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**Facilities****CONCEPTS AND ROLES**

The Governing Board recognizes that one of its major responsibilities is to provide healthful, safe and adequate facilities that enhance the instructional program. The Board shall endeavor to make the provision of adequate school facilities a priority in the district. Because the schools serve as a focal point for the community, the Board shall also strive to ensure that district facilities fit harmoniously and attractively into their neighborhoods and have flexibility of design to meet future educational and community needs.

The Board shall strive to have a school facilities master plan in place and review it regularly in light of the district's educational goals. In accordance with this plan, the Board shall:

1. Approve additions or major alterations to existing buildings
2. Determine what new buildings shall be built, when and where, and what equipment shall be purchased for them
3. Determine the method of financing that will be used
4. Select and purchase school sites for future expansion
5. Approve the selection of architects and structural engineers
6. Award contracts for design and construction
7. Name schools and individual buildings
8. Advocate school facility needs to the community

The Superintendent or designee shall:

1. Assess the district's short- and long-term facility needs
2. Direct the preparation and updating of the facilities master plan
3. Oversee the preparation of bids and award of contracts
4. Supervise the implementation of the district's building program in accordance with the master plan, Board policy, and state and local requirements, including collaboration with the architect and contractor on the construction of new facilities and modernization of existing facilities
5. Represent the district in official governmental interactions related to the building program

**Facilities**

**CONCEPTS AND ROLES**

Legal Reference:

**EDUCATION CODE**

- 17210-17224 General provisions (school sites)
- 17260-17268 Plans of schoolhouses
- 17280-17317 Approval of plans and supervision of construction
- 17340-17343 Building of schoolhouses
- 17350-17360 Factory-built school buildings
- 17365-17374 Fitness of buildings for occupancy; liability of board members
- 17400-17429 Leasing of school buildings

**CODE OF REGULATIONS, TITLE 5**

- 14001 Minimum standards
- 14010 Procedure for site acquisition
- 14030 Preliminary procedure, planning and approval of school facilities
- 14031-14032 Submissions to bureau of site facilities planning; approval

Policy  
adopted: July 5, 1990  
revised: November 19, 1998  
revised: November 9, 2017

**WESTMINSTER SCHOOL DISTRICT**  
Westminster, California

**Facilities****FACILITIES MASTER PLAN**

The Governing Board recognizes the importance of long-range planning for school facilities in order to address changes in student enrollment and in the district's educational program needs. The Superintendent or designee shall develop and maintain a master plan for district facilities. This plan shall describe the district's anticipated school facilities needs and priorities. The plan shall be reviewed and updated as needed.

The plan shall be based on an assessment of the condition and adequacy of existing facilities, a projection of future enrollments, and alignment of facilities with the district's vision for the instructional program.

To solicit broad input into the planning process, the Superintendent or designee may establish a facilities advisory committee consisting of staff, parents/guardians, and business, local government, and other community representatives. He/she also shall ensure that the public is informed of the need for construction and modernization of facilities and of the district's plans for facilities.

At least 45 days prior to completion of any facilities plan that relates to the potential expansion of existing school sites or the necessity to acquire additional school sites, the Superintendent or designee shall notify and provide copies of the plan or any relevant and available information to the planning commission or agency of the city or county with land use jurisdiction within the district.

If the city or county commission or agency requests a meeting, the Superintendent or designee shall meet with the commission or agency within 15 days following the notification. Items that the parties may discuss at the meeting include, but are not limited to, methods of coordinating planning with proposed revitalization efforts and recreation and park programs, options for new school sites, methods of maximizing the safety of persons traveling to and from the site, and opportunities for financial assistance.

The master plan shall be regularly reviewed and updated as necessary to reflect changes in the educational program, existing facilities, finances, or demographic data.

**Plan Components**

The facilities master plan shall include:

1. A statement of purpose, including district goals, philosophy, and related policies
2. A description of the planning process

**Facilities**

**FACILITIES MASTER PLAN**

3. Demographics of the community, such as economic trends, migration patterns, employment base, residential base, socioeconomic makeup, historical school enrollments, and inventory of physical resources and needs
4. A description of the educational program, such as grade-level organization, class size, staffing patterns, technology plans, special programs and support services, and other educational specifications
5. Analysis of the safety, adequacy, and equity of existing facilities and potential for expansion, including the adequacy of classrooms, school cafeterias and food preparation areas, physical activity areas, playgrounds, parking areas, and other school grounds
6. Site selection criteria and process
7. Development of a capital planning budget and identification of potential funding sources
8. Policy for reviewing and updating the plan

Planning shall ensure that school facilities meet the following minimum standards:

1. Are aligned with the district's educational goals and objectives
2. Provide for maximum site enrollment at school facilities
3. Are located on a site that meets California Department of Education standards as specified in 5 CCR 14010
4. Are designed for the environmental comfort and work efficiency of the occupants
5. Are designed to require a practical minimum of maintenance
6. Are designed to meet federal, state, and local statutory requirements for structure, fire, and public safety
7. Are designed and engineered with flexibility to accommodate future needs

Plans for the design and construction of new school facilities also shall meet the standards described in 5 CCR 14030, green building standards pursuant to 24 CCR 101 et seq., the Americans with Disabilities Act pursuant to 42 USC 12101-12213, and any other requirements applicable to the funding source and type of project.

