

**RESOLUTION OF THE GOVERNING BOARD OF THE  
JURUPA UNIFIED SCHOOL DISTRICT**

**RESOLUTION FOR STATUTORY SCHOOL FEES IMPOSED ON NEW  
RESIDENTIAL AND COMMERCIAL/INDUSTRIAL DEVELOPMENT**

**RESOLUTION NO. 2018/40**

**WHEREAS**, the Governing Board (“Board”) of the Jurupa Unified School District (“District”) provides for the educational needs for students in grades K-12 within the City of Jurupa Valley as well as the unincorporated areas of Riverside County (“County”); and

**WHEREAS**, Education Code Section 17620 *et seq.* and Government Code Section 65995 authorize the governing board of any school district within the state of California (“State”) to levy a fee against new residential, commercial and industrial development projects within the school district for the purpose of funding the construction and reconstruction of school facilities; and

**WHEREAS**, the Board has previously adopted and imposed statutory school fees in the amounts of \$3.48 per square foot of new residential development and \$0.56 per square foot of new commercial and industrial development in accordance with the fee justification study previously adopted by the District (“Statutory School Fees”); and

**WHEREAS**, pursuant to Government Code Section 65995(b)(3), the State Allocation Board, at its January 24, 2018 meeting, increased the maximum amount of the Statutory School Fees to \$3.79 per square foot of new residential development as provided in Government Code Section 65995(b)(1) and \$0.61 per square foot of new commercial and industrial development as provided in Government Code Section 65995(b)(2); and

**WHEREAS**, the Board has determined that the school facilities of the District continue to operate at overcapacity and that the educational programs are seriously impacted by the increasing student population caused by new residential, commercial and industrial development within the boundaries of District; and

**WHEREAS**, new development continues to generate additional students for the District’s schools and the District is required to accommodate such students; and

**WHEREAS**, the District does not have sufficient funds available for the construction or reconstruction of school facilities, including acquisition of school sites, construction of permanent school facilities, and interim school facilities to accommodate students generated from new development; and

**WHEREAS**, the Board has reviewed, considered, and based its findings on the reports prepared by Cooperative Strategies entitled "Commercial/ Industrial Development School Fee Justification Study for Jurupa Unified School District" and "Residential Development School Fee Justification Study for Jurupa Unified School District (“Studies”), which analyzes the

District's current school facilities, the estimated number of students which will be generated by new residential, commercial and industrial development within the District, and the estimated costs which will be required to construct permanent school facilities to accommodate the students generated by such new development; and

**WHEREAS**, the findings in the Studies demonstrate that the estimated costs of providing school facilities for students generated by new development will exceed the maximum amount of revenue which will be collected from Statutory School Fees levied pursuant to Education Code Sections 17620 et seq., and Government Code Section 65995; and

**WHEREAS**, the Studies justify the District's imposition of Statutory School Fees on residential construction as set forth in this Resolution by analyzing student generation data for residential development projects and by demonstrating that new school facilities are necessary to accommodate increased enrollment resulting from such development; and

**WHEREAS**, the Studies further justify the District's imposition of Statutory School Fees on new commercial and industrial construction as set forth in this Resolution by analyzing specific categories of commercial and industrial development which were determined to impact the District's school facilities based upon the square footage of the construction, the anticipated number of employees and the number of new students generated by such employees; and

**WHEREAS**, this Board deems it to be necessary, desirable and in the best interest of the students, teachers, parents and electorate of the District that the Statutory School Fees levied by the District under Education Code Sections 17620, 17623 and Government Code Section 65995 be increased to \$3.79 per square foot of new residential development and \$0.61 per square foot of new commercial/industrial development; and

**WHEREAS**, the Statutory School Fees levied against new residential, commercial and industrial development will be used to finance school facilities necessary to accommodate students generated from such new development, including but not limited to, acquisition of new school sites, remodeling of existing school facilities, acquiring and installing additional portable classrooms and related facilities in accordance with Education Code Section 17620; and

**WHEREAS**, the Studies have been reviewed by the Board and District staff in accordance with the California Environmental Quality Act ("CEQA"); and

