

**RESOLUTION NO. #2011-05**

**RESOLUTION REGARDING SCHOOL FACILITIES  
FOR NEW DEVELOPMENT**

**WHEREAS**, the County of Madera (“County”) has identified the uninhabited land within the District’s boundaries as the primary area for new residential development within the County;

**WHEREAS**, this new residential development is expected to result in rapid population growth and large increases in the student enrollment in the District;

**WHEREAS**, to house these new students, the District will need to enlarge existing schools, obtain new property, and construct new facilities;

**WHEREAS**, adequate school facilities benefit new developments and the community at large, and are necessary components of the community’s social and infrastructure systems;

**WHEREAS**, Education Code section 17620, *et seq.*, and Government Code section 65995, *et seq.*, require developers to pay certain fees (“Statutory Fees”) to offset certain costs associated with construction of new school facilities. The Legislature envisioned that these new facilities would be funded by such Statutory Fees in combination with State funds and other local resources;

**WHEREAS**, particularly due to the current State budget crisis and the near-depletion of funds from existing Statewide general obligation bonds, and with no new Statewide general obligation bond election yet established, State funding is an uncertain and unreliable source of revenue. Moreover, based on the current State facilities funding program, even if State funds again become available at some point in the future, there is time lag between applications for State funds and construction of a school, which typically occurs only after a school district has enrollment to support new construction, contributing to potential facilities shortfalls;

**WHEREAS**, particularly due to the State budget crisis that has resulted in significant cuts to school funding the District cannot afford to allocate general fund revenues to new construction;

**WHEREAS**, the existing residents in the District have already approved general obligation bond debt to pay for their fair share of new school facilities, current economic conditions do not support issuing further local general obligation bond debt to fund facilities related to new development, and existing residents should not have to pay for school facilities to house students from new development;

**WHEREAS**, even during stronger economic times, the combination of State funding, Statutory Fees and local resources has proven inadequate to provide for the acquisition of land and construction of school facilities sufficient to adequately house new students in accordance with the minimum standards set forth by the State, and in accordance with the standards in place in the District;

**WHEREAS**, while Senate Bill 50, which became effective in 1998, indicates that for purposes of CEQA review, payment of the Statutory Fees is presumed to mitigate the impact of development on the adequacy of school facilities, many developers and school districts have continued to address the shortfalls and State funding timing constraints through school facilities agreements that provide for developers to pay their fair share toward school facilities on a time schedule that addresses the influx of new students;

**WHEREAS**, alternative local financing options, such as establishing a Mello-Roos Community Facilities District (“CFD”), may also be utilized to offset the burden on the District’s resources and address developer obligations;

**WHEREAS**, the District wishes to implement a plan to address its obligation to provide school facilities, but also provide the opportunity for planning and construction of new school facilities to serve new development that is consistent with the commitment of each developer;

**WHEREAS**, to ensure that adequate school facilities are planned and constructed in time to accommodate students generated by a particular new development, it has been the District’s practice to meet with developers to negotiate agreements to address actual or anticipated funding shortfalls;

**WHEREAS**, to ensure that the District is meeting its obligations to provide school facilities, that it is treating all developers equally, and that it is not placing an undue burden on existing residents, the District wishes to establish a uniform approach to be used with all developers to address school facilities;

**WHEREAS**, such a uniform approach would be consistent with existing agreements in place between the District and developers that provide developers the opportunity to pay their fair share of the cost of school facilities and land required to serve the development if developers wish to locate permanent construction school facilities within or in proximity to their development;

**WHEREAS**, while facilities will be provided to all students generated by new development, developers who elect to enter into agreements with the District to offset their impacts should appropriately receive priority for access to adequate school facilities within or in reasonable proximity to their development;

**WHEREAS**, in light of the anticipated facilities funding shortfalls, without an agreement, the District cannot assure the availability of facilities of particular type, quality or location to serve a development;

**WHEREAS**, as part of its plan, the District also wishes to explore alternative financing options, including the possibility of forming a CFD over the uninhabited land in the District;

**WHEREAS**, in adopting its plan, the District does not intend to excuse any developer from paying any Statutory Fees.

**NOW THEREFORE BE IT RESOLVED** that the Board of Education of the Golden Valley Unified School District hereby finds, determines, and orders as follows:

Section 1. The foregoing recitals are true and correct and incorporated herein.

Section 2. The District is committed to providing adequate school facilities to house its students based on available resources.

Section 3. The Board approves the Plan Regarding School Facilities for New Development, attached hereto as Exhibit A.

Section 4. The Superintendent or his designee shall take such actions as are necessary to implement the Plan Regarding School Facilities for New Development.