**Facilities****FACILITIES MASTER PLAN**

To facilitate the efficient use of public resources when planning for new construction or modernization of school facilities, the district may consider designs that facilitate joint use of the facility with a local governmental agency, public postsecondary institution, or nonprofit organization.

The Superintendent or designee shall ensure that staff, parents/ guardians, students, and business and community representatives are kept informed of the need for facilities construction or modernization and shall maintain procedures to encourage the cooperation of the listed entities in these efforts.

To ensure that proposed facilities conform with all state planning standards and local zoning requirements, the Superintendent or designee shall consult architectural and engineering firms, utility companies, local governmental and planning agencies, the county office of education, the California Department of Education, the Division of the State Architect and the Office of Public School Construction, as necessary. Assistance from colleges, planning laboratories and private consulting firms shall be authorized when necessary to augment district staff resources.

## Legal Reference:

## EDUCATION CODE

16011	Long-range comprehensive master plan
16322	California Department of Education services
17017.5	Approval of applications for projects
17070.10-17079.30	Leroy F. Greene School Facilities Act
17251	CDE standards and advice
17260-17268	Plans of schoolhouses, especially:
17264	Plan requiring accommodation for child care programs
17280-17317	Field Act
17365-17374	Fitness for occupancy
17405	Relocatable structures; lease requirements
35275	New school planning; cooperation with recreation and park authorities

## GOVERNMENT CODE

53090-53097.5	Regulation of local agencies by counties and cities
65352.2	Communicating and coordinating of school sites
65995.6	School facilities needs analysis

## CODE OF REGULATIONS, TITLE 2

1859-1859.199	Leroy F. Greene School Facilities Act
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## CODE OF REGULATIONS, TITLE 5

14001	Minimum standards
14010	Site selection standards
14030-14036	Standards, planning and approval of school facilities

**Facilities**

**FACILITIES MASTER PLAN**

CODE OF REGULATIONS, TITLE 24

101 et seq. Green building standards code

UNITED STATES CODE, TITLE 42

12101 -12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

Management Resources

CSBA PUBLICATIONS

Facilities Master Planning, Fact Sheet, November 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Schools of the Future Report, September 2011

Educational Specifications: Linking Design of School Facilities to Educational Program, 1997

Guide for the Development of a Long-Range Facilities Plan, 1986

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

An Overview of the State School Facility Programs, rev. October 2011

School Facility Program Handbook, 2008

STATE ALLOCATION BOARD PUBLICATIONS

Public School Construction Cost Reduction Guidelines, 2000

WEB SITES

Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

California Department of Education: <http://www.cde.ca.gov/ls/fa>

Policy

adopted: July 5, 1990

revised: November 19, 1998

revised: November 9, 2017

**WESTMINSTER SCHOOL DISTRICT**

Westminster, California

**Facilities****RELATIONS WITH LOCAL AGENCIES**

The Governing Board recognizes the importance of collaborating and with other local agencies in order to provide the best possible school facilities and to allocate facility resources in an effective and efficient manner. The Board and district staff shall consult and coordinate with local agencies as required by law and whenever the expertise and resources of these agencies can assist the district in the planning, design and construction of facilities.

Following notification by a city or county of proposed action to adopt or substantially revise a general plan, the Board may request a meeting with the local planning agency to discuss possible methods of coordinating planning, design and construction of new school facilities and school sites.

**City/County General Plan**

The Superintendent or designee shall monitor land development proposals within district boundaries and shall maintain procedures that ensure that an exchange of accurate information with city/county planning staff regarding the impact of land development on the district's educational programs and facility needs.

Recognizing that available funds may not suffice to eliminate overcrowding in district schools caused by new development, the Board urges the city/county to adopt in its general plan or other appropriate planning documents, to the extent permitted by law, a provision which ensures that adequate school facilities will be available.

**Impact Ordinances**

The Board shall notify the city council or county board of supervisors whenever it finds, based on clear and convincing evidence:

1. That conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of the educational programs, and the reason for the existence of those conditions
2. That all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing those conditions exist

The above notice shall specify the mitigation measures considered by the district and shall include a completed application to the Office of Public School Construction for preliminary determination of eligibility for school construction under applicable state law.

The Superintendent or designee shall notify the appropriate city or county planning agency of the adoption of a school facility needs analysis or facilities master plan, the acquisition of a school site, or other action regarding school facilities in accordance with law.



**Facilities**

**RELATIONS WITH LOCAL AGENCIES**

Legal Reference:

**EDUCATION CODE**

17280-17316 Approval of plans and supervision of construction  
35275 New school planning; cooperation with recreation and park authorities

**GOVERNMENT CODE**

53090-53097.5 Compliance with city or county regulations  
65300-65307 Authority for and scope of general plans  
65352.2 Communication between cities, counties and school districts  
65850-65863.11 Adoption of regulations, especially  
65970-65981 School facilities  
65995-65998 Developer fees

**PUBLIC RESOURCES CODE**

21000-21177 California Environmental Quality Act of 1970

**CODE OF REGULATIONS, TITLE 5**

14010 Procedure for site acquisition

**CODE OF REGULATIONS, TITLE 14**

15000-15282 Implementation of California Environmental Quality Act of 1970

Management Resources:

**WEB SITES**

Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

CDE, School Facilities Division: <http://www.cde.ca.gov/facilities>

Policy

adopted: November 19, 1998

revised: November 9, 2017

**WESTMINSTER SCHOOL DISTRICT**

Westminster, California

**Facilities****ARCHITECTURAL AND ENGINEERING SERVICES**

In order to ensure safe construction and protect the investment of public funds, the Governing Board requires that a licensed and certified architect or structural engineer be employed to design and supervise the construction of district schools and other facilities. Instead of requiring bids for these services, the Board shall pay fair and reasonable amounts warranted by the provider's qualifications and competence. The District need not select the lowest responsive submission.

