

**FRESNO UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 21-45**

**RESOLUTION OF THE BOARD OF TRUSTEES OF  
THE FRESNO UNIFIED SCHOOL DISTRICT  
AUTHORIZING THE INCREASE OF SCHOOL  
FACILITY (DEVELOPMENT) FEES ON  
RESIDENTIAL AND COMMERCIAL/INDUSTRIAL  
CONSTRUCTION PROJECTS**

**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**, 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 \$4.79 per square foot for residential development and \$0.78 per square foot for commercial/industrial development; and

**WHEREAS**, the District currently collects fees of \$4.08 per square foot for residential and \$0.66 per square foot for commercial/industrial; and

**WHEREAS**, the Board of Education has adopted a Development Fee Justification Study (“Study”) which identified 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**, 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.)5.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Fresno Unified School District as follows:

1. Prior to the adoption of this resolution, the Board conducted a public hearing at which oral and/or written presentations were made as part of the Board’s regularly scheduled June 15, 2022 meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered was provided at least 30 days prior to the hearing and was published twice in a newspaper of general circulation in accordance with Government Code section 66018. Additionally, at least 10 days prior to the meeting, the District made all relevant information available to the public in the Development Fee Justification Study 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 fund 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.
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 additional students.
6. The District maintains a separate capital facilities account, or fund, as required by Government Code section 66006.
7. The Board incorporates herein by reference the study entitled "Development Fee Justification Study" dated May 2022, which documents the need for the school facilities fees.
8. The Board adopts and levies the following fees upon any construction project within the boundaries of the district, for the purpose of construction or reconstruction of school facilities:
  - a. \$4.79 per square foot of all assessable residential space as defined by Government Code section 65995(b)(1); and
  - b. \$0.78 per square foot of all chargeable and enclosed space of all new commercial and industrial development as defined by Government Code section 65995(b)(2); except for mini-storage development, which shall be charged a fee of \$0.09 per square foot; and
  - c. \$0.78 per square foot for all assessable residential space for senior citizen housing as defined by Government Code Section 65995.1(a).
9. The increase of fees shall take effect sixty (60) days after the date of this Resolution.

**AND BE IT FURTHER RESOLVED** that developers of commercial, industrial and senior housing development 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.

**AND BE IT FURTHER RESOLVED** that the Superintendent or his designee shall give notice to all cities and counties within jurisdiction over the territory of the District of the Board's action, in accordance with the requirements of Education Code sections 17620 and 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. 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

**APPROVED, PASSED AND ADOPTED** by the Governing Board of the Fresno Unified School District this 15<sup>th</sup> day of June 2022, by the following vote:

AYES: 7  
NOES: 0  
ABSTAINED: 0  
ABSENT: 0


I, Elizabeth Jonasson-Rosas, President of the Fresno Unified School District Governing Board, do hereby certify that the foregoing is full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

  
Elizabeth Jonasson-Rosas (Jun 21, 2022 10:31 PDT)

President of the Board of Education  
Fresno Unified School District

I, Genoveva Islas, Clerk of the Board of Education of the Fresno Unified School District Governing Board, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Board of Education of the Fresno Unified School District Governing Board at a regular meeting thereof held on the 15<sup>th</sup> day of June 2022, by the above-described vote of the Governing Board;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Fresno Unified School District Governing Board this 15<sup>th</sup> day of June 2022.

  
Genoveva Islas (Jun 20, 2022 23:13 PST)

Clerk of the Board of Education  
Fresno Unified School District