly indicating the boundaries thereof, advising the Cities, County, and OSHPD that new residential and commercial/industrial development is subject to the Statutory School Fees readopted 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 from this School District of compliance of such project with the requirements of the Statutory School Fees, nor that any building permit be issued for any

non-residential development absent a certification from this School District of compliance with the requirements of the applicable Statutory School Fees.

7. Superintendent Authorized to Take Necessary and Appropriate Action.

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

8. Certification of Resolution.

This Resolution was adopted on May 20th, 2020 by the following vote:

AYES: 4
NOES: 1
ABSTENTION(S): _____
ABSENT: _____

BOARD OF TRUSTEES OF Southern Kern Unified
SCHOOL DISTRICT

By Yolanda Sanchez,
Authorized Agent Yolanda Sanchez, President

EXHIBIT "A"

Executive Summary

This Residential Development School Fee Justification Study ("Study") is intended to determine the extent to which a nexus can be established in the Southern Kern Unified School District ("School District") between residential development and (i) the need for school facilities, (ii) the cost of school facilities, and (iii) the amount of statutory school fees ("School Fees") per residential building square foot that may be levied for schools pursuant to the provisions of Section 17620 of the Education Code, as well as Sections 65995 and 66001 of the Government Code.

The School District provides education to students in grades kindergarten through 12 residing within portions of the towns of Mojave and Rosamond located within the unincorporated County of Kern ("County") (please see map on following page for a geographic profile of the School District). Collectively, the School District's school facilities in school year 2019/2020 have a capacity of 3,350 students based on capacity information provided by the School District. Of these 3,500 seats, 1,800 are at the elementary school level (i.e., grades kindergarten through 5), 800 are at the middle school level (i.e., grades 6 through 8), and 900 are at the high school level (i.e., grades 9 through 12). Based on data provided by the School District, student enrollment is 3,481 in school year 2019/2020. Comparing student enrollment to facilities capacity reveals that facilities capacity exceeds student enrollment at the elementary school level while student enrollment exceeds facilities capacity at the middle school and high school levels in school year 2017/2018 (please see Section IV for more information on student enrollment and facilities capacity).

To establish a nexus and a justifiable residential School Fee level, the Study evaluated the number and cost of new facilities required to house students generated from future residential development within the School District. Based on data provided by the Kern Council of Governments ("KCOG") approximately 3,850 additional residential units could be constructed within the School District's boundaries through calendar year 2035 ("Future Units"). Of these 3,850 Future Units, 3,329 are expected to be single family detached ("SFD") and 521 are expected to be multi-family attached ("MFA") units.

At its January 2020 meeting, SAB increased the maximum residential School Fee authorized by Section 17620 of the Education Code from \$3.79 to \$4.08 per residential building square foot for unified school districts. Based on the square footage of the average residential unit constructed within the School District, the School Fees would provide for less than 100 percent of the school facilities cost impacts. Therefore, the Study concludes that the School District is fully justified in levying the maximum residential School Fee of \$4.08 per square foot for all new residential development within its boundaries.