TO: BOARD OF EDUCATION

FROM: SUPERINTENDENT

DATE: DECEMBER 13, 2022

SUBJECT: APPROVAL OF RESOLUTION NO. 15-22 ANNUAL AND FIVE-YEAR DEVELOPER FEE REPORTS DATED NOVEMBER 15, 2022 (IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 66006 AND 66001)

**ACTION**

ISSUE: Shall the Board of Education approve Resolution No. 15-22 – Annual and Five-Year Developer Fee Reports dated November 15, 2022 (In compliance with Government Code Sections 66006 and 66001)?

BACKGROUND: Government Code Sections 66006 and 66001 require school districts to provide annual and five-year reports of developer fee collections and disbursements. The Las Virgenes Unified School District has collected developer fees in one form or another since state law provided for such under the old SB201 (bedroom fees), which later evolved into the AB2926 fees based upon square footage. These funds are used for facilities necessary to accommodate student growth, as well as facilities needs due to growth and class size reduction. Notification of the report availability and proposed action was posted for the public on November 28, 2022.

The attached report provides the supporting data for Board approval of Resolution 6-21, which details District compliance with Government Code Section 66000, et seq., regarding the receipt, deposit, investment, expenditure and/or refund of Reportable Fees received and expended relative to Projects for Fiscal Year 2021/2022. The resolution and the Annual and Five-Year Developer Fee Reports are attached.

ALTERNATIVES: 1. Approve Resolution No. 15-22 – Annual and Five-Year Developer Fee Reports dated November 15, 2022, as presented.

2. Do not approve Resolution No. 15-22 – Annual and Five-Year Developer Fee Reports dated November 15, 2022, at this time.

RECOMMENDATION: Staff recommends Alternative No. 1.

RATIONALE: Acceptance of the resolution enables the district to continue collecting statutory fees are provided for in law.

Respectfully submitted, Daniel Stepenosky, Ed.D. Superintendent

Prepared by: _____ Ryan Gleason, Ed.D. Assistant Superintendent Business Services

## RESOLUTION NO. 15-22

## RESOLUTION OF THE BOARD OF EDUCATION OF THE LAS VIRGENES UNIFIED SCHOOL DISTRICT APPROVING THE ANNUAL AND FIVE- YEAR DEVELOPER FEE REPORTS DATED NOVEMBER 15, 2022 (IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 66006 AND 66001)

WHEREAS, the Las Virgenes Unified School District ("School District") has received and expended statutory and/or alternative school facilities fees ("Reportable Fees") for the construction and/or modernization of the School District's school facilities in order to accommodate students from new development ("School Facilities"); and

WHEREAS, pursuant to Government Code Section 66006(a), the School District has established and maintained a separate capital facilities account for the Reportable Fees ("Reportable Fees Account"); and

WHEREAS, pursuant to Government Code Section 66006(a), the Reportable Fees have been deposited into the Reportable Fees Account in order to avoid any commingling of the Reportable Fees with other revenues and funds of the School District, except for temporary investments, and has expended the Reportable Fees, along with any interest income earned, solely for the purpose(s) for which the Reportable Fees were originally collected; and

WHEREAS, Government Code Section 66006(b)(1) provides that the School District shall make a written report containing certain required information available to the public within one hundred eighty (180) days after the last day of each fiscal year; and

WHEREAS, Government Code Section 66006(b)(2) requires that the Board of Education of the School District ("Board") review the information made available to the public, including the report entitled, "The Las Virgenes Unified School District Annual and Five-Year Reports dated November 15, 2022", in Compliance with Government Code Sections 66006 and 66001, ("Report"); and

WHEREAS, the Report contains the requisite information and proposed findings concerning the collection and expenditure of Reportable Fees pursuant to Government Code Sections 66006 and 66001; and

WHEREAS, pursuant to Government Code Section 66006(b)(2), notice of the time and place of the Board meeting, where the Report would be considered for adoption ("Notice"), was noticed at least fifteen (15) days prior to the Board meeting, to any interested party who filed a written request with the School District for notification of the Board meeting; and

