

ALAMEDA UNIFIED SCHOOL DISTRICT
Alameda, California
Resolution

January 12, 2021

Resolution No. 2020-2021.23

**Approving and Adopting the 2019-2020 Annual Developer Fee Report and
Five-Year Developer Fee Findings (Government Code §§ 66001 & 66006)**

WHEREAS, this District has levied school facilities fees pursuant to various resolutions, the most recent of which is dated 2005, and is referred to herein as the "School Facilities Fee Resolution" and is hereby incorporated by reference into this Resolution. These resolutions were adopted under the authority of Education Code section 17620 (formerly Government Code section 53080). These fees have been deposited in the following fund or account:

WHEREAS, in accordance with California Government Code section 66006(a), District has established a separate capital facilities account or fund, more specifically identified as Fund 25, Capital Facilities Fund ("Account"), deposited these Developer Fees in the Account (including interest income earned thereon), maintained the Account in a manner to avoid any commingling of the Developer Fees with other revenues and funds of District, except for temporary investments, as applicable, and expended the Developer Fees solely for the purposes for which they were collected;

WHEREAS, Government Code section 66006(b)(1) provides that, within one-hundred- eighty (180) days after the last day of each fiscal year, the District shall make available to the public a "Developer Fees Report" containing the following information for the fiscal year:

- (i) A brief description of the type of Developer Fees in the Account;
- (ii) The amount(s) of the Developer Fee(s);
- (iii) The beginning and ending balance of the Account;
- (iv) The amount of the Developer Fees collected and the interest earned;
- (v) An identification of each District public improvement ("Project") that Developer Fees were expended on, and the amount of the expenditures on each Project, including the total percentage of the cost of the Project that was funded with Developer Fees;
- (vi) An identification of an approximate date by which the construction of a Project will commence if the District determines that sufficient funds have been collected to

complete financing on an incomplete Project, as identified in Government Code section 66001(a)(2), and the Project remains incomplete;

- (vii) A description of each interfund transfer or loan made from the Account, including the Project on which the transferred or loaned Developer 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 will receive on the loan; and
- (viii) The amount of refunds made pursuant to Government Code section 66001(e) and any allocations made pursuant to Government Code section 66001(f).

WHEREAS, Government Code section 66001(d) provides that for the fifth fiscal year following the first deposit of Developer Fees into the Account, and every five years thereafter, the District shall make all of the following “Findings” with respect to that portion of the Account remaining unexpended, whether committed or uncommitted:

- (i) Identification of the purposes to which the Developer Fees are to be put;
- (ii) Demonstration of a reasonable relationship between the Developer Fees and the purposes for which they are charged;
- (iii) Identification of all sources and amounts of funding anticipated to complete financing of the District’s incomplete Projects (“Anticipated Funding”); and
- (iv) Designation of the approximate dates on which the Anticipated Funding is expected to be deposited into the Account.

WHEREAS, when Findings are required by Government Code section 66001(d), they shall be made in connection with the Developer Fees Report required by Government Code section 66006;

WHEREAS, Government Code sections 66001(d) and 66006(b)(2) require the District’s Governing Board’s (“Board”) review of the Developer Fees Report information and proposed Findings at a regularly scheduled public meeting not less than fifteen (15) days after the Developer Fees Report is made available to the public and notice of the time and place of the meeting, including the address where the Developer Fees Report may be reviewed, has been mailed to anyone who has requested it pursuant to 66006(b)(2); and

WHEREAS, the District has substantially complied with all of the foregoing provisions.

NOW, THEREFORE, THE GOVERNING BOARD OF THE ALAMEDA UNIFIED SCHOOL DISTRICT HEREBY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS:

Section 1: That the foregoing recitals are true.

Section 2: That, pursuant to Government Code sections 66001(d) and 66006(b)(1) and (2), the District has made available to the public the requisite information and proposed findings concerning collection and expenditure of Developer Fees related to School Facilities for students resulting from new development within the District.

