

Facilities

Facilities Financing

When it is determined that school facilities must be built or expanded to accommodate a growing number of students, the Governing Board shall consider appropriate methods of financing for the purchase of school sites and the construction of buildings. In addition, financing may be needed when safety considerations and educational program improvements require the replacement, reconstruction or modernization of existing facilities. The Superintendent or designee shall research funding alternatives and recommend to the Board the method that would best serve district needs as identified in the district's master plan for school facilities. (cf. 7110 - Facilities Master Plan)

School Growth Modifications

The Governing Board will commission a review committee for the purpose of assessing and developing the necessary school boundary alterations.

In an elementary school where over-crowding exists and where a special program exists, that program shall be moved to an elementary school that is not suffering from over-crowding, provided that the program (special day classes, ESL Skills Center classes, GATE magnet classes, etc.) serves students from outside the existing elementary boundaries and has been at the current site for more than one year.

Funding of Schools

In meeting the responsibilities for adequately funding student housing the District shall:

1. Work with city and county governments to pursue full mitigation of all developments throughout the school district.
2. Require that all developers provide necessary funding through non-school district means to build new schools wherein it is appropriate. The district will estimate the average number of student yield in new areas of construction. Student yield will be computed by school level (K-6, 7-8, 9-12).
3. Where appropriate, seek General Obligation bonding, Mello-Roos bonding or other non-general fund methods of financing new school construction.
4. The district will not actively pursue general funding as a means of financing any capital improvements or new schools.

Developer Fees

To finance the construction or reconstruction of school facilities needed to accommodate students coming from new development, the Board may levy and collect developer fees on residential, commercial and industrial construction within the district, subject to restrictions specified by law. (Government Code 53080, 65995, 65996)

The Board shall make the following findings before taking action to impose developer fees: (Government Code 66001)

1. Identify the purpose of the fee and the use to which the fee will be put.
2. Determine the existence of a reasonable relationship between the fee's use and the type of development project for which the fee is imposed.
3. Determine the existence of a reasonable relationship between the need for the public facility and the type of development project for which the fee is imposed.
4. Determine the existence of a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributed to the development for which the fee is imposed.

The Board shall regularly review developer fees to ensure that the amount of the fees continues to be reasonably related to district needs.

The Superintendent or designee shall establish an appeals process for the handling of protests by developers. (Government Code 53080.1)

Mello-Roos District

To form a Mello-Roos community facilities district which may issue bonds and/or levy a special tax to finance school construction, the Superintendent or designee shall recommend to the Board related goals and policies addressing the following:

1. The priority that various facilities shall have for financing through the Mello-Roos district.
2. The credit quality to be required of bond issues, and criteria to be used in evaluating the credit quality.
3. Steps by which prospective property purchasers shall be fully informed about their related taxpaying obligations.
4. Criteria for evaluating the equity of tax allocation formulas.

5. Maximum tax burdens to be levied against any parcel.
6. Definitions, standards and assumptions to be used in appraisals required by Government Code 53345.8.

The proceeds of any bonds, notes or other securities issued pursuant to the Mello-Roos Community Facilities Act shall be deposited or invested in accordance with Government Code 53356.03.

School Facilities Improvement District

Any school district that has a community facilities district formed pursuant to the Mello-Roos Community Facilities Act may form a school facilities improvement district to finance any or all of the improvements set forth in Education Code 15302. The territory of the school facilities improvement district shall include all of the territory that is not included in the existing Mello-Roos District. (E.C. 15301)

The Board shall also define the boundaries of the school facilities improvement district to include any portion of territory within the jurisdiction of the school district. However, these boundaries may not include all or a portion of the territory of the community facilities district formed pursuant to the Mello-Roos Community Act. (E.C. 15301)

Legal Reference:

EDUCATION CODE

15100-7759.2	School bonds
15122.5	Ballot statement
15300-15425	School facilities improvement districts
17700-17759.2	State School Building Lease-Purchase Law of 1976

GOVERNMENT CODE

6061	One time notice
6066	Two weeks' notice
50075-50077	Voter-approved special taxes
50079	School districts; qualified special taxes
53080	Levies against development projects by school districts
53080.1	Procedures for levying fees
53080.15	School districts; levies on enclosed agricultural space
53080.2	Agreements between districts
53080.3	Refund of fee or charge

53080.4	Levies against manufactured home or mobile home
53080.6	Fee not allowable for reconstruction of structure damage by disaster
53081	School districts; use of fees on construction
53175-53187	Integrated Financing District Act
53311-53368.3	Mello-Roos Community Facilities Act of 1982
54954.1	Mailed notice to property owners
54954.6	New or increased tax or assessment; public meetings and hearings; notice
65864-65867	Development agreements
65970-65980.1	School facilities development project
66000-66007	Fees for development projects.
66016-66018	Development project fees
66020-66025	Protests and audits

HEALTH AND SAFETY CODE

33000-33071	Community redevelopment law
33100-33142	Redevelopment agencies
33445.5	Overcrowding of schools resulting from redevelopment
33446	School construction by redevelopment agency
33492.15	Redevelopment agency apportionments to school districts
33607.5	Redevelopment plans; payments to affected taxing entities
33607.7	Plans adopted before 1994; payments to affected taxing entities

STREETS AND HIGHWAYS CODE

22500-22679	Landscaping and Lighting Act of 1972
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UNCODIFIED STATUTES

17696-17696.98	Greene-Hughes School Building Lease-Purchase Bond Law of 1986
<u>Nollan v. California Coastal Commission</u> (1987) 107 S.Ct. 3141	
<u>Dolan v. City of Tigard</u> (1994) 114 S. Ct. 2309	
<u>Mira Development Corporation v. City of San Diego</u> (1988) 205 Cal.App.3d 1201, 252 Cal.Rptr. 825	
<u>Garrick Development Co. v. Hayward Unified School District</u> (1992) 3 Cal.App.4th 320, 4 Cal.Rptr.2d 897	
<u>Canyon North Co. v. Conejo Valley Unified School District</u> (1993) 19 Cal.App.4th 243, 23 Cal.Rptr.2d 495	
<u>Loyola Marymount University v. Los Angeles Unified School District</u> (1996) 45 Cal.App.4th 1256	
<u>Ehrlich v. City of Culver City</u> (1996) 12 Cal.4th 854 79 Ops.Cal.Atty.Gen. 149 (1996)	

Management Resources:

CDE MANAGEMENT ADVISORIES

02151.09	Developer Fees for School Construction, 90-02
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ORANGE UNIFIED SCHOOL DISTRICT
Orange, California

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