

October 19, 1983

**LODI UNIFIED  
SCHOOL DISTRICT  
DECLARATION OF  
IMPACTION**

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Olson called for the Public Hearing to consider the 1983-84 Declaration of Impaction by the Lodi Unified School District Board of Trustees.

The matter was introduced by Ellerth E. Larson, Superintendent of Schools. Mary Joan Starr, Facility Planner for the Lodi Unified School District gave a report concerning the matter and responded to questions regarding the subject as were posed by members of the City Council. The following information regarding the subject was provided Council.

The projected Lodi Unified School District student enrollment for the 1983-84 school year is 16,433 students. This is a projected increase of approximately 400 students over last year and does not take into account any sudden influx of students which might occur as the result of significant residential construction within the District. In January, 1983, local agencies and developers reported probable summertime construction of approximately 710 residential units with an additional 5,000± units in the planning stages.

18%, or more importantly, 3,047 of the statistically projected number of students planned for arrival are considered "unhoused," meaning that there are insufficient regular classrooms available in the coming school year in the District, thereby necessitating the implementation of continued temporary student housing alternatives.

It is the District's plan to house regular, special education and pull-out program students in the following manner during the 1983-1984 school year.

431 permanent classrooms.

???"other" in-school spaces, i.e., storage areas, work rooms, offices, etc. that are "unofficially" used as classroom space.

12 leased and District-owned trailers

14 mini-school rooms in temporarily converted duplexes

13 maxi-school rooms in temporarily converted duplexes

45 District-owned relocatable rooms

84 State-lease emergency portables

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<sup>1</sup>The following facilities are used to house LUSD programs; however, Development Fees can not be applied at these locations:

1 leased house used for deaf-blind student education

6 rooms in leased quarters for the Career Center

7 District-owned relocatable rooms for Adult Education

LUSD DECLARATION OF IMPACTION (CONT'D) Enrollment projections and classroom loading are detailed by Attendance Area school in Exhibit A.

The number of "unhoused" students reported for the coming school year is reduced drastically from the number reported in 1982-83. This is due to a definitional change and not to a decrease in actual numbers of students. In past years, District-owned relocatable buildings were considered interim housing; however, they are now counted as permanent classrooms as a result of a re-evaluation of how these buildings are used over the short and long-term and clarified information on how they are viewed by State school building officials. The District will have 46 relocatable buildings, including eight at the new Stonewood School site. One of the buildings at Stonewood is planned for use in the coming year as a special program/multi-purpose room and is temporarily not available as a regular classroom. Inclusion of the 45 buildings as interim housing would result in an additional 1,350 "unhoused" students, bringing the total to 4,397, which is an approximate increase of 400 students over last year.

Based on the known extent of overcrowding, the anticipated increase in enrollment, and the known potential for all residential construction activity within the impacted attendance areas of the Lodi Unified School District, the Governing Board declared the following attendance areas impacted for the purposes of requesting the continued imposition and collection of development fees by local governments. A copy of Board Resolution 83-45 was also provided for Council's perusal.

#### Lodi Unified School District

#### IMPACTED SCHOOL ATTENDANCE AREAS

1983-84

Lodi High School Attendance Area  
Tokay High School Attendance Area  
Liberty High School Attendance Area

Morada Middle School Attendance Area  
Needham Middle School Attendance Area  
Woodbridge Middle School Attendance Area

Davis Elementary School Attendance Area  
Elkhorn Elementary School Attendance Area  
Henderson Elementary School Attendance Area  
Heritage Elementary School Attendance Area  
Lawrence Elementary School Attendance Area  
Leroy Nichols Elementary School Attendance Area  
Oakwood Elementary School Attendance Area  
Otto Drive Elementary School Attendance Area  
Parklane Elementary School Attendance Area  
Stonewood Elementary School Attendance Area  
Victor Elementary School Attendance Area  
Vinewood Elementary School Attendance Area

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<sup>1</sup> Attendance Areas are determined each year by the Assistant Superintendent--Elementary Education in cooperation with the principals and the District Administration and Staff. A publication, reviewed by the Board is prepared each year. There may be more than one elementary school in an Attendance Area.

There were no persons in the audience wishing to speak on the subject and the public portion of the hearing was closed.