WHEREAS, the School District posted Notice in the School District's regular posting locations; and

WHEREAS, Government Code Section 66001(d) provides that for the fifth fiscal year following the first deposit into the Reportable Fees Account, and every five years thereafter, the School District shall make findings with respect to the portion of the Reportable Fees Account that remains unexpended; and

WHEREAS, when Government Code Section 66001(d) requires certain findings, these findings will be made at the same time as that information required by Government Code Section 66006(b); and

WHEREAS, pursuant to Government Code Section 66001(e) and (f), the School District shall make certain findings when sufficient Reportable Fees have been collected to complete the financing of incomplete Projects, and the Projects remain incomplete; and

WHEREAS, the School District has complied with the foregoing provisions.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE LAS VIRGENES UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The Board finds and determines that the foregoing recitals and determinations are correct.

Section 2. Pursuant to Government Code Section 66006(a), the School District has established and maintained a Reportable Fees Account during Fiscal Year 2021/2022.

Section 3. Pursuant to Government Code Section 66006(a), the Reportable Fees collected during Fiscal Year 2021/2022 have been deposited into the Reportable Fees Account (Fund Account 25 -Developer Fees) in order to avoid any commingling of the Reportable Fees with other revenues and funds of the School District, except for temporary investments, and has expended the Reportable Fees, along with any interest income earned, solely for the purpose(s) for which the Reportable Fees were originally collected.

Section 4. Pursuant to Government Code Section 66006(b)(1), the School District made the Report available to the public within one hundred eighty (180) days after the last day of Fiscal Year 2021/2022.

Section 5. Pursuant to Government Code Section 66006(b)(1), the Board reviewed the Report at the next regularly scheduled public meeting, at least fifteen (15) days, after the Report was made available to the public.

Section 6. Pursuant to Government Code Sections 66006(b)(1) and (2), the Board reviewed the Report which is incorporated by this reference and contains the following information:

(A) A brief description of the type of Reportable Fees in the Reportable Fees Account;

(B) The amount of the Reportable Fees;

(C) The beginning and ending balance of the Reportable Fees Account;

(D) The amount of Reportable Fees collected and the interest earned;

(E) An identification of each School Facilities Project ("Project") on which Reportable Fees were expended and the amount of the expenditures on each Project, including the total percentage of the cost of the Project that was funded with Reportable Fees;

(F) An identification of an approximate date by which the construction of the Project will commence if the School District determines that sufficient funds have been collected to complete financing on an incomplete Project, as identified in Section 66001(a)(2), and the Project remains incomplete;

(G) A description of each interfund transfer or loan made from the Reportable Fees Account, including the Project on which the transferred or loaned Reportable Fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the Reportable Fees Account will receive on the loan; and

(H) The amount of refunds made pursuant to Section 66001(e) and any allocations pursuant to Section 66001(f).

Section 7. Pursuant to Government Code Section 66006(b)(2), Notice was sent at least fifteen (15) days prior to the Board meeting, to any interested party who filed a written request with the School District for mailed Notice of the Board meeting.

Section 8. The School District posted Notice in the School District's regular posting locations.

Section 9. Pursuant to Government Code Section 66001(d), the Board reviewed the Report which is incorporated by this reference and contains the following proposed findings:

(1) Identification of the purposes to which the Reportable Fees are to be put;

(2) Demonstration of a reasonable relationship between the Reportable Fees and the purpose for which they are charged;

(3) Identification of all sources and amounts of funding anticipated to complete incomplete Projects of the School District; and

(4) Designation of the approximate dates on which the funding referred to in paragraph (3) is expected to be deposited into the respective School District account(s).

Section 10. When findings are required by Government Code Section 66001(d), these findings shall be made at the same time as the findings as that information required by Government Code Section 66006(b).

Section 11. Pursuant to Government Code Section 66001(e) and (f), the School District shall make certain findings when sufficient Reportable Fees have been collected to complete the financing of incomplete Projects, and the Projects remain incomplete.

Section 12. The Board determines that the School District is in compliance with Government Code Section 66000, et seq., regarding the receipt, deposit, investment, expenditure and/or refund of Reportable Fees received and expended relative to Projects for Fiscal Year 2021/2022.