**WHEREAS**, no city or county may issue a building permit for any new residential, commercial or industrial development within the District absent a certification by the District of compliance by the owner/developer with the requirements regarding school facilities fees as set forth in Education Code Section 17620 et seq., and Government Code Section 65995; and

**WHEREAS**, the appropriate land use jurisdictions will be notified of the adoption of the Study and the Statutory School Fees levied by the District; and

**WHEREAS**, the District (1) has made available to the public, at least ten (10) days prior to its public meeting, the Studies and data indicating the estimated cost required to provide the service

for which the Statutory School Fees are levied and the revenue sources anticipated to provide the service as demonstrated in the Studies; (2) has mailed notice at least fourteen (14) days prior to this meeting to all interested parties who have requested in writing notice of adoption of a fee justification study for the levy of Statutory School Fees pursuant to Government Code Section 65995; and (3) has held a duly noticed, regularly scheduled public meeting at which oral and written testimony was received regarding the Study and the proposed Statutory School Fees.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE JURUPA UNIFIED SCHOOL DISTRICT AS FOLLOWS:**

Section 1. The Board has reviewed the Studies and hereby adopts the findings contained therein.

Section 2. The Board increases the Statutory School Fees levied against all new residential development and additions resulting in an increase of assessable space in excess of five hundred (500) square feet pursuant to Education Code Section 17620 and Government Code Section 65995(b)(1) to an amount of \$3.79 per square foot.

Section 3. The Board increases the Statutory School Fees levied against all new commercial and industrial development to \$0.61 per square foot as provided in Government Code Section 65995(b)(2).

Section 4. The Board has reviewed the Studies and finds, based upon the Studies, information and testimony presented in conjunction therein, as follows:

Section 4.1. New residential, commercial and industrial development will result in a substantial increase in student enrollment which will require the District to provide additional school facilities to accommodate new growth, and therefore a reasonable relationship exists between the District's Statutory School Fees, which are necessary to fund the construction and reconstruction of school facilities to accommodate such new growth, and the types of development on which the Statutory School Fees will be imposed.

Section 4.2. Statutory School Fees levied on new residential, commercial and industrial development will be used to finance school facilities necessary to serve students generated from such development.

Section 5. The Board finds that a separate account has been established for the deposit of Statutory School Fee revenue collected from residential and commercial/industrial development and that said account has at all times since been separately maintained, except for temporary investments, from other funds of the District.

Section 6. The Board finds that the funds of the account, described in Section 5, 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 commercial/industrial development, and that, these funds may be expended for those purposes. The Statutory School Fee revenue 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, three percent (3%) of the Statutory School Fee revenue 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 7. The Board hereby establishes a process that provides the party against whom the commercial/industrial Statutory School Fees are imposed an opportunity for a hearing to appeal the imposition of Statutory School Fees on a commercial/industrial development project as required by Education Code Section 17621(e)(2). The appeal process is as follows:

Section 7.1. Within ten (10) calendar days of being notified, in writing, by personal delivery or deposit in the U.S. Mail, of the commercial/industrial Statutory School Fees to be imposed on a particular commercial/industrial project, or within ten (10) calendar days of paying the commercial/industrial Statutory School Fees pursuant to Education Code Section 17620(a)(1)(A), a party shall file a written appeal with the District's Director of Planning and Development regarding the imposition of commercial/industrial Statutory School Fees. The party shall state in the written appeal the grounds for opposing the imposition of commercial/industrial Statutory School Fees and the written appeal shall be served by personal delivery or certified or registered mail to the Director of Planning and Development.

Section 7.2. The possible grounds for an appeal include, but are not limited to, the inaccuracy of including the project within the category pursuant to which the commercial/industrial Statutory School Fees are to be imposed, or that the employee generation or student generation factors utilized under the applicable category are inaccurate as applied to the project.

Section 7.3. The Director of Planning and Development, or designee shall render a written decision within thirty (30) calendar days following the receipt of the written appeal unless an extension is agreed to by both parties. The Director of Planning and Development, or designee, shall deliver the written decision by certified or registered mail to the last known address of the party.

