RESOLUTION OF THE BOARD OF EDUCATION
OF THE NORTH MONTEREY COUNTY UNIFIED SCHOOL DISTRICT
INCREASING SCHOOL FACILITIES FEES

In Re:	)	**RESOLUTION NO. 2023-2237**
	)	
	)	
ADOPTION OF INCREASED SCHOOL	)	
FACILITIES IMPACT FEES	)	

RECITALS

A. This Board has adopted a resolution levying school facilities impact 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.

B. The District published a Notice of Proposed Adoption of Impact Fee Nexus Study and Increased School Facilities Fees in the Monterey County Herald Newspaper on March 29 and April 5, 2024, which was at least 10 days prior to the adoption of this Resolution.

C. On April 11, 2024, this Board passed Resolution No. 2023-2237, adopting the school facilities impact fee nexus study entitled "Residential and Commercial/Industrial Development School Fee Justification Study" (attached as Exhibit "A" and is incorporated by reference and hereinafter referred to as the "Study") dated March 28, 2024 prepared by its consultant Cooperative Strategies, LLC. The Study found the District's school facilities impacts costs to be as follows for residential developments:

Single Family Detached	$5.17
Multifamily Attached	$5.17

Furthermore, the Study found the District's school facilities impacts for commercial developments to be as follows:

Retail and Services	$0.84
Office	$0.84
Research and Development	$0.84
Industrial/Warehouse/Manufacturing	$0.84
Hospital	$0.84
Hotel/Motel	$0.84
Self-Storage	$0.102

Therefore, it is appropriate at this time to increase fees levied by the District as determined in the Study;

D. The State Allocation Board ("SAB") determined the adjustment for inflation in the statewide cost index for Class B construction at its February 23, 2022 meeting, by which fees imposed under Education Code section 17620 may be changed; and

E. This Board has conducted a public hearing on the issues referred to above at a duly noticed public meeting, during which this Board offered the opportunity for the public to comment on the Study and the proposed increased fees. The Study 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 above.

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

NOW, THEREFORE, BE IT RESOLVED as follows:

1. 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).

2. 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.

3. 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.

4. 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. 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 the Study, this Board confirms its earlier Resolutions, adopts the findings and conclusions set forth in the Study 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 student 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. 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 the Study, this Board adopts and levies the increased fees noted in Recital C above per square foot of assessable space on all new residential construction and of all other residential construction within the boundaries of the District to the extent of any resulting increase in assessable space in excess of 500 square feet; or any lesser amount as may be determined pursuant to the procedures, criteria, and definitions contained in the Resolution referred to in 4 above.

7. 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 the Study, this Board adopts and levies the increased fees noted in Recital C above per square foot of all chargeable covered and enclosed space on any new commercial or industrial construction within the boundaries of the District not within a category expressly exempted by this Board in the Resolution referred to in 4 above or any lesser amount as may be determined pursuant to the procedures, criteria, and definitions contained in the Resolution referred to in 4 above.

8. 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.

9. 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 or the relevant School Facilities Impact Fee Justification Study.

10. This Board directs the 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 Department of Healthcare, Access and Information ("HCAI") (formerly known as the Office of Statewide Health Planning and Development) 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 HCAI that new residential and commercial/industrial development is subject to the Statutory School Fees adopted 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.

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

THE FOREGOING RESOLUTION was adopted upon motion by Trustee Melgoza, seconded by Trustee Diaz, at a meeting held on April 11, 2024 by the following vote:

AYES: 5
NOES: 0
ABSTENTION(S): 0
ABSENT: 0

DATED: April 11, 2024

BOARD OF EDUCATION OF NORTH MONTEREY UNIFIED SCHOOL DISTRICT

By Martha Chavarria
Martha Chavarria, NMCUSD Board President

CERTIFICATION

I, Sandra Ruiz, Clerk to the Board of Education of the North Monterey County Unified School District, certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Education at its meeting held on April 11, 2024.

DATED: April 11, 2024

Sandra Ruiz, Clerk, Board of Education
North Monterey County Unified School District