RESOLUTION NO. 25-26-17

RESOLUTION OF THE BOARD OF EDUCATION OF THE MILLBRAE ELEMENTARY SCHOOL DISTRICT REGARDING THE ADOPTION OF A FEE JUSTIFICATION STUDY AND THE INCREASE IN SCHOOL FACILITIES FEES AND ADOPTION OF CEQA NOTICE OF EXEMPTION

WHEREAS, Education Code section 17620 authorizes school districts to levy a fee, charge, or dedication against any new construction within its boundaries for the purpose of funding the construction or reconstruction of school facilities; and

WHEREAS, the governing board ("Board") of the Millbrae Elementary School District ("District") has caused a study to be prepared by SchoolWorks entitled 2026 Developer Fee Justification Study (incorporated herein by reference and hereinafter referred to as the "Study"), which identifies the purpose and use for the fee and sets forth a reasonable relationship between the fee to be imposed, the type of development project on which the fee is to be imposed, and the increased school facilities made necessary by virtue of the burden imposed by the development; and

WHEREAS the Millbrae Elementary School District ("District") by agreement with the high school district[s] sharing geographical territory with the District ("Fee-Sharing Agreement"), may levy 60% of the total fees permitted pursuant to Government Code Section 65995 for development in areas in which the District provides school services. The remaining permitted fees shall be allocated to the high school district(s) within whose boundaries the residential, commercial, or industrial development shall occur; and

WHEREAS, pursuant to the authority of Government Code section 65995, subdivision (b)(3), the fees authorized by Education Code section 17620 have presently been established by the State Allocation Board ("SAB") in the amount of $5.38 per square foot for residential development and $0.87 per square foot for commercial/industrial development; and

WHEREAS based upon the Fee-Sharing Agreement and in accordance with the increased level of fees permitted by the SAB pursuant to Government Code section 65995, the District may levy the following fees, which represent a percentage of the SAB Authorized Fee Amounts

1. **$3.23** per square foot of residential development (60% of $5.38).
2. **$0.52** per square foot of commercial/industrial development (60% of $0.87).

These amounts are justified by the needs of the District alone and do not include the needs of the high school district[s]; and

WHEREAS, Education Code section 17621 specifically exempts the adoption, increase, or imposition of any fee, charge, dedication or other requirement pursuant to Education Code section 17620 from the provisions of the California Environmental Quality Act ("CEQA")(Pub. Resources Code Section 21000 et seq.); and

WHEREAS, upon a determination that the imposition of school facilities fees under Education Code section 17620 is exempt from CEQA, the District is entitled to file a Notice of Exemption with the County Clerk pursuant to California Code of Regulations, title 14, section 15062.

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

1. Prior to the adoption of this resolution ("Resolution"), the Board of the District conducted a public hearing at which oral and/or written presentations were made as part of the Board's regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered has been published twice in the newspaper in accordance with Government Code sections 66017 and 66018. Additionally, at least 10 days prior to the meeting, the District made all relevant information available to the public indicating the cost, or estimated cost, of the construction or reconstruction of school facilities made necessary by the residential and/or commercial/industrial development to which the fee shall apply.
2. The purpose of the fees is to provide adequate school facilities for the students of the District who will be generated by residential and commercial/industrial development in the District.
3. The fees are to be used to finance the construction and reconstruction of school facilities.
4. There is a reasonable relationship between the need for the imposition of the fee and the types of development projects upon which the fees shall be imposed for the purpose of the construction or reconstruction of school facilities, 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 school facilities, or the reconstruction of existing school facilities. The fees will be used to fund all, or a portion of, new school facilities, or to reconstruct existing school facilities.
5. There is a reasonable relationship between the amount of the fee and the cost of the additional or reconstructed school facilities attributable to the development upon which the fee shall be imposed, in that the

square footage of these developments has a direct relationship to the number of students that will be generated, and thus to the facilities the District must add and/or reconstruct in order to accommodate the students resulting from new development.

6. The District maintains a separate capital facilities account, or fund, as required by Government Code section 66006.
7. There are no other adequate sources of funds to meet the District's school facilities needs occasioned by, and resulting from, the construction of new residential and/or commercial/industrial development within the District.

AND BE IT FURTHER RESOLVED that the Board incorporates herein by reference, approves and adopts the Study entitled 2026 Developer Fee Justification Study, prepared by SchoolWorks which documents the need for the school facilities fees.

AND BE IT FURTHER RESOLVED that since the Study justifies fees at or in excess of the SAB Authorized Fee Amounts, the District, in accordance with Education Code sections 17620, et seq., and Government Code sections 65995, et seq., and the Fee-Sharing Agreement, hereby increases fees to the following amounts:

$3.23 per square foot of residential development;
$0.52 per square foot of commercial or industrial development except for Rental Self Storage facilities in which a fee of **Facilities** per square foot is justified.

AND BE IT FURTHER RESOLVED that the amount collected on behalf of both the District and the high school district[s] pursuant to this Resolution shall not exceed a total of $5.38 per square foot for residential development and $0.87 per square foot of commercial or industrial development.

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 of the District, or his or her designee, shall give notice of the Board's action herein to all cities and counties with jurisdiction over the territory of the District in accordance with the requirements of Education Code section 17620 and 17621, requesting that no building permits (or, for manufactured homes and mobile homes, certificates of occupancy) be issued on or after the date which is sixty (60) days after the date of this Resolution, without certification from the District that the fee specified herein have been paid. Said notice shall specify that collection of the fees is not subject to the restriction set forth in Government Code section 66007, subdivision (a) but, pursuant to subdivision (b) of that statute, the fees are to be collected prior to issuance of building permits.

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

AND BE IT FURTHER RESOLVED that nothing contained or expressed in this Resolution shall be construed to affect the District's authority to increase fees, enter into agreements with developers, or otherwise adopt or impose, to the extent permitted by law, additional fees, to fully mitigate the impact of residential and/or commercial/industrial development upon the District's school facilities.

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

AND BE IT FURTHER RESOLVED that the Board hereby finds that the increase in fees hereunder is statutorily exempt from the requirements of CEQA pursuant to Education Code section 17621.

AND BE IT FURTHER RESOLVED that this Board hereby adopts this Resolution and directs the Superintendent, or his or her designee, to file a certified copy of this Resolution, together with all relevant supporting documentation and a map clearly indicating the boundaries of the area subject to the fee, to each city and each county in which the District is situated, pursuant to Education Code section 17621.

This Resolution is adopted this 14th day of April, 2026 by the following vote:

AYES:	5
NOES:	0
ABSTENTIONS:	0
ABSENT:	0

Clerk of the Governing Board