The Superintendent or designee shall develop general criteria for the selection of architects and engineers on the basis of demonstrated competence and professional qualifications and recommend specific architectural and engineering firms to the Board.

The Superintendent or designee shall also ensure that:

1. Projects entail maximum participation by small business firms as defined pursuant to Government Code 14837
2. Practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration are prohibited
3. District employees are prohibited from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

## Legal Reference:

## EDUCATION CODE

17070.50 Conditions for apportionment

17280-17316 Approvals, especially:

17302 Persons qualified to prepare plans, specifications and estimates and supervise construction

17316 Contract provision re school district property

17371 Limitation on liability of governing board

## GOVERNMENT CODE

4525-4529.5 Contracts with private architects, engineering, land surveying, and construction project management firms

14837 Definition of small business

87100 Public officials; financial interest

## PUBLIC CONTRACT CODE

20111 School district contracts

## Policy

adopted: November 19, 1998

revised: January 19, 2017

**WESTMINSTER SCHOOL DISTRICT**

Westminster, California

**Facilities**

**SITE SELECTION AND DEVELOPMENT**

The Governing Board believes that a school site should serve the district's educational needs in accordance with the district's master plan as well as show potential for contributing to other community needs.

The Board recognizes the importance of community input in the site selection process. To this end, the Board will solicit community input whenever a school site is to be selected and shall provide public notice and hold public hearings in accordance with law.

The Superintendent or designee shall establish a site selection process which complies with law and ensures that the best possible sites are acquired and developed in a cost-effective manner.

Before acquiring property for a new school or an addition to an existing school site, the Board shall evaluate the property at a public hearing using state site selection standards.

The Superintendent or designee shall determine whether any proposed development project is subject to the requirements of the California Environmental Quality Act (CEQA) and shall ensure compliance with this Act whenever so required. When evaluating district projects, the CEQA guidelines shall be used.

**Agricultural Land**

If the proposed site is in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the Board shall determine all of the following:

1. That the district has notified and consulted with the city, county, or city and county within which the prospective site is to be located
2. That the Board has evaluated the final site selection based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land
3. That the district shall attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect students and employees at the site

**Legal Reference:**

**EDUCATION CODE**

- |       |  |
|-------|--|
| 17006 | Definition of self-certifying district   |
| 17024 | Prior written approval of CDE for selection of school site or construction of building |

**Facilities**

**SITE SELECTION AND DEVELOPMENT (continued)**

17070.1-17077.1	Leroy F. Greene School Facilities Act of 1998
17210-17224	General provisions (school sites)
17240-17245	New Schools Relief Act
17250.1-17250.5	Design-build contracts
17251-17253	Powers concerning buildings and building sites
17260-17268	Plans
17280-17317	Approvals
17565-17592.5	Board duties re management and control of school property
35271	Power to acquire and construct on adjacent property
35275	New school planning and design, re consultation with local recreation and park authorities

**CODE OF CIVIL PROCEDURE**

1263.711-1263.770	Remediation of hazardous substances on property to be acquired by school district
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**GOVERNMENT CODE**

53094	Authority to render zoning ordinances inapplicable
65402	Acquisition or disposition of property
65995-65997	Developer fees
66455.9	Written notices of proposed public school site within development; investigation and report; conditions for acquisition

**HEALTH AND SAFETY CODE**

44360	Risk assessment
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**PUBLIC RESOURCES CODE**

21000-21177	Implementation of Environmental Quality Act
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**CODE OF REGULATIONS, TITLE 5**

14001-14036	Minimum standards
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**CODE OF REGULATIONS, TITLE 14**

15000-15209	Review and evaluation of EIRs and negative declarations
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**ATTORNEY GENERAL OPINIONS**

82 Ops.Cal.Atty.Gen. 130 (1999)	
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Policy

adopted: November 19, 1998

revised: April 19, 2018

**WESTMINSTER SCHOOL DISTRICT**

Westminster, California

**Facilities****RELATIONS WITH THE CITY/COUNTY REGARDING LAND DEVELOPMENT**

The Governing Board anticipates that developer fees, other local revenues and state bond funds together will not suffice to eliminate the overcrowding in our schools caused by new development. The Board therefore urges the city/county to adopt a provision in the general plan which assures that adequate school facilities and services will be available concurrent with need.

The Board recognizes that cooperation between the district and the city/county is essential to ensure careful and timely planning. To help the city/county determine whether development is consistent with the adopted general plan, the Superintendent or designee shall regularly provide the city/county with information about current and projected enrollment and school capacity. When development projects, zoning changes or general plan changes are proposed, he/she shall represent the district before the city/county and shall report on the adequacy of developer and state monies toward paying for the additional schoolrooms required to meet expected enrollment growth.

