

MERCED UNION HIGH SCHOOL DISTRICT

Resolution No. 15-21 Increase in Level 1 Development Fees

WHEREAS, on February 11, 1987, May 12, 1987, March 23, 1988, March 29, 1989, April 29, 1992, April 13, 1994, April 17, 1996, June 10, 1998, June 28, 2000, August 21, 2002, June 23, 2004, June 28, 2006 and May 28, 2008, January 25, 2012, January 22, 2014, April 15, 2015, May 10, 2017, June 13, 2018, and June 10, 2020, the Board of Trustees of the Merced Union High School District adopted resolutions imposing or increasing fees on residential, industrial and commercial development to finance the construction or reconstruction of school facilities; and

WHEREAS, Section 65995 (b)(3) of the Government code authorizes school districts to increase said fees biannually according to the adjustment of inflation set forth in the statewide cost index for Class B construction, as determined by the State Allocation Board at its January meeting; and

WHEREAS, the State Allocation Board authorized the biannual inflationary increase from \$4.08 per square foot to \$4.79 per square foot for residential development and from \$0.66 per square foot to \$0.78 per square foot for commercial/industrial development; and

WHEREAS, In non-unified districts, the fees must be split between the District and the elementary school districts within the District in a manner agreed to by the districts. Currently, the district collects one-third of the residential and commercial/industrial fees, and the elementary districts collect two-thirds of the fees; and

WHEREAS, this Board has considered and adopted a Development Fee Justification Study prepared in May 2020 by Odell Planning & Research, Inc., demonstrating that the projected increase student enrollment due to new development, the need for new facilities and the cost of school facilities are such that an increase in the development fees is justified.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The District's fees on residential development and commercial/industrial development are hereby increased to its current share of the maximum allowable \$4.79 per square foot residential fee and the maximum allowable \$0.78 per square foot commercial/ industrial fee. The District's current one-third share is \$1.60 per square foot for residential development and \$0.26 per square foot for commercial/industrial development.

2. The fee increase on residential and industrial/commercial development shall take effect on July 11, 2022, sixty (60) days after the adoption of this Resolution;
3. This Board finds:
 - a. The purpose of the fees increased by this Resolution is to fund the construction or reconstruction of school facilities;
 - b. These increased fees will be used to fund the construction or reconstruction of school facilities needed to provide facilities for students generated by new development in the District. Said fees will not be used for regular maintenance and routine repair, asbestos work other than that incidental to regular construction and reconstruction, and deferred maintenance as described in Education Code Section 17582;
 - c. The need for the facilities to be funded by these fees exists because the enrollment projected to result from continuing residential, commercial, or industrial development will exceed the capacity of the District to provide adequate facilities for housing its students;
 - d. The amount of fees to be paid pursuant to the Resolution bears a reasonable relationship and is limited to the needs of the community for high school facilities and is reasonably related and limited to the need for schools caused by the increased enrollments generated by residential, commercial, or industrial development;
 - 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 development projects from which the fees are to be collected;
 - f. The District maintains a separate capital facilities account, or fund, as required by Government Code Section 66006; and
 - g. The fees imposed pursuant to this Resolution are not subject to the restriction contained in subdivision (a) of Government Code Section 66007, and no building permit shall be issued for any development absent certification of compliance by the development project with the fee imposed pursuant to this Resolution.
4. The Superintendent is directed to mail a copy of this Resolution and all supporting documents to the County of Merced and all cities within the boundaries of the District notifying them of this increase in fees and requesting that said agencies issue no building permit for any development absent certification from the District that the above fees have been paid.

5. The Superintendent is further directed to contact other districts within the District's boundaries which have imposed school facilities fees to determine how the above increases in the fees should be divided between the districts in furtherance of current agreements covering division of the fees.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Merced Union High School District on the 11th day of May 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

I, _____, President of the Merced Union High School District Board of Trustees, do hereby certify that the forgoing is a full, true and correct copy of the Resolution passed and adopted by said Board at a regular scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

President of the Board of Trustees of the
Merced Union High School District

I, _____, Clerk of the Board of Trustees of the Merced Union High School District, do hereby certify that the forgoing Resolution was regularly introduced and adopted by the Board of Trustees of the Merced Union High School District at a regular meeting thereof held on the 11th day of May 2022, by the above described vote of the Board of Trustees;

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of May 2022.

Clerk of the Board of Trustees of the
Merced Union High School District