

PALM SPRINGS UNIFIED SCHOOL DISTRICT
Palm Springs, CA

**APPROVING THE STATUTORY SCHOOL FACILITY FEES IMPOSED ON
NEW RESIDENTIAL AND COMMERCIAL/INDUSTRIAL
CONSTRUCTION PURSUANT TO EDUCATION CODE SECTION 17620
AND GOVERNMENT CODE SECTION 66016(a)**

RESOLUTION NO. 2021/2022-101

WHEREAS, the Board of Education (Board) of the Palm Springs Unified School District (District) provides for the educational needs for Grade K-12 students within the City of Cathedral City, the City of Desert Hot Springs, the City of Palm Desert, the City of Palm Springs, and the City of Rancho Mirage (collectively, Cities) and portions of the unincorporated County of Riverside (County); and

WHEREAS, on February 23, 2022, the State Allocation Board (SAB) authorized an adjustment in the statutory school fee amounts for unified school districts pursuant to Government Code Section 65995(b)(3) to Four and 79/100 Dollars (\$4.79) per square foot for assessable space of new residential construction (Residential Statutory School Fees) and Seventy-Eight Cents (\$0.78) per square foot of chargeable covered and enclosed space for the categories of new commercial/industrial construction (Commercial/Industrial Fees and collectively Statutory School Fees), as long as such increases are properly justified by the District pursuant to law; and

WHEREAS, new residential and commercial/industrial construction continues to generate students for the District's schools and the District is required to provide school facilities (School Facilities) to accommodate those students; and

WHEREAS, overcrowded schools within the District have an impact on the District's ability to provide an adequate quality education and negatively impact the educational opportunities for the District's students; and

WHEREAS, greenhouses and other spaces that are covered and enclosed for agricultural purposes as identified in Education Code Section 17622 are subject to the fees imposed on commercial/industrial development. Education Code Section 17622(b) allows fees to be charged to greenhouse and other spaces that are covered or enclosed for agricultural purposes if the governing board finds that (i) the amount of the proposed fees and the location of the land bear a reasonable relationship and are limited to the needs of the community to provide school facilities caused by the development and (ii) that the amount of the proposed fees does not exceed the reasonable cost of providing for the construction/reconstruction of school facilities; and

WHEREAS, the commercial green house/agricultural buildings are comparable to other commercial/industrial buildings within the Palm Springs Unified School District boundaries and due generate students for the District's schools and the District is required to provide school facilities to accommodate those students; and

WHEREAS, the District has consulted with the County Agricultural Commissioner as required by Education Code Section 17622(c); and

WHEREAS, the District does not have sufficient funds available for the construction or reconstruction of the School Facilities, including acquisition of sites, construction of permanent School Facilities, and acquisition of interim School Facilities, to accommodate students from new residential and commercial/industrial construction; and

WHEREAS, the Board has received and considered reports entitled, “Residential Development School Fee Justification Study” and “Commercial/Industrial Development School Fee Justification Study for Palm Springs Unified School District” (Studies) which include information, documentation, and analysis of the School Facilities needs of the District, including: (a) the purpose of the Statutory School Fees; (b) the use to which the Statutory School Fees are to be put; (c) the nexus (roughly proportional and reasonable relationship) between the residential and commercial/industrial construction and (1) the use for Statutory School Fees, (2) the need for School Facilities, (3) the cost of School Facilities and the amount of Statutory School Fees from new residential and commercial/industrial construction; (d) a determination of the impact of the increased number of employees anticipated to result from the commercial/industrial construction (by category) upon the cost of providing School Facilities within the District; (e) an evaluation and projection of the number of students that will be generated by new residential construction; (f) the new School Facilities that will be required to serve such students; and (g) the cost of such School Facilities; and

WHEREAS, the Studies pertaining to the Statutory School Fees and to the capital facilities needs of the District has been available to the public for at least thirty (30) days before the Board considered at a regularly scheduled public meeting the increase in the Statutory School Fees; and

WHEREAS, all notices of the proposed increase in the Statutory School Fees have been given in accordance with applicable law; and

WHEREAS, a public hearing was duly held at a regularly scheduled meeting of the Board relating to the proposed Statutory School Fees on April 12, 2022; and

WHEREAS, as to the Statutory School Fees, Education Code Section 17620 provides that the adoption, increase or imposition of any fee, charge, dedication, or other requirement, pursuant to Education Code Section 17620 shall not be subject to the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE PALM SPRINGS UNIFIED SCHOOL DISTRICT AS FOLLOWS:

Section 1. That the Board accepts and adopts the Studies.

Section 2. That the Board finds that the purpose of the Statutory School Fees imposed upon new residential construction are to fund the additional School Facilities required to serve the students generated by the new residential construction upon which the Statutory School Fees are imposed.

Section 3. That the Board finds that the Statutory School Fees imposed on new residential construction will be used only to finance those School Facilities described in the Studies and related documents, and that these School Facilities are required to serve the students generated by the new residential construction within the District; and that the use of the Statutory School Fees

will include construction or acquisition of additional School Facilities, remodeling existing School Facilities to add additional classrooms, and technology, and acquiring and installing additional portable classrooms and related School Facilities, with the specific location of new schools, remodeling of existing School Facilities, and additional portables to be determined based on the residence of the students being generated by such new residential construction, as well as any required central administrative and support facilities, within the District.