## Legal Reference:

## GOVERNMENT CODE

65300-65307 Authority for and scope of general plans

65850-65863.10 Adoption of regulations, especially

65860 Consistency of zoning ordinances with general plan

## PUBLIC RESOURCES CODE

21000-21177 California Environmental Quality Act of 1970

Mira Development Corporation v. City of San Diego

252 Cal. Reporter 825 (205 Cal. App. 4d 1201, 1988)

Policy  
adopted: July 5, 1990

**WESTMINSTER SCHOOL DISTRICT**  
Westminster, California

**Facilities**

**CHARTER SCHOOL FACILITIES**

The Governing Board believes that all students, including those attending charter schools, should have access to adequate facilities that are safe and support student learning.

Facilities to be used by a charter school shall be specified in the school's charter pursuant to Education Code 47605 and also may be addressed in a written memorandum of understanding between the district and charter school.

As applicable, charter school facilities shall comply with the California Building Standards Code adopted by the local building enforcement agency pursuant to 24 CCR 101 et seq. or the Field Act pursuant to Education Code 17280-17317 and 17365-17374.

Upon request, the Board shall make facilities available to an eligible charter school operating in the district, as defined in law and administrative regulation. In accordance with law, such facilities shall be contiguous, furnished, equipped, and sufficient to accommodate all the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other district schools. The Board shall make reasonable efforts to provide the charter school with facilities near where the charter school wishes to locate and shall not move the charter school unnecessarily. If the district's preliminary proposal or final notification of space does not accommodate the charter school at a single school site, the Board shall make a specific finding that the charter school could not be accommodated at a single site and shall adopt a written statement of reasons explaining the finding.

The district shall not be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter schools.

The Superintendent or designee may assist eligible charter schools in applying for state facilities funding for new construction or rehabilitation of facilities pursuant to Education Code 17078.52-17078.66 and/or for rent and lease expenditures pursuant to Education Code 47614.5.

Legal Reference:

EDUCATION CODE

- 17070.10-17080      Leroy F. Greene School Facilities Act of 1998, including:
- 17078.52-17078.66      Charter schools facility funding; state bond proceeds
- 17280-17317      Field Act
- 46600      Interdistrict attendance agreements
- 47600-47616.5      Charter Schools Act
- 48204      Residency requirements for school attendance

GOVERNMENT CODE

- 53094      Authority to render zoning ordinance inapplicable
- 53097.3      Charter school ordinances

CODE OF REGULATIONS, TITLE 2

**Facilities**

**CHARTER SCHOOL FACILITIES**

1859.2 Definitions  
1859.31 Classroom inventory  
1859.160-1859.172 Charter school facilities program, new construction  
CODE OF REGULATIONS, TITLE 5  
11969.1-11969.10 Charter school facilities  
COURT DECISIONS  
Bullis Charter School v. Los Altos School District, (2011) 200 Cal.App.4th 1022  
Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986  
Sequoia Union High School District v. Aurora Charter High School (2003) 112 Cal.App.4th 185  
ATTORNEY GENERAL OPINIONS  
80 Ops.Cal.Atty.Gen. 52 (1997)

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course  
Charter Schools: A Manual for Governance Teams, rev. 2016  
Charter School Facilities and Proposition 39: Legal Implications for School Districts, 2005  
OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS  
School Facility Program Handbook, May 2008

WEB SITES

CSBA: <http://www.csba.org>  
California Charter Schools Association: <http://www.charterassociation.org>  
California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>  
Coalition for Adequate School Housing: <http://www.cashnet.org>  
Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Policy  
adopted: July 25, 2013  
revised: April 19, 2018

**WESTMINSTER SCHOOL DISTRICT**  
Westminster, California

**Facilities****FACILITIES FINANCING**

When it is determined that school facilities must be built or expanded to accommodate a increased or projected increased enrollment, the Governing Board shall consider appropriate methods of financing for the purchase of school sites and the construction of buildings. In addition, financing may be needed when safety considerations and educational program improvements require the replacement, reconstruction or modernization of existing facilities.

The Superintendent or designee shall research funding alternatives and recommend to the Board the method that would best serve district needs as identified in the district's master plan for school facilities.

These funding alternatives may include, but not be limited to:

1. Levying developer fees pursuant to Education Code 17620 and Government Code 65995-65998
2. Forming a community facilities district pursuant to Government Code 53311-53368.3, the Mello-Roos Community Facilities Act
3. Forming a school facilities improvement district pursuant to Education Code 15300-15425
4. Issue voter-approved general obligation bonds
5. Imposing a qualified parcel tax pursuant to Government Code 50079
6. Using lease revenues for capital outlay purposes from surplus property

**Legal Reference:****EDUCATION CODE**

15100-17059.2	School bonds, especially:
15122.5	Ballot statement
15300-15425	School facilities improvement districts
17000-17059.2	State School Building Lease-Purchase Law of 1976
17060-17066	Joint venture school facilities construction projects
17070.10-17076.10	Leroy F. Greene School Facilities Act of 1998
17085-17095	State Relocatable Classroom Law of 1979
17582	District deferred maintenance fund
17620-17626	Levies against development projects by school districts especially:
17621	Procedures for levying fees