Section 13. The Board determines that no refunds and allocations of Reportable Fees, as required by Government Code Sections 66001(e) and 66006(b)(1)(H) are deemed payable at this time for Fiscal Year 2021/2022.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Las Virgenes Unified School District on the _____ day of _____, 2022.

AYES: MEMBERS

NOES: MEMBERS

ABSTAIN: MEMBERS

ABSENT: MEMBERS

BOARD OF EDUCATION OF THE LAS VIRGENES UNIFIED SCHOOL DISTRICT

By: President of the Board of Education

ATTEST:

By: Vice President of the Board of Education



# ANNUAL AND FIVE-YEAR REPORTS

LAS VIRGENES UNIFIED SCHOOL DISTRICT

**NOVEMBER 15, 2022**


**Prepared For:**
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COOPERATIVE STRATEGIES

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# I. INTRODUCTION

Sections 66001 and 66006 of the Government Code require that Las Virgenes Unified School District ("School District") provide to the public information on impact fees received from new residential and commercial/industrial development to mitigate the impact of that new development on the school facilities of the School District. The School District currently collects statutory school fees ("Statutory School Fees") pursuant to Sections 17620 et seq. of the Education Code and Sections 65995 et seq. of the Government Code, and alternative school facility fees ("Alternative School Fees") collected pursuant to Sections 65995.5, 65995.6, and 65995.7 of the Government Code (collectively, "Reportable Fees").

The School District is required to provide the following information on Reportable Fees for the prior fiscal year:

1. Amounts collected
2. Amount of interest earned
3. Amounts spent on projects to accommodate additional enrollment from new residential and commercial/industrial development

The Reportable Fees do not include special tax proceeds, proceeds of bonds, or letters of credit to secure payment of Reportable Fees at a future date. Further, the School District identifies Reportable Fees have not been levied, collected, or imposed for general revenue purposes.

Additionally, the School District is required to identify the following:

1. The purpose to which unexpended Reportable Fees will be spent
2. The Reasonable Relationship between the unexpended Reportable Fees and the purpose to which they are to be spent
3. The funding sources and expected funding availability date for school facilities projects for which unexpended Reportable Fees are required

The following Annual and Five-Year Reports ("Reports") for the fiscal year ending June 30, 2022 include the information and proposed findings the School District intends to review and adopt in accordance with Sections 66001 and 66006 of the Government Code.

# II. ANNUAL REPORT

In accordance with Government Code Section 66006(b)(1) and (2), the School District hereby presents the following information for fiscal year 2021/2022 (i.e. July 1, 2021 through June 30, 2022) with regard to the annual Reportable Fees:

## A. Description of the Type of Reportable Fees in the Account or Sub-account(s) of the School District

The Reportable Fees of the School District for fiscal year 2021/2022 consist of Statutory School Fees. Statutory School Fees are collected by the School District from new residential and commercial/industrial development.

## B. Amount of the Reportable Fees

The amount of Reportable Fees is based on the effective Statutory School Fee.

### Statutory School Fees

The Statutory School Fees for the period between July 1, 2021 and June 12, 2022 were established by the Board of Education ("Board") of the School District on April 28, 2020 by Resolution No. 28-19. The Statutory School Fees for new residential and commercial/industrial development are based on the report titled "Residential and Commercial/Industrial Development School Fee Justification Study ("Study"), dated April 8, 2020.

The Statutory School Fees for the period between June 13, 2022 and June 30, 2022 were established by the Board of Education ("Board") of the School District on April 12, 2022 by Resolution No. 19-21. The Statutory School Fees for new residential and commercial/industrial development are based on the report titled "Residential and Commercial/Industrial Development School Fee Justification Study ("Study"), dated March 31, 2022.

Table 1 on the following page lists the fee amounts and effective dates for the applicable Statutory School Fees for fiscal year 2021/2022.