Section 4. That the Board finds that there is a roughly proportional, reasonable relationship between the use of the Statutory School Fees and the new residential construction within the District because the Statutory School Fees imposed on new residential construction by this Resolution will be used to fund School Facilities that will be used to serve the students generated by such new residential construction.

Section 5. That the Board finds that there is a roughly proportional, reasonable relationship between the new residential construction upon which the Statutory School Fees are imposed, and the need for additional School Facilities in the District because new students will be generated from new residential construction within the District and the District does not have student capacity in the existing School Facilities to accommodate these students.

Section 6. That the Board finds that the amount of the Statutory School Fees imposed on new residential construction as set forth in this Resolution is roughly proportional and reasonably related to, and does not exceed the cost of, providing the School Facilities required to serve the students generated by such new residential construction within the District.

Section 7. That the Board finds that the purpose of the Statutory School Fees imposed on new commercial/industrial construction is to fund the additional School Facilities required to serve the students generated by the new commercial/industrial construction upon which the Commercial/Industrial Fees are imposed.

Section 8. That the Board finds that the Statutory School Fees imposed on new commercial/industrial construction (by category) will be used only to finance those School Facilities described in the Studies and related documents and that these School Facilities are required to serve the students generated by such new commercial/industrial construction; and that the use of the Statutory School Fees will include construction or acquisition of additional School Facilities, remodeling existing School Facilities to add additional classrooms and technology, and acquiring and installing additional portable classrooms and related facilities, with the specific location of new schools, remodeling of existing School Facilities, and additional portables to be determined based on the residence of the students being generated by such new commercial/industrial construction, as well as any required central administrative and support facilities within the District.

Section 9. That the Board finds that there is a roughly proportional, reasonable relationship between the use of the Statutory School Fees and new commercial/industrial construction by category within the District because the Statutory School Fees imposed on commercial/industrial construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new commercial/industrial construction.

Section 10. That the Board finds that there is a roughly proportional, reasonable relationship between the new commercial/industrial construction by category, upon which the

Statutory School Fees are imposed, and the need for additional School Facilities in the District because new students will be generated from new commercial/industrial construction within the District and the District does not have student capacity in the existing School Facilities to accommodate these students.

Section 11. That the Board finds that the amount of the Statutory School Fees imposed on new commercial/industrial construction by category as set forth in this Resolution is roughly proportional and reasonably related to and does not exceed the cost of providing the School Facilities required to serve the students generated by such new commercial/industrial construction within the District.

Section 12. That the Board finds that a separate fund (Fund) of the District and two or more sub-funds (Sub-Funds) have been created or are authorized to be established for all monies received by the District for the deposit of Statutory School Fees and mitigation payments (Mitigation Payments) imposed on construction within the District and that said Fund and Sub-Funds at all times have been separately maintained, except for temporary investments, with other funds of the District as authorized by law.

Section 13. That the Board finds that the monies of the separate Fund or the separate Sub-Funds described in Section 12, consisting of the proceeds of Statutory School Fees and Mitigation Payments have been imposed for the purposes of constructing and reconstructing those School Facilities necessitated by new residential and/or commercial/industrial construction, and thus, these monies may be expended for all those purposes permitted by applicable law. The Statutory School Fees may also be expended by the District for the costs of performing any study or otherwise making the findings and determinations required under subdivisions (a), (b), and (d) of Section 66001 of the Government Code. In addition, the District may also retain, as appropriate, an amount not to exceed in any fiscal year, three percent (3%) of the fees collected in that fiscal year pursuant to Education Code Section 17620 for reimbursement of the administrative costs incurred by the District in collecting the Statutory School Fees.

Section 14. That the Board hereby approves the Statutory School Fees as a condition of approval of new residential development projects and imposes the Statutory School Fees on such development projects in the following amounts:

a. Four and 79/100 Dollars (\$4.79) per square foot of assessable space for new residential construction, including new residential projects, manufactured homes and mobile homes as authorized under Education Code Section 17625, and including residential construction or reconstruction other than new construction where such construction or reconstruction results in an increase of assessable space, as defined in Government Code Section 65995, in excess of five hundred (500) square feet.

b. Seventy-Eight Cents (\$0.78) per square foot of assessable space, for new residential construction used exclusively for the housing of senior citizens, as described in Section 51.3 of the Civil Code or as described in subdivision (k) of Section 1596.2 of the Health and Safety Code or a multi level facility as described in paragraph 9 of subdivision (d) of Government Code Section 15432 or any mobile home or manufactured home that is located within a mobile home park, subdivision, cooperative or condominium for mobile homes limited to older persons as defined by the Federal Fair Housing Amendments of 1988.