**Facilities****FACILITIES FINANCING (continued)****GOVERNMENT CODE**

6061	One time notice
6066	Two weeks' notice
50075-50077	Voter-approved special taxes
50079	School districts; qualified special taxes
53175-53187	Integrated Financing District Act
53311-53368.3	Mello-Roos Community Facilities Act of 1982
53753	Assessment notice and hearing requirements
53753.5	Exemptions
54954.1	Mailed notice to property owners
54954.6	New or increased tax or assessment; public meetings and hearings; notice
65864-65867	Development agreements
65970-65980.1	School facilities development project
65995-65998	Payment of fees against a development project
66000-66008	Fees for development projects
66016-66018.5	Development project fees
66020-66025	Protests and audits

**HEALTH AND SAFETY CODE**

33445.5	Overcrowding of schools resulting from redevelopment
33446	School construction by redevelopment agency

**CALIFORNIA CONSTITUTION**

Article 13D, Sections 1-6 Assessment and property related fee reform

**UNCODIFIED STATUTES**

17696-17696.98	Greene-Hughes School Building Lease-Purchase Bond Law of 1986
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**Legal Reference:****CODE OF REGULATIONS, TITLE 2**

1859-1859.106	School facility program
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**COURT DECISIONS**

Loyola Marymount University v. Los Angeles Unified School District (1996) 45 Cal.App.4th 1256

Ehrlich v. City of Culver City (1996) 12 Cal.4th 854

Dolan v. City of Tigard (1994) 114 S.Ct. 2309

Canyon North Co. v. Conejo Valley Unified School District (1993) 19 Cal.App.4th 243, 23 Cal.Rptr.2d 495

Garlic Development Co. v. Hayward Unified School District (1992) 3 Cal.App.4th 320, 4 Cal.Rptr.2d 897

Nollan v. California Coastal Commission (1987) 107 S.Ct. 3141

**ATTORNEY GENERAL OPINIONS**

79 Ops.Cal.Atty.Gen. 149 (1996)

**Facilities**

**FACILITIES FINANCING (continued)**

Management Resources:

WEB SITES

Department of General Services, Office of Public School Construction:

<http://www.dgs.ca.gov/opsc/>

Policy

adopted: July 5, 1990  
revised: November 19, 1998  
revised: January 19, 2017

**WESTMINSTER SCHOOL DISTRICT**  
Westminster, California

**Facilities**

**DEVELOPER FEES**

Developer Fees

In order to finance the construction or reconstruction of school facilities needed to accommodate students coming from new development, the Governing Board may establish, levy and collect developer fees on residential, commercial and industrial construction within the district, subject to restrictions specified by law and administrative regulation.

The Board shall regularly review developer fees to ensure that the amount of the fees continues to be reasonably related to district needs.

The Superintendent or designee shall establish an appeals process for the handling of protests by developers. (Education Code 17621)

Legal Reference:

EDUCATION CODE

- 17070.10-17076.10 Leroy F. Greene School Facilities Act of 1998
- 17582 District deferred maintenance fund
- 17620-17626 Levies against development projects by school districts especially:

GOVERNMENT CODE

- 6061 One time notice
- 6066 Two weeks' notice
- 65352.2 Level 2 funding notification requirement
- 65864-65869.5 Development agreements
- 65995-65998 Payment of fees against a development project
- 66000-66008 Fees for development projects
- 66016-66018.5 Development project fees
- 66020-66025 Protests and audits

CODE OF REGULATIONS, TITLE 2

- 1859-1859.106 School facility program

COURT DECISIONS

- Dolan v. City of Tigard (1994) 114 S.Ct. 2309

Management Resources:

WEB SITES

Department of General Services, Office of Public School Construction:

<http://www.dgs.ca.gov/opsc/>

**Facilities**

**MELLO ROOS DISTRICTS**

The Governing Board desires to provide adequate facilities in order to enhance student learning and to help the district achieve its vision for educating district students. To that end, the Board may order the formation of a community facilities/Mello-Roos district for the acquisition or improvement of school facilities when, in the Board's judgment, it is advisable and in the best interest of district students and the community.

Prior to forming a community facilities district, the Board shall consider and adopt local goals and policies that include the following elements: (Government Code 53312.7)

1. The priority that various facilities shall have for financing through the community facilities district, including public facilities to be owned and operated by other public agencies and services to be provided by other public agencies
2. The credit quality to be required of bond issues and criteria to be used in evaluating the credit quality
3. Steps by which prospective property purchasers will be fully informed about their related taxpaying obligations
4. Criteria for evaluating the equity of tax allocation formulas, including desirable and maximum amounts of special tax to be levied against any parcel
5. Definitions, standards, and assumptions to be used in appraisals required by Government Code 53345.8

The Board may initiate the proceedings to establish a community facilities district. In addition, the Board shall initiate such proceedings when any two Board members have filed a written request or a specified percentage of voters or landowners have filed a petition requesting such a district be formed. (Government Code 53317)

Upon Board action to form a community facilities district or receipt of a petition or request, the Board shall adopt a resolution of intention and conduct a hearing in accordance with law. The resolution shall fix the time and place for holding a public hearing on the establishment of the community facilities district which shall be within 30-60 days after the adoption of the resolution. Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation pursuant to Government Code 6061, starting at least seven days before the hearing, and shall include the requirements specified in Government Code 53322 and 53322.4. (Government Code 53321, 53322, 53322.4)

If, after the hearing, the Board determines to establish a community facilities district, the Board shall adopt a resolution of formation in accordance with law. (Government Code 53325, 53325.1)

**Facilities**

**MELLO ROOS DISTRICTS (continued)**

Upon approval by two-thirds of the voters in the proposed community facilities district, the tax may be levied. The proceeds of any bonds, notes, or other securities issued pursuant to the Mello-Roos Community Facilities Act shall be deposited or invested in accordance with Government Code 53356.03.