Section 3: That the District's Developer Fees Report for the 2019/2020 fiscal year contains the requisite information pursuant to Government Code section 66006(b)(1). The Developer Fees Report is attached hereto as Exhibit "A" and incorporated herein by reference.

Section 4: That the District's proposed five-year Findings concerning the Developer Fees contain the requisite findings pursuant to Government Code section 66001(d) and are made in connection with the public information set forth in the Developer Fees Report. The Findings are attached hereto as Exhibit "B" and incorporated herein by reference.

Section 5: That, pursuant to Government Code sections 66001(d)(2) and 66006(b)(2), the Board has reviewed the Developer Fees Report and proposed Findings at a public meeting not less than 15 days after the Developer Fees Report and proposed Findings were made available to the public and notice was mailed as required.

Section 6: That the Board hereby determines that all Developer Fees, collections, and expenditures have been received, deposited, invested, expended, and reported in compliance with the relevant sections of the Government Code and all other applicable laws.

Section 7: That the Board hereby determines that all refunds and allocations of Developer Fees have been paid and no refunds and allocations, as required by Government Code section 66001, are deemed payable at this time.

Section 8: That the Board hereby determines that the District is in compliance with Government Code section 66000, *et seq.*, relative to receipt, deposit, investment, expenditure, reporting, or refund of Developer Fees received and expended relative to School Facilities for students generated from new development.

Section 9: That the Board hereby approves and adopts the attached Developer Fees Report and Findings.

PASSED AND ADOPTED by the following vote this 12th day of January, 2021.

AYES: _____ MEMBERS: _____

NOES: _____ MEMBERS: _____

ABSENT: _____ MEMBERS: _____

Mialisa Bonta, President
Board of Education
Alameda Unified School District
Alameda County, State of California

ATTEST:

By: _____

Pasquale Scuderi, Secretary
Board of Education
Alameda Unified School District
Alameda County, State of California

DEVELOPER FEE REPORT
FISCAL YEAR ENDING JUNE 30, 2020

Background:

A school district collecting developer fees is required to make available to the public information on the status of developer fee collections and expenditures and to make periodic findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted, in accordance with Sections 66006(b)(1) and 66001(d)(1) of the Government Code.

The Alameda Unified School District (“District”) has combined its reporting obligations into this single report.

Findings:

In adopting and approving this Developer Fee Report, the Governing Board of the Alameda Unified School District confirms, determines, and finds that:

1. It reviewed the information in this Report at its regularly scheduled meeting of January 12, 2021, and which information was made available to the public not less than 15 days before this date.
2. Notice of this meeting, including the address where the information in this Report may be reviewed, was mailed at least 15 days prior, to any interested party who filed a written request.
3. The information and findings set forth in Table 4, hereof, are with respect to that portion of Fund 25 remaining unexpended, whether committed or uncommitted, and are only made for moneys in possession of the District and not with respect to letters of credit, bonds, or other instruments taken to secure payment of the fee at a future date.
4. The information in this Report is being made available to the public within 180 days of the close of the 2019-2020 fiscal year, ending June 30, 2020.

ANNUAL DEVELOPER FEE REPORT

As required by Government Code section 66006(b), this portion of the report provides the public with the following information:

A. A brief description of the type of fee in the account or fund:

The District’s capital facilities account (“Fund 25”) contains the following types of fee:

TABLE 1				
TYPE OF FEE	FEE RATE EFFECTIVE 04/27/2018*	DATE OF LAST COLLECTION	FEE RATE EFFECTIVE 04/27/20**	DATE OF LAST COLLECTION
Level 1 – Residential	\$3.79 / sq. ft.	04/30/2020	\$4.08 / sq. ft.	06/30/2020
Level 1 – Commercial/ Industrial	\$0.61 / sq. ft.	04/30/2020	\$0.66 / sq. ft.	06/30/2020