Section 15. That this Board hereby approves the Statutory School Fees as a condition of approval of new commercial/industrial construction projects and levies the Statutory School Fees on such development projects at the rate of Seventy-Eight Cents (\$0.78) per square foot of chargeable covered and enclosed space for all categories of commercial/industrial construction except for the category of Self-Storage, which shall be levied at the rate of Seven and Six-Tenths Cents (\$0.076) per square foot of chargeable covered and enclosed space.

Section 16. That this Board hereby makes the findings required under Section 17622 of the Education Code related to greenhouses and other covered and enclosed agricultural spaces. For such facilities, there is (i) a reasonable relationship between the Statutory School Fees and the need for school facilities in the community generated by such development and (ii) the Statutory School Fee does not exceed the reasonable cost of construction or reconstruction of school facilities necessitated by the construction of greenhouses or other covered and enclosed agricultural spaces.

Section 17. That the proceeds of the Statutory School Fees increased and established pursuant to this Resolution shall continue to be deposited into those Sub-Funds of the Funds identified in Section 12 of this Resolution, the proceeds of which shall be used exclusively for the purpose for which the Statutory School Fees are to be collected, including, as to Statutory School Fees, accomplishing any study, findings or determinations required by subdivisions (a), (b) and (d) of Section 66001 of the Government Code, or retaining an amount not to exceed in any fiscal year, three percent (3%) of the fees collected in that fiscal year pursuant to Education Code Section 17620 for reimbursement of the administrative costs incurred by the District in collecting the Statutory School Fees or in financing the described Studies or in defending the imposition of Statutory School Fees.

Section 18. That the District's Superintendent, or designee, is directed to cause a copy of this Resolution to be delivered to the building officials of the Cities and the County, as well as the Office of Statewide Health Planning & Development, along with a copy of all the supporting documentation referenced herein and a map of the District clearly indicating the boundaries thereof, advising the Cities, County and the OSHPD that new residential and commercial/ industrial construction is subject to the Statutory School Fees increased 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 of compliance (Certificate of Compliance) from the District demonstrating compliance of such project with the requirements of the Statutory School Fees, nor that any building permit be issued for any nonresidential construction absent a certification from this District of compliance with the requirements of the applicable Statutory School Fees.

Section 19. That the Board hereby adopts and establishes the procedures that permit the party against whom the Commercial/Industrial Fees are imposed the opportunity for a hearing to appeal that imposition of Commercial/Industrial Fees for commercial/industrial construction as stated in Education Code Section 17621 and Government Code Section 66020 and 66021.

Section 20. That the Superintendent is authorized to cause a Certificate of Compliance to be issued for each development project, mobile home and manufactured home for which there is compliance with the requirement for payment of the Statutory School Fees in the amounts specified by this Resolution. In the event a Certificate of Compliance is issued for the payment of Statutory

School Fees for a development project, mobile home or manufactured home and it is later determined that the statement or other representation made by an authorized party concerning the

development project as to square footage is untrue or in the event the zoning is declared invalid, then such Certificate of Compliance shall automatically terminate, and the appropriate City, County or OSHP shall be so notified.

Section 21. That no statement or provision set forth in this Resolution, or referred to therein shall be construed to repeal any preexisting fee or mitigation amount previously imposed by the District on any residential or nonresidential construction.

Section 22. That if any portion or provision hereof is held invalid, the remainder hereof is intended to be and shall remain valid.

Section 23. That the District's Statutory School Fees will become effective sixty (60) days from the date of this Resolution unless a separate resolution increasing the fees immediately on an urgency basis is adopted by the Board.

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STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

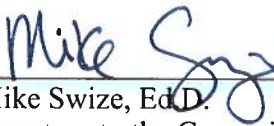
I, Mike Swize, Ed.D., Secretary to the Governing Board of the Palm Springs Unified School District, Riverside County, State of California, do hereby certify that the foregoing Resolution was duly adopted by the Board of Education of such District at a regular meeting of said Board held on the 12th day of April, 2022, at which a quorum of such Board was present and acting throughout and for which notice and an agenda was prepared and posted as required by law and at which meeting all of the members of such Board had due notice and that at such meeting the attached resolution was adopted by the following vote:

AYES: 3

NOES:

ABSTAIN:

ABSENT: 2



Mike Swize, Ed.D.
Secretary to the Governing Board
Palm Springs Unified School District

PASSED AND ADOPTED by the Governing Board of the Palm Springs Unified School District this 12th day of April, 2022.

I, Mike Swize, Ed.D., Secretary to the Governing Board of the Palm Springs Unified School District, Riverside County, State of California, do hereby certify that the foregoing Resolution was duly approved and adopted by the Governing Board at a regular meeting held on April 12, 2022.


A handwritten signature in blue ink that reads "Mike Swize". The signature is written in a cursive style with a large, stylized "S" at the end.

Mike Swize, Ed.D.
Secretary to the Governing Board
Palm Springs Unified School District

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I, Mike Swize, Ed.D., Secretary to the Governing Board of the Palm Springs Unified School District, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2021/2022-101 of said Board, and that the same has not been rescinded, amended or repealed.

Dated this 12th day of April, 2022.



Mike Swize, Ed.D.
Secretary to the Governing Board
Palm Springs Unified School District