Legal Reference:

EDUCATION CODE

- 15300-15425 School facilities improvement districts
- 17060-17066 Joint venture school facilities construction projects

GOVERNMENT CODE

- 6061 One time notice
  - 53311-53368.3 Mello-Roos Community Facilities Act of 1982
  - 53753 Assessment notice and hearing requirements
  - 53753.5 Exemptions
  - 54954.1 Mailed notice to property owners
  - 54954.6 New or increased tax or assessment; public meetings and hearings; notice
  - 65970-65980.1 School facilities development project
  - 65995 Levies against development projects
- CODE OF REGULATIONS, TITLE 2
- 1859-1859.106 School facility program

Policy  
adopted: January 19, 2017

**WESTMINSTER SCHOOL DISTRICT**  
Westminster, California

**Facilities**

**SCHOOL FACILITIES IMPROVEMENT DISTRICTS**

The Governing Board desires to provide adequate facilities in order to enhance student learning and to help the district achieve its vision for educating district students.

The Board has determined that it is necessary and in the best interest of the district to form a school facilities improvement district to finance any or all of the improvements set forth in Education Code 15100 and finds that the overall cost of financing the bonds issued would be less than the overall cost of other school financing options available to the district including, but not limited to, issuing bonds pursuant to the Mello-Roos Community Facilities Act. The Board shall define the boundaries of the school facilities improvement district to include any portion of territory within the jurisdiction of the school district, including the option of including the territory of an existing Mello-Roos community facilities district. (Education Code 15301)

The Superintendent or designee shall establish procedures consistent with Education Code 15100-15262 governing the financing of bonds, bond elections, and the issuance and sale of bonds.

**Board Resolution of Intention**

The Board may pursue the authorization and issuance of bonds by approval of either 66.67 percent majority or 55 percent majority of the voters within the proposed territory of the school facilities improvement district and shall adopt a resolution of intent to form an improvement district. In order to proceed with an election requiring a 55 percent approval of the voters, two-thirds of the Board shall agree to such an election and the district shall comply with the accountability provisions, including the requirements regarding the citizens' oversight committee, required for 55 percent approval set forth in Education Code 15264-15288. (Education Code 15266)

The Board's resolution of intention shall state all of the following: (Education Code 15320)

1. The Board's intention to form the proposed school facilities improvement district
2. The purpose for which the proposed district is to be formed
3. The estimated cost of the school facilities improvement project
4. That any taxes levied for financing general obligation bonds issued to finance the project shall be levied exclusively upon the lands in the proposed school facilities improvement district
5. That a map showing the exterior boundaries of the proposed district is on file with the Board and available for public inspection, and that these boundaries meet the requirements of Education Code 15301
6. The time and place for a Board hearing on the formation of the proposed district
7. That any interested persons, including all persons owning lands in the district or in the proposed school facilities improvement district, may appear and be heard at the above hearing

**Facilities****SCHOOL FACILITIES IMPROVEMENT DISTRICT** (continued)

The Board shall hold the hearing as specified in its resolution and may, at the hearing, adopt a resolution proposing modifications of its above-stated purposes. (Education Code 15322, 15323)

Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation pursuant to Government Code 6066, starting at least 14 days before the hearing. No other notice shall be required. (Education Code 15321)

When hearings are concluded, the Board may, by resolution, order the formation of a school facilities improvement district with the boundaries described in the resolution. The resolution shall state the estimated cost of carrying out described purposes and shall number and designate the improvement district as specified in Education Code 15326. (Education Code 15326)

## Legal Reference:

## EDUCATION CODE

15100-15111	Purposes for authorizing bonds
15120-15262	Election procedures and issuance of bonds
15264-15288	Accountability in local school construction
15300-15425	School facilities improvement districts

## GOVERNMENT CODE

6066	Two weeks' notice
50075-50077	Voter-approved special taxes
50079	School districts; qualified special taxes
53175-53187	Integrated Financing District Act
53753.5	Exemptions
54954.1	Mailed notice to property owners
54954.6	New or increased tax or assessment; public meetings and hearings; notice

## Management Resources:

## WEB SITES

CSBA, District and Financial Services, Proposition 39 Bond Performance Audit Program:

<http://www.csba.org/Services/Services/DistrictServices/Proposition39BondAudits.aspx>

Department of General Services, Office of Public School Construction:

<http://www.dgs.ca.gov/opsc/>

Policy

adopted: January 19, 2017

**WESTMINSTER SCHOOL DISTRICT**

Westminster, California

**Facilities**

**GENERAL OBLIGATION BONDS**

The Governing Board recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the district's facilities needs are met in the most cost-effective manner possible. When the Board determines that it is in the best interest of district students, it may order an election on the question of whether bonds shall be issued to pay for school facilities.

