

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

DATE
February 4, 1987

NO.

SUBJECT: RECOMMENDATION FOR THE CITY OF LODI COMMUNITY DEVELOPMENT DEPARTMENT TO COLLECT THE SCHOOL IMPACTION FEES AS REQUIRED BY THE STATE OF CALIFORNIA ON BEHALF OF THE LODI UNIFIED SCHOOL DISTRICT.

PREPARED BY: City Manager

RECOMMENDED ACTION: That the City Council, by Resolution, authorize the Community Development Department to collect the School Impaction Fee as required by the State of California on behalf of the Lodi Unified School District and that the City retain 3% of said fees to cover administration costs.

BACKGROUND INFORMATION: At the very end of the 1986 Legislative year both the Senate and Assembly passed legislation which requires local school districts to collect mandatory impaction fees if they are using State Bond funds for new construction. This legislation was passed with the very strong support of the Governor because he felt local school districts should be paying for a portion of new school construction.

Earlier this month the Trustees of the Lodi Unified School adopted the maximum fee which is \$1.50 per square foot for residential and \$.25 per square foot for commercial and industrial. The new fees are to be affective March 9, 1987. However, subdivisions with Final Maps or separate impaction agreements with LUSD before September 1, 1986 are exempted and these projects will pay the present district fee of \$200 per bedroom. It appears that all residential projects in Lodi are exempted and possibly some commercial and industrial projects with Final Maps.

As a convenience to contractors and other persons seeking Building Permits from the City of Lodi, it is the staff's recommendation that the Community Development Department collect all impaction fees on behalf of LUSD and charge the District a 3% fee to cover the City's cost. The County and the Cities of Stockton and Tracy have refused to collect the new fee because of the multiplicity of school districts in those jurisdictions. Manteca is refusing to collect the fee for reasons undetermined at this time.

Since (1) there is only a single school district in Lodi; (2) our Building Division must determine the square-footage of all construction projects to determine building permit costs; and (3) the City already collects impaction fees, it appears to be in everyone's best interest to have the Community Development Department collect the fees.


James B. Schroeder
Community Development Director

CC1/TXTD.01B

FILE



Lodi Unified School District

FACILITY PLANNING

815 W. Lockeford St., Lodi, CA 95240 (209) 369-5511 369-5561 464-1748

January 12, 1987

City of Lodi
Community Development Department
221 West Pine Street
Lodi, CA 95240

Attention: Jim Schroeder and Roger Houston

Re: AB 2926 Developer Fee

Dear Jim and Roger,

As you know, on January 6, 1987, our Board adopted Resolution 87-4 imposing and implementing the new developer fee in the amount of \$1.50 per square foot for residential and \$.25 per square foot for industrial and commercial construction within the City of Lodi and the Lodi Unified School District. The Board's action states that the fee is to be collected on all building permits to be issued on or after March 9, 1987, except in the case of qualifying subdivisions and existing agreements. Enclosed for your use and information is a packet of material which was presented to the Board.

Also enclosed is a packet of handouts for your use declaring the imposition of the fee and a sample of the form which the Department of Housing and Community Development is requesting be completed by purchasers of mobile homes. Between now and March 9th, if there is no fee applicable under the old SB 201 provisions, we recommend just checking the second box, dating the certificate, sign it and noting City of Lodi. If a fee has been or is to be collected under the old SB 201, check the first box, sign, etc. After March 9th, the fee will be the \$1.50 per square foot and if you are collecting the fee, you will need to make a note of the certifications and just check that they have met the provisions of Government Code 53080. May we ask that you send us a copy of any of the items that you certify so that we may use them in the compilation of information that we have to do for our funding agency.

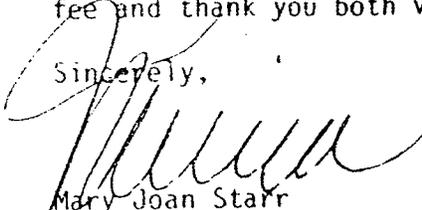
AB 2926 Developer Fee
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At this time I would like to formally request on behalf of our Board that the City of Lodi collect the requisite fees for us and transmit to us as has been done with the SB 201 fees. We understand that an administrative fee would be in order and hopefully with the passage of new legislation, that can come from the proceeds. Until that time, I believe that we can take that from the interest earned on the funds on deposit with either the City or the school district.