Section 5. The Board authorizes the Superintendent or his designee to re-enter into negotiations with developers, or their successors, who have previously entered into school facilities agreements with the District to the extent necessary to achieve agreements that are equitable among the various developers who have demonstrated their support for adequate school facilities by entering into such agreements. However, such renegotiation shall be conditioned upon agreement by such developers, or their successors, that the developers, or their successors, pay for the District's costs related to such renegotiations, including but not limited to the District's attorneys' fees.

**PASSED AND ADOPTED** by the Golden Valley Unified School District Board of Education on this 20 day of December, 2011, by the following vote:

AYES: 5  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0



President, Board of Education  
Golden Valley Unified School District  
Madera County, California

I, A. A. A., Secretary of the Board of Education of the Golden Valley Unified School District, do hereby certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Education at its meeting held on 12/20, 2011.



Board of Trustees  
Golden Valley Unified School District  
Madera County, California

**GOLDEN VALLEY UNIFIED SCHOOL DISTRICT  
PLAN REGARDING SCHOOL FACILITIES FOR NEW DEVELOPMENT  
December 2011**

This plan addresses the planning and construction of school facilities required to house students generated by new development within Golden Valley Unified School District (“District”). The plan addresses how the District will fulfill its obligation to provide facilities for all students generated by new development given the limited resources available to it, while providing the opportunity to interested developers to support new, permanent facilities within or in reasonable proximity to their developments.

**School Facilities Agreements with Developers**

The District will plan and construct facilities in a manner that is commensurate with the commitment of each developer. All developers shall remain required to meet their statutory mitigation obligations, but each developer shall have the option to improve the school facilities available to their development as follows.

To facilitate this process, the District will develop a school facilities agreement (“Agreement”) setting forth standard terms, including fixed mitigation rates, under which a developer will provide for:

- Dedication of land for new school sites within or in reasonable proximity to the proposed development or, alternatively, funding necessary for the District to acquire such property;
- Funding, in the form of a fee or comparable means, for construction of new school facilities within or in reasonable proximity to the proposed development; and
- Payment of all costs associated with negotiation and implementation of the Agreement.

**Tier I: Developers opting not to enter into an Agreement**

For any developer that chooses not to enter into an Agreement, the District will address school facilities as follows:

- 1) If no permanent facilities are available, the District will house students from the development in portable or other temporary facilities as necessary.
- 2) The District will house the students from the development where there is available space, after giving first priority to students from existing housing in the District that predates Resolution No. \_\_\_\_\_ (the “Existing Residents”) and students in developments of Tier II and Tier III developments, as set forth below.
- 3) The District shall be under no obligation to provide transportation from the development to any schools.

- 4) The District may be unable to designate neighborhood schools for the developments in question.

**Tier II: Developers entering into an Agreement after receiving development entitlements up through and including tentative subdivision approval**

For any developer (or their successor) who enters into the Agreement after receiving development entitlements up through and including tentative map approval, the District will address school facilities as follows:

- 1) The District shall provide access for their developments to new school(s) within or in reasonable proximity to their developments, at a size and quality commensurate with other schools in the District. Due to planning constraints caused by the developer entering into the Agreement only after obtaining certain development entitlements, and not earlier, it may not be feasible to provide for such schools in proximity to the developments.
- 2) Such developments will have priority over Tier I developers for access of students generated by the development to permanent school facilities, but will be behind Tier III developers and Existing Residents in priority.
- 3) Schools serving new developments will, to the extent possible, be designated as neighborhood schools for the developments. Due to planning constraints caused by the developer entering into the Agreement only after obtaining certain development entitlements, and not earlier, it may not be feasible to designate neighborhood schools for such developments.

**Tier III: Developers entering into an Agreement prior to receiving development entitlements up through and including tentative subdivision map approval**

For any developer entering into and complying with the Agreement, the District will address school facilities as follows:

- 1) The District shall provide access for their developments to new school(s) within or in reasonable proximity to their proposed development, at a size and quality commensurate with other schools in the District.
- 2) Such developments will have priority for access of students generated by the development to permanent school facilities, to the same extent Existing Residents have priority.
- 3) Schools serving new developments will, to the extent possible, be designated as neighborhood schools for the developments.

## **Community Facilities District**

To fund the new school facilities required for new development, the District will explore formation of a community facilities district (“CFD”) over all uninhabited land in the District. The CFD may be formed over all or a portion of the District. It is the intent of the Board that if the CFD is formed, it will be done so as to not result in any increase in taxes for Existing Residents in the District. It is also the intent of the Board that Developers entering into an Agreement will not be required to pay for facilities or other costs that would otherwise be funded by CFD proceeds, that the Agreement shall address this issue, and that such developments shall remain entitled to the benefits described in this Plan. Formation of a CFD over property that is not subject to an Agreement will not entitle the development to the same facilities priorities as developments subject to an Agreement.