**TABLE 1**
**EFFECTIVE DATES FOR DEVELOPER FEE JUSTIFICATION REPORTS**

| Item | Effective Dates (for FY 2021/2022) | Fee Amount (Per Square Foot) |
|---|---|---|
| Statutory School Fees | July 1, 2021 – June 12, 2022 | Residential - $4.08<br>Commercial/Industrial - $0.66<br>Self-Storage CID - $0.073 |
| Statutory School Fees | June 13, 2022 – June 30, 2022 | SFD Residential - $4.49<br>MFA Residential - $3.54<br>Commercial/Industrial - $0.78<br>Self-Storage CID - $0.102 |

**C. Beginning and Ending Balance of Account and Sub-Account(s):**

Table 2 lists the fiscal year 2021/2022 beginning and ending balances for Fund 25, the Capital Facility Fund, which holds all Reportable Fees:

**TABLE 2**
**BEGINNING AND ENDING BALANCES FOR FUND 25**

| Item | Fund Balance |
|---|---|
| Beginning Balance (7/1/2021) | $8,293,576.57 |
| Ending Balance (6/30/2022) | $8,146,283.13 |

**D. Amount of the Reportable Fees Collected and Interest Earned**

Table 3 shows the amount of Reportable Fees collected, interest earned, and fair value of investments during fiscal year 2021/2022 to accommodate students from additional development.

**TABLE 3**
**AMOUNT OF REPORTABLE FEES COLLECTED**

| Item | Total Revenues |
|---|---|
| Reportable Fees Collected | $1,053,196.54 |
| Interest Earned | $51,381.90 |
| Fair Value of Investments | ($304,000.78) |
| **Total** | **$800,577.66** |

**E. Identification of Each Improvement on Which Reportable Fees Were Expended and the Amount of the Expenditures on Each Improvement, Including the Total Percentage of the Cost of Each Project of the School District that Was Funded with Reportable Fees**

Schedule A to this report identifies the amount of Reportable Fees expended on School Facilities in fiscal year 2021/2022, as well as the percentage of each improvement funded by Reportable Fees.

**F. Identification of an Approximate Date by Which the Construction of Project(s) of the School District will Commence if the School District Determines that Sufficient Funds have been Collected to Complete Financing on an Incomplete Project of the School District, as Identified in Paragraph (2) of Subdivision (A) of Section 66001, and the Project of the School District Remains Incomplete**

The School District has determined that at the close of fiscal year 2021/2022, Reportable Fees and other sources of funding were not sufficient to complete the financing of additional school facilities of the School District.

**G. Description of each Interfund Transfer or Loan Made from the Account or Sub-Account(s), Including Project(s) of the School District on which the Transferred or Loaned Reportable Fees will be Expended, and, in the Case of an Interfund Loan, the Date on Which the Loan will be Repaid, and the Rate of Interest that the Account or Sub-Account(s) will Receive on the Loan**

The School District did not make any interfund transfers in or out of Fund 25 in fiscal year 2021/2022.

**H. The Amount of Refunds Made or Revenues Allocated for Other Purposes if the Administrative Costs of Refunding Unexpended Revenues Exceed the Amount to be Refunded**

No refunds of Reportable Fees were made pursuant to Section 66001(e) of the Government Code in fiscal year 2021/2022.

## I. Summary Table of Fund Balance, Revenues, and Expenditures

Table 4 on the following page summarizes the beginning and ending balances, the amount of Reportable Fees collected and interest earned, and total expenditures from Fund 25 during fiscal year 2021/2022.

**TABLE 4**

**FUND 25 ACTIVITY SUMMARY (FY 2021/2022)**

| Item | Amount |
|---|---|
| **Beginning Balance (7/1/2021)** | $8,293,576.57 |
| Reportable Fees | $800,577.66 |
| Expenditures – Schedule A | ($947,871.10) |
| **Ending Balance (6/30/2022)** | **$8,146,283.13** |

# III. FIVE-YEAR REPORT

In accordance with Government Code Section 66001, the School District provides the following information with respect to the Reportable Fees in the account or sub-account(s) remaining unexpended, whether committed or uncommitted to projects:

## A. Identification of the Purpose to which the Reportable Fees are to be Put

The purpose of the Reportable Fees imposed and collected on new residential and commercial/industrial development within the School District was to fund the additional school facilities required to serve students generated by new development within the School District. Specifically, the Reportable Fees will be used for the construction, expansion, and/or acquisition of additional School Facilities, furnishing and equipping such facilities, facilities upgrades, as well as acquiring and installing additional portable classrooms to accommodate students.