Section 7.4. The party against whom the commercial/industrial Statutory School Fees are imposed may appeal the Director of Planning and Development's decision to the Board. Any appeal to the Board must be filed within ten (10) calendar days of receipt of the Director of Planning and Development's written decision.

Section 7.5. The party appealing the Director of Planning and Development's decision to the Board, shall state in the written appeal to the Board the grounds for opposing the Director of Planning and Development's decision. The written

appeal shall be served by personal delivery or certified or registered mail to the President of the Board.

Section 7.6. The possible grounds for an appeal of the Director of Planning and Development's decision to the Board include, but are not limited to, the inaccuracy of including the project within the category pursuant to which the commercial/industrial Statutory School Fees are to be imposed, or that the employee generation or student generation factors utilized under the applicable category are inaccurate as applied to the project.

Section 7.7. Within ten (10) calendar days of receipt of the written appeal of the Director of Planning and Development's decision to the Board regarding the imposition of commercial/industrial Statutory School Fees, the Board Secretary or his designee, shall give notice in writing of the date, place and time of the hearing before the Board, to the party appealing the Director of Planning and Development's decision. The Board shall notice and conduct said hearing at the next available regular or special meeting of the Board, provided that the appealing party is given notice at least five (5) calendar days prior to the meeting of the Board. The Board shall render a written decision on the appeal within thirty (30) calendar days following the Board's hearing on the party's appeal, and serve the Board's decision by certified or registered mail to the last known address of the appealing party.

Section 7.8. The party appealing the imposition of the commercial/ industrial Statutory School Fees shall bear the burden of establishing that the commercial/industrial Statutory School Fees are improper.

Section 8. No statement or provision set forth in this Resolution, or referred to herein shall be construed to repeal any preexisting fee previously imposed by the District on any residential or nonresidential development.

Section 9. The Board finds and determines that the adoption or imposition of Statutory School Fees in accordance with Government Code Section 65995 is statutorily exempt from CEQA pursuant to Code Section 17621(a).

Section 10. District staff is directed to file a Notice of Exemption with the Riverside County Clerk's Office.

Section 11. District staff is hereby instructed to work with the appropriate land use jurisdictions to ensure compliance with Education Code Section 17620(b), which provides that no city or county may issue a building permit for any development project within the District without certification by the District of compliance by that development project with the school facilities fee requirements of this Resolution. The Board determines that Statutory School Fees are not subject to Government Code Section 66007, and that a Certificate of Compliance is required, prior to the issuance of any building permit.




Section 12. District staff is hereby instructed to transmit certified copies of this Resolution, accompanied by all relevant supporting documentation including the Studies and a map of the boundary area of the District subject to the Statutory School Fees, to all appropriate land use jurisdictions issuing building permits within the District, informing each of them of the District's current school facilities fee for development projects.

Section 13. The Statutory School Fees designated herein shall take effect sixty (60) days from the date of this Resolution.

**APPROVED, PASSED AND ADOPTED** by the Governing Board of the Jurupa Unified School District this 20<sup>th</sup> February 2018 by the following vote:

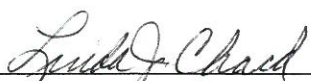
AYES:	<u>5</u>
NOES:	<u>0</u>
ABSENT:	<u>0</u>
ABSTAINED:	<u>0</u>

I, Robert Garcia, President of the Governing Board of Jurupa Unified School District, do hereby certify that the foregoing is full, true and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on 20<sup>th</sup> Day of February 2018, which Resolution is on file in office of said Board.

  
\_\_\_\_\_  
Robert Garcia  
President of the Board of Education  
Jurupa Unified School District

I, Linda Chard, Clerk of the Governing Board of the Jurupa Unified School District, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Governing Board at a regular meeting thereof held on the 20<sup>th</sup> Day of February 2018 by the above described vote of the Governing Board;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Jurupa Unified School District Governing Board this 20<sup>th</sup> Day of February 2018.

  
\_\_\_\_\_  
Linda Chard  
Clerk of the Board of Education  
Jurupa Unified School District