The Board shall determine the appropriate amount of the bonds in accordance with law. When any project to be funded by bonds will require state matching funds for any phase of the project, the ballot for the bond measure shall include a statement as specified in Education Code 15122.5, advising voters that, because the project is subject to approval of state matching funds, passage of the bond measure is not a guarantee that the project will be completed. (Education Code 15122.5)

**Bonds Requiring 55 Percent Approval by Local Voters**

The Board may decide to pursue the authorization and issuance of bonds by approval of 55 percent majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the Board agrees to such an election, the Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55 percent majority of the voters. (Education Code 15266)

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the district are entitled to vote.

Bonded indebtedness incurred by the district shall be used only for the following purposes: (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities
2. The acquisition or lease of real property for school facilities
3. The refunding of any outstanding debt issuance used for the purposes specified in items #1-2 above

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3)).



**Facilities****GENERAL OBLIGATION BONDS (continued)**

1. A requirement that proceeds from the sale of the bonds be used only for the purposes specified in items #1-2 above, and not for any other purposes including teacher and administrative salaries and other school operating expenses
2. A list of specific school facilities projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list
3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed
4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects

If a district general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' oversight committee to inform the public concerning the expenditure of bond revenues as specified in Education Code 15278 and the accompanying administrative regulation. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

The Superintendent or designee shall ensure that the annual, independent performance and financial audits required pursuant to items #3-4 above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards and submitted to the citizens' oversight committee at the same time they are submitted to him/her and no later than March 31 of each year. (Education Code 15286)

The Board shall provide the citizens' oversight committee with responses to all findings, recommendations, and concerns addressed in the performance and financial audits within three months of receiving the audits. (Education Code 15280)

The Board may disband the citizens' oversight committee when the committee has completed its review of the final performance and financial audits.

**Facilities****GENERAL OBLIGATION BONDS (continued)****Bonds Requiring 66.67 Percent Approval by Local Voters**

The Board may decide to pursue the authorization and issuance of bonds by approval of 66.67 percent majority of the voters pursuant to Education Code 15100 and Article 13A, Section 1(b)(2) of the California Constitution. If a majority of the Board agrees to such an election, or upon a petition of the majority of the qualified electors residing in the district, the Board shall adopt a resolution ordering an election on the question of whether to incur bonded indebtedness if approved by a 66.67 percent majority of the voters. (Education Code 15100)

The bond election may be ordered to occur on any Tuesday, except a Tuesday that is a state holiday or the day before or after a state holiday, is within 45 days before or after a statewide election unless conducted at the same time as the statewide election, or is an established election date pursuant to Elections Code 1000 or 1500. (Education Code 15101)

Bonds shall be sold to raise money for any of the following purposes: (Education Code 15100)

1. Purchasing school lots
2. Building or purchasing school buildings
3. Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs
4. Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by fire or other public calamity
5. Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature
6. Permanently improving school grounds
7. Refunding any outstanding valid indebtedness of the district, evidenced by bonds or state school building aid loans
8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577
9. Purchasing school buses with a useful life of at least 20 years
10. Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location

**Facilities**

**GENERAL OBLIGATION BONDS (continued)**

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the Board and entered into the minutes. (Education Code 15100)

The Board may appoint a citizen's oversight committee to review and report to the Board and the public as to whether the expenditure of bond revenues complies with the intended purposes of the bond.

**Certificate of Results**

If the certificate of election results received by the Board shows that the appropriate majority of the voters is in favor of issuing the bonds, the Board shall record that fact in its minutes. The Board shall then certify to the County Board of Supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274)

**Resolutions Regarding Sale of Bonds**

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass a resolution directing the issuance and sale of bonds. In accordance with law, the resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable. (Education Code 15140; Government Code 53508.6)

In passing the resolution, the Board shall consider each available funding instrument, including, but not limited to, the costs associated with each and their relative suitability for the project to be financed.

Prior to the sale of bonds, the Board shall disclose, as an agenda item at a public meeting, either in the bond issuance resolution or a separate resolution, available funding instruments, the costs and suitability of each, and all of the following information: (Education Code 15146; Government Code 53508.9)

1. Express approval of the method of sale (i.e., competitive, negotiated, or hybrid)
2. Statement of the reasons for the method of sale selected
3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected

**Facilities****GENERAL OBLIGATION BONDS** (continued)

4. Estimates of the costs associated with the bond issuance, including, but not limited to, bond counsel and financial advisor fees, printing costs, rating agency fees, underwriting fees, and other miscellaneous costs and expenses of issuing the bonds

When the sale involves bonds that allow for the compounding of interest, such as a capital appreciation bond (CAB), items #1-4 above and the financing term and time of maturity, repayment ratio, and the estimated change in the assessed value of taxable property within the district over the term of the bonds shall be included in the resolution to be adopted by the Board. The resolution shall be publicly noticed on at least two consecutive meeting agendas, first as an information item and second as an action item. The agendas shall identify that bonds that allow for the compounding of interest are proposed. (Education Code 15146)

Prior to adopting a resolution for the sale of bonds that allow for the compounding of interest, the Board shall be presented with the following: (Education Code 15146)

1. An analysis containing the total overall cost of the bonds that allow for the compounding of interest
2. A comparison to the overall cost of current interest bonds
3. The reason bonds that allow for the compounding of interest are being recommended
4. A copy of the disclosure made by the underwriter in compliance with Rule G-17 adopted by the federal Municipal Securities Rulemaking Board