I am currently working to define the areas that will cause difficulty or question in the implementation of the fee. I concur with your suggestion that a meeting with the other building officials might be quite useful. I anticipate having my material together by the middle of next week and would hope to have spoken to our neighboring school districts within that time frame.

I look forward to working with you on the implementation of this new fee and thank you both very much for your assistance and cooperation.

Sincerely,



Mary Joan Starr
Facility Planner

MJS:cw
Enc.

BEFORE THE BOARD OF TRUSTEES OF THE LODI UNIFIED SCHOOL DISTRICT
OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA

RESOLUTION 87-4

RESOLUTION ESTABLISHING AND IMPLEMENTING AB 2926 DEVELOPER FEES
FOR SCHOOL CONSTRUCTION AND RECONSTRUCTION

WHEREAS, this body is the legally constituted governing board for the Lodi Unified School District; and

WHEREAS, the State has enacted Legislation (AB 2926, effective January 1, 1987) which provides local school boards the authority to enact fees on new building construction; and

WHEREAS, pursuant to SB 327, the State requires local school districts to participate in the cost of new and reconstructed school buildings in the amount of \$1.50 per square foot of new residential construction and \$0.25 per square foot of new commercial and industrial construction as a provision of receiving State aid for new and reconstructed school buildings through the Leroy F. Greene Program; and

WHEREAS, the area comprising the Lodi Unified School District is experiencing commercial and industrial growth which attracts new persons to reside in the area; and

WHEREAS the area comprising the Lodi Unified School District is experiencing, and will continue to experience, substantial residential construction and population growth; and

WHEREAS, the area comprising the Lodi Unified School District is experiencing rapid, substantial, and continuing increases in the number of pupils enrolling in its school buildings; and

WHEREAS, most of the school buildings in this district are already used to the maximum extent and have been declared full to capacity by previous action of this Board; and

WHEREAS, this district opens the school buildings equally to all pupils within the district when their neighborhood school is full, and thus pupil growth in any area of the district affects the housing capacity throughout the district; and

WHEREAS, any and all new students to the district result in the need for new classroom spaces, which are to be constructed through the State's Leroy F. Greene Lease Purchase Program; and

WHEREAS, many school buildings in the district have been in continuous use for 30 years or longer and as a result of this use are in a condition which requires renovation and reconstruction to ensure their continued effective usage for current and future enrollments; and

WHEREAS, funds for reconstruction will come from the Leroy F. Greene Program; and

WHEREAS, Lodi Unified's current continued participation in the Leroy F. Greene Program necessitates financial participation in all buildings costs of the projects; and

WHEREAS, Lodi Unified School District intends to fund the match/share with developer fees as provided by State law, and has scheduled the implementation hearing for January 6, 1987; and

WHEREAS, notification of consideration of the new developer fees was given 14 days in advance of January 6, 1987 by advertisement in the Lodi News Sentinel and the Stockton Record, and by a general mailing, and factual information supporting the need for the fee was available pursuant to State law; and

WHEREAS, in addition to new construction and reconstruction needs, the district has a continuing need for interim student housing which the district currently funds through the SB 201 development fees and which the district intends to fund with the AB2926 developer fee as provided by State law; and

WHEREAS, when a fee has been imposed by a school district, AB 2926 prohibits cities and counties from issuing building permits unless the school district governing board certifies compliance with the developer fee requirement imposed by the school governing board.

WHEREAS, the fees are for public facilities for which an account has been established and funds appropriated and for which the school district has a proposed construction plan in compliance with Government Code Section 53077.5(b) (AB 3314/Chapter 685, 1986).