** Resolution No. 2017-2018.46 adopted by the Board on February, 27, 2018 authorized the fee increase and approved the maximum Level 1 statutory fee rates of \$3.79 and \$0.61 per square foot, for residential and commercial/industrial respectively, as justified by the Review of Fee Justification Documentation, dated January 29, 2018, prepared by Schoolworks, Inc.*

*** Resolution No. 2019-2020.33 adopted by the Board on February, 25 2020 authorized the fee increase and approved the maximum Level 1 statutory fee rates of \$4.08 and \$0.66 per square foot for residential and commercial/industrial respectively, as justified by the Review of Fee Justification Documentation, dated January 22, 2020, prepared by Schoolworks, Inc.*

B. The amount of the fee:

See Table 1, above.

C. The beginning and ending balance of the account:

1. The beginning balance on July 1, 2019 was \$3,150,566.
2. The ending balance on June 30, 2020 was \$5,226,293.

D. The amount of the fees collected and the interest earned during the annual reporting period:

TABLE 2	
TYPE OF FEE	AMOUNT COLLECTED
Level 1 – Residential	\$405,756.95
Level 1 – Commercial/Industrial	1,990,420.72
Interest Earnings	137,187.75
TOTAL	\$2,533,365.42

- E. Identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees, during the reporting period:**

TABLE 3		
PROJECT NAME	AMOUNT OF FEES EXPENDED	% OF THE PROJECT FUNDED WITH FEES
Bay Farm Elementary School – Lease for portables and rental for power poles	\$9,642.29	100%
Otis Elementary School – Lease for portables and new toilet room addition	319,020.43	100%
Wood Middle School – Lease for portables	18,705.00	100%
Arthur Anderson Community Learning Center - Lease for portables	42,276.00	100%
District – 3% administrative fee collection	67,995.00	100%
TOTAL	\$457,638.72	

- F. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete:**

There are no current incomplete projects that utilize these fees. However, the District intends to use the developer fees in Fund 25 to fund additions to existing schools and portable replacement projects.

- G. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned 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 fund will receive on the loan:**

There were no interfund borrowings or loans made in this fiscal year.

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

No refunds were made in this fiscal year, and no refunds are required under applicable law.

END OF ANNUAL DEVELOPER FEE REPORT

FIVE-YEAR DEVELOPER FEE REPORT

As required by Government Code section 66001(d), this portion of the report makes the required five (5)-year findings with respect to developer fees in Fund 25 that remain unexpended, whether committed or uncommitted:

A. Identify the purpose to which the fee is to be put:

See Table 4, Column A, below.

B. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged:

See Table 4, Column B, below.

C. Identify all sources and amounts of funding anticipated to complete financing incomplete planned capital improvements identified in the District's fee justification study, if any:

See Table 4, Columns C1 and C2, below.

D. Designate the approximate dates on which the funding referred to in subparagraph (c) is expected to be deposited into the appropriate account or fund:

See Table 4, Column D, below

TABLE 4

COLUMN A: PROJECTS	COLUMN B: REASONABLE RELATIONSHIP TO FEE	COLUMN C1: SOURCES OF FUNDING	COLUMN C2: AMOUNTS OF FUNDING	COLUMN D: DATE(S) FUNDS WILL BE DEPOSITED
Bay Farm - expansion of additional School Facilities	To accommodate the additional students that will be generated by new development	1) Developer Fees 2) Developer Fees 3) Measure I	\$4,607,537	1) All funds have been collected 2) Fees to be collected by December 2020 3) All funds have been received
Otis –portable classroom	To provide adequate space for students from new developments	Developer Fees	\$35,400	All funds have been collected
Wood Middle School – portable classroom	To provide adequate space for students from new developments	Developer Fees	\$100,000	All funds have been collected
Otis –portable classroom	To provide adequate space for students from new developments	Developer Fees	\$211,380	All funds have been collected

Any member of the public may request detailed information regarding developer fees by contacting the District's Chief Business Official.