## B. Demonstration of a Reasonable Relationship Between the Reportable Fees and the Purposes for which they are Charged

There is a roughly proportional and a reasonable relationship between the new development upon which the Reportable Fees are charged and the need for adequate School Facilities. This relationship is based on the additional students that will be generated by new development within the School District who will occupy district facilities. Furthermore, the Reportable Fees do not exceed the costs of providing school facilities for the students generated from the development in which such fees were collected (as set forth in the Studies, referred to herein Section II.B).

## C. Identification of All Sources and Amounts of Funding Anticipated to Complete Financing of the School Facilities the School District has Identified in the School District's Reports

Table 5 on the following page lists the proposed funding sources for all potential school facility projects presently identified by the School District. The 2017 Certificates of Participation ("COPs") were used to refinance the 2008 COPs, which in turn had refinanced the 2003 COPs. The 2003 COPs helped fund the construction of new classrooms at Yerba Buena Elementary School, Alice C. Stelle Middle School, Calabasas High School, and Agoura High School.

The funds also helped finance the modernization of other schools in the School District.

**TABLE 5**

**POTENTIAL FUNDING SOURCES FOR PLANNED SCHOOL FACILITY PROJECTS**

| Sources | Debt Service for 2017 COP's | Chaparral Elementary Turf Project |
|---|---|---|
| General Obligation Bond Proceeds | N/A | N/A |
| Redevelopment Pass-Through Agreements | $2,000,000 | N/A |
| Reportable Fees | $9,236,000 | $250,000 |
| **Total** | **$11,236,000** | **$250,000** |

**D. Identification of the Approximate Dates on Which the Funding Referred to in Section III.C is Expected to be Deposited into the Appropriate Account or Fund**

Table 6 below lists the approximate dates on which the funds are expected to be available for the school facility projects presently identified by the School District.

**TABLE 6**

**TIMING OF FUNDS FOR PLANNED SCHOOL FACILITY PROJECTS**

| Sources | Debt Service for 2017 COP's | Chaparral Elementary Turf Project |
|---|---|---|
| General Obligation Bond Proceeds | N/A | N/A |
| Redevelopment Pass-Through Agreements | TBD | N/A |
| Reportable Fees | TBD | Available |

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# EXHIBIT A

## REPORTABLE FEE EXPENDITURES FOR FISCAL YEAR 2021/2022

**Las Virgenes Unified School District**

**Public Improvements on Which Reportable Fees Were Expended**

**Fiscal Year 2021/2022**

**Schedule A**

| Project | | Amount Paid From Fees During FY 2021/2022 | Percent of Total Cost Funded With Fees |
|---|---|---|---|
| **Agoura High School / Calabasas High School** | **$** | **21,091.73** | **100.00%** |
| *Andy Gump (Portable Building Rental and Service)* | *$* | *21,091.73* | *100.00%* |
| **A.E. Wright Middle School** | **$** | **91,670.00** | **100.00%** |
| *Avsar Construction Development, Inc. (Building Construction Services)* | *$* | *91,670.00* | *100.00%* |
| **Sumac Elementary School** | **$** | **48,330.00** | **100.00%** |
| *Modular Rental (Portable Building Lease)* | *$* | *48,330.00* | *100.00%* |
| **Professional Legal/Consulting Services** | **$** | **22,129.92** | **100.00%** |
| *Cooperative Strategies (Developer Fee Studies)* | *$* | *9,181.92* | *100.00%* |
| *Severin Intermediate Holdings, LLC (Consultant Services)* | *$* | *12,948.00* | *100.00%* |
| **Districtwide Expenditures** | **$** | **764,649.45** | **100.00%** |
| *Annual Debt Service* | *$* | *764,649.45* | *100.00%* |
| **Total** | **$** | **947,871.10** | **100.00%** |