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Lodi Unified School District, in a regular, public session on January 6, 1987 hereby enacts a fee schedule of \$1.50 per square foot of new residential construction and \$0.25 cents per square foot of new commercial and industrial construction for the provision of badly needed new and reconstructed school housing at all grade levels and throughout the District; and

BE IT FURTHER RESOLVED that the Governing Board hereby requests that the City of Lodi, the City of Stockton and the County of San Joaquin not issue building permits commencing March 9, 1987, without collecting such fee as is determined appropriate by this schedule; and

BE IT FURTHER RESOLVED that the Governing Board hereby authorizes the City of Lodi, the City of Stockton, and the County of San Joaquin to collect the requisite fee on behalf of the Lodi Unified School District and the Board hereby certifies that all developers paying the fee to the local building authority at the time of permit issuance are deemed in compliance with the Developer Fee requirement imposed by this board; and

BE IT FURTHER RESOLVED that the Governing Board hereby declares that the fees enacted by this Resolution shall not be effective on structures for which permits have already been issued or on any development project for which a final map was approved and construction had commenced on or before September 1, 1986 or on permits to be issued for development projects covered by a pre-existing development fee agreement. As provided in State law, projects in existing subdivisions as defined above will be subject to the fee in the amount in existence on September 1, 1986 and those covered by agreements will be subject to the fee in the amount in existence on September 1, 1986.

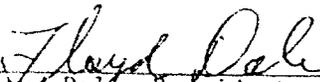
BE IT FURTHER RESOLVED that the District's Environmental Review Officer, Mary Joan Starr, is authorized and directed to file a Notice of Exemption pursuant to section 21152 of the California Environmental Quality Act on the finding that the action to implement the fee pursuant to AB 2926 has no effect on the environment and is, therefore, exempt from the provisions of the Act.

PASSED AND ADOPTED this 6th day of January, 1986 by the Board of Trustees of the Lodi Unified School District of the County of San Joaquin, to wit:

AYES: Johnston, Meyer, Todd, Derrick, Ball, Dale, Vatsula

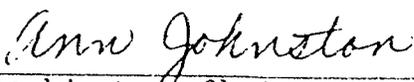
NOES: None

ABSENT: None



Floyd Dale, President of the
Board of Trustees

ATTEST:



Ann Johnston, Clerk of the
Board of Trustees

CITY COUNCIL

FRED M. REID, Mayor
EVELYN M. OLSON
Mayor Pro Tempore
DAVID M. HINCHMAN
JAMES W. PINKERTON, Jr.
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

February 9, 1987

Mr. Ellerth Larson
Superintendent of Schools
1300 West Lodi Avenue, Suite P
Lodi, CA 95240

Dear Mr. Larson:

This letter will confirm action taken by the Lodi City Council at its regular meeting of February 4, 1987, whereby Council adopted Resolution No. 87-22 entitled "A Resolution of the Lodi City Council Authorizing the City of Lodi Community Development Department to Collect School Impaction Fees on behalf of Lodi Unified School District". Further, Resolution No. 87-22 provides that the City shall retain 3% of said fees to cover administrative costs in collecting such fees.

A certified copy of Resolution No. 87-22 is enclosed for your information.

Should you have any questions regarding this matter, please do not hesitate to call.

Very truly yours,

Alice M. Reimche
Alice M. Reimche
City Clerk

AMR:jj

RESOLUTION NO. 87-22

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY OF LODI COMMUNITY DEVELOPMENT DEPARTMENT
TO COLLECT SCHOOL IMPACTION FEES
ON BEHALF OF LODI UNIFIED SCHOOL DISTRICT

WHEREAS, In 1986, AB2926 (Stirling) passed, Statutes of 1986, Chapter 887 which required local school districts, if they are using State Bond funds for new construction, to levy and collect school impaction fees up to \$1.50 per square foot for residential development and \$.25 per square foot for commercial and industrial development; and

WHEREAS, the City of Lodi has been asked by the Lodi Unified School District to collect the school impaction fees on behalf of the School District from developers at the time of collection of other development fees; and

WHEREAS, in return for collecting said fees the City of Lodi will receive from the School District a 3 percent fee to cover the City's administrative costs in collecting these fees;

NOW, THEREFORE, BE IT RESOLVED that the Community Development Department is hereby authorized to collect the school impaction fees as required by the State of California on behalf of Lodi Unified School District, and that the City retain 3 percent of said fees to cover administrative costs in collecting said fees.

Dated: February 4, 1987

I hereby certify that Resolution No. 87-22 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 4, 1987 by the following vote:

Ayes: Council Members - Olson, Pinkerton, Hinchman,
Snider and Reid (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Alice M. Reimche
Alice M. Reimche
City Clerk