After the sale, the Board shall be presented with the actual issuance cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the California Debt and Investment Advisory Commission. (Education Code 15146; Government Code 53509.5)

**Bond Anticipation Notes**

Whenever the Board determines that it is in the best interest of the district, it may, by resolution, issue a bond anticipation note, on a negotiated or competitive-bid basis, to raise funds that shall be used only for a purpose authorized by a bond that has been approved by the voters of the district in accordance with law. (Education Code 15150)

**Facilities****GENERAL OBLIGATION BONDS (continued)**

Payment of principal and interest on any bond anticipation note shall be made at note maturity, not to exceed five years, from the proceeds derived from the sale of the bond in anticipation of which that note was originally issued or from any other source lawfully available for that purpose, including state grants. Interest payments may also be made from such sources. However, interest payments may be made periodically and prior to note maturity from an increased property tax if the following conditions are met: (Education Code 15150)

1. A resolution of the Board authorizes the property tax for that purpose.
2. The principal amount of the bond anticipation note does not exceed the remaining principal amount of the authorized but unissued bonds.

A bond anticipation note may be issued only if the tax rate levied to pay interest on the note would not cause the district to exceed the tax rate limitation set forth in Education Code 15268 or 15270, as applicable.

## Legal Reference:

## EDUCATION CODE

7054	Use of district property, campaign purposes
15100-15254	Bonds for school districts and community college districts
15264-15288	Strict Accountability in Local School Construction Bonds Act of 2000
17577	Sewers and drains
47614	Charter school facilities

## ELECTIONS CODE

324	General election
328	Local election
341	Primary election
348	Regular election
356	Special election
357	Statewide election
1302	School district election
15372	Elections official certificate

## GOVERNMENT CODE

1090-1099	Prohibitions applicable to specified officers
1125-1129	Incompatible activities
8855	California Debt and Investment Advisory Commission
53506-53509.5	General obligation bonds
53580-53595.5	Bonds
54952	Definition of legislative body, Brown Act

**Facilities**

**GENERAL OBLIGATION BONDS (continued)**

**CALIFORNIA CONSTITUTION**

Article 13A, Section 1 Tax limitation

Article 16, Section 18 Debt limit

**COURT DECISIONS**

San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District (2006) 139 Cal.App.4th 1356

**ATTORNEY GENERAL OPINIONS**

88 Ops.Cal.Atty.Gen. 46 (2005)

87 Ops.Cal.Atty.Gen. 157 (2004)

**Management Resources:**

**CSBA PUBLICATIONS**

Bond Sales - Questions and Considerations for Districts, Governance Brief, December 2012

Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011

**WEB SITES**

CSBA: <http://www.csba.org>

California Debt and Investment Advisory Commission: <http://www.treasurer.ca.gov/cdiac>

California Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Policy  
adopted: January 19, 2017

**WESTMINSTER SCHOOL DISTRICT**  
Westminster, California

## **Facilities**

### **NAMING OF FACILITY**

The naming of schools or major facilities such as auditoriums and libraries shall only be by action of the Board of Trustees. It is the Board's option as to the method of input for potential names.

The Governing Board shall name district schools and other district-owned or leased buildings, grounds, and facilities in recognition of:

1. Individuals, living or deceased, and entities that have made outstanding and significant contributions, including financial contributions, to the school community.
2. Individuals, living or deceased, who have made contributions of statewide, national, or worldwide significance.
3. The geographic area in which the school or building is located.

The Board encourages community participation in the process of selecting names. A citizen advisory committee may be appointed to review name suggestions and submit recommendations for the Board's consideration.

Any name adopted for any new school shall not be so similar to the name of any existing district school as to result in confusion to members of the the community.

Before adopting any proposed name, the Board shall hold a public hearing at which members of the public will be given an opportunity to provide input.

When naming or renaming a district school, building, or facility, the Board may specify the duration for which the name shall be in effect.

### **Memorials**

Upon request, the Board shall consider planting commemorative trees, erecting monuments, or dedicating buildings, parts of buildings, athletic fields, gardens, or other district facilities, in memory of deceased students, staff members, community members, and benefactors of the district.

**Facilities**

**NAMING OF FACILITY**

Naming Rights

The Board may grant to any person or entity the right to name any district building or facility. In doing so, the Board shall enter into a written agreement which shall:

1. Specify the benefits to the district from entering into the agreement
2. State the roles and responsibilities of the parties to the agreement, including whether or not the Board shall retain the power to approve any proposed name
3. Provide details related to the naming right granted, including the building, grounds, or facility involved and the duration for which the name shall be in effect
4. Prohibit any message, image, or other depiction that advocates or endorses the use of drugs, tobacco, or alcohol, encourages unlawful discrimination against any person or group, or promotes the use of violence of any law or district policy
5. Reserve the authority to terminate the naming right if it determines that the grantee, subsequent to receiving the naming right, has engaged in any of the prohibited acts stated in item #4 above or other criminal or unlawful acts that might bring the district into disrepute

Legal Reference:

EDUCATION CODE                      35160 Authority of governing boards

Policy

adopted:            August 20, 1992  
revised:            November 19, 1998  
revised:            April 19, 2018

**WESTMINSTER SCHOOL DISTRICT**  
Westminster, California