

## **RESOLUTION NO. 1482-09/24**

### **RESOLUTION OF THE BOARD OF TRUSTEES OF THE OAK GROVE SCHOOL DISTRICT REGARDING SCHOOL FACILITIES FEES**

WHEREAS, Education Code Section 17620 authorizes school districts to impose certain fees for school facilities; and

WHEREAS, pursuant to the authority of Government Code Section 65995, subdivision (b), the State Allocation Board has established the allowable maximum fee on residential development to be \$5.17 per square foot, and the allowable maximum commercial/industrial fee to be \$0.84 per square foot; and

WHEREAS, the District's (two-thirds) share of the fee revenue is, by agreement with the East Side Union High School District, \$3.45 per square foot for residential development and \$0.56 per square foot for commercial/industrial development; and

WHEREAS, the District's justifiable fees are in excess of its share of the allowable maximum limits noted above; and

WHEREAS, in order to provide an opportunity for all interested parties to give input, the Board has held a properly noticed public hearing and made the Development Impact Fee Justification Report available prior to consideration of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board makes the following findings regarding its fees:

1. The purpose of the fees is to provide adequate school facilities for District students who will be generated by residential and commercial/industrial development(s) in the District.
2. The fees are to be used to finance the construction and reconstruction of school facilities.
3. There is a reasonable relationship between the need for the fees and the use of the fees, and the types of development projects on which the fees are imposed, in that residential, commercial, and industrial development will generate students who will attend District schools, these students cannot be housed by the District without additional facilities and/or the reconstruction of existing facilities and the fees that will be used to fund portions of these facilities.
4. There is a reasonable relationship between the amount of the fees and the cost of the facilities attributable to the developments on which the fee is imposed, in that the square footage of these developments has a direct relationship to the number of students generated, and thus to the facilities which the District must add to accommodate these students.

5. There exists in the District accounts a separate facilities account or fund, in accordance with the requirements of Government Code Section 66006.
6. There are no other adequate sources of funds to meet School District facilities needed due to construction of residential and new commercial/industrial development.

AND BE IT FURTHER RESOLVED that the developer fee study entitled "Development Impact Fee Justification" justifies fees in excess of the allowable limits, the District hereby increases fees on residential developments to its two-thirds share of the maximum allowable fee of \$5.17 (\$3.45 per square foot), and fees on commercial/industrial developments to its two-thirds share of the maximum allowable fee of \$0.84 per square foot (\$0.56 per square foot), in accordance with Education Code Section 17620 and Government Code Section 65995 et seq.

AND BE IT FURTHER RESOLVED that the increase in fees shall take effect sixty (60) days after the date of this resolution.

AND BE IT FURTHER RESOLVED that the Superintendent or his/her designee shall give notice to all cities and counties with jurisdiction over the territory of the District of the Board's action, in accordance with the requirements of Education Code Section 17621, and requesting that no building permits be issued on or after that date which is sixty (60) days after the date of this resolution, without certification from the District that the fees specified herein have been paid.

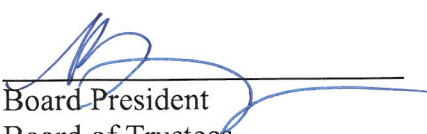
AND BE IT FURTHER RESOLVED that developers of residential, commercial or industrial developments be provided the opportunity for a hearing to appeal the imposition of fees on their developments.

AND BE IT FURTHER RESOLVED that the administration is authorized to make expenditures and incur obligations of the fees for the purposes authorized by law.

PASSED AND ADOPTED by the Board of Trustees of the Oak Grove School District of Santa Clara County, State of California, this 12th day of September 2024, by the following vote:

AYES: *C. Hernandez, D. Martinez, J. Pacheco, Jr, B. Gonzalez*  
 NOES: *None*  
 ABSENT: *None*  
 ABSTAINING: *None*

I hereby certify that the foregoing resolution is duly introduced, passed and adopted at the time and place and by the vote as noted above.

  
 Board President  
 Board of Trustees  
 Oak Grove School District