OCTOBER 19, 1983

**LUSD DECLARATION OF IMPACTION (CONT'D)** A lengthy discussion followed. On motion of Mayor Pro Tempore Snider, Reid second, Council, by the following vote adopted Resolution No. 83-117 designating the following Lodi RES. NO. 83-117 Unified School District Schools to be impacted:

- |                             |                                 |
|-----------------------------|---------------------------------|
| Lodi High School            | Heritage Elementary School      |
| Tokay High School           | Lawrence Elementary School      |
| Liberty High School         | Leroy Nichols Elementary School |
| Morada Middle School        | Oakwood Elementary School       |
| Needham Middle School       | Otto Drive Elementary School    |
| Woodbridge Middle School    | Parklane Elementary School      |
| Davis Elementary School     | Stonewood Elementary School     |
| Elkhorn Elementary School   | Victor Elementary School        |
| Henderson Elementary School | Vinewood Elementary School      |

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

**Noes:** Council Members - Pinkerton

**Absent:** Council Members - Murphy

On motion of Council Member Reid, Snider second, Council voted, by the following vote, to continue the collection of Development Fees at the present rate of \$200.00 per bedroom.

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

**Noes:** Council Members - Pinkerton

**Absent:** Council Members - Murphy

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

RESOLUTION NO. 83-45  
1983-84 DECLARATION OF IMPACTION

WHEREAS, the development of new residential property results in the demand for school facilities; and

WHEREAS, the construction of new residences and the resultant increase of students continues; and

WHEREAS, students from new residential units in overcrowded attendance areas cause an immediate need for classroom solutions; and

WHEREAS, Lodi Unified School District has considered and acted upon such options as (1) presentation to the voters of bond measures to provide capital funds for permanent school housing, (2) temporary buildings, (3) double sessions, (4) bussing, (5) school attendance boundary realignment, and has considered, and for good and sufficient reasons chosen not to act upon, (6) year-round school attendance and (7) extended day programs (high school); and

WHEREAS, there have been no developer provided facilities as defined in Government Code Section 69578; and

WHEREAS, pursuant to Government Code Section 65978 the City of Lodi has enacted Ordinance No. 1149, the City of Stockton has enacted Ordinance No. 3095-C.S., and the County of San Joaquin has enacted Ordinance No. 2574 to assist school districts mitigating the impact of new home construction; and

WHEREAS, the aforementioned Ordinances require residential developers to participate in the cost of interim solutions necessitated by the overcrowding of existing classroom facilities due to new residential construction; and

WHEREAS, this Board has reviewed the content of the Development Fee Report prepared by staff, a copy of which is attached hereto, and has approved said report for public distribution;

THEREFORE, IT IS HEREBY RESOLVED that the Lodi Unified School District declares impaction in these school attendance areas affected by current and proposed development plans, to wit:

Lodi High School AA (Attendance Area)	Heritage Elementary School AA
Tokay High School AA	Lawrence Elementary School AA
Liberty High School AA	Leroy Nichols Elementary School AA
Morada Middle School AA	Oakwood Elementary School AA
Needham Middle School AA	Otto Drive Elementary School AA
Woodbridge Middle School AA	Parklane Elementary School AA
Davis Elementary School AA	Stonewood Elementary School AA
Elkhorn Elementary School AA	Victor Elementary School AA
Henderson Elementary School AA	Vinewood Elementary School AA

BE IT FURTHER RESOLVED that the Superintendent be, and he hereby is, directed to transmit a certified copy of this resolution and the accompanying staff report to the City Councils of Lodi and Stockton and the Board of Supervisors of the County of San Joaquin for their consideration and concurrence.

PASSED AND ADOPTED this 2nd day of August, 1983, by the following vote of the Board of Trustees, to wit:

AYES: Johnston; Ball; Meyer; Derrick; Todd; Vatsula

NOES: None

ABSENT: Dale

  
Ann Johnston, President

ATTEST:

  
John Vatsula, Clerk



# lodi unified school district

815 W. LOCKEFORD ST., LODI, CA. 95240  
(209) 369-7411 - 466-0333

October 10, 1983

Mayor Evelyn M. Olson  
Members of the Lodi City Council  
City Hall  
221 W. Pine Street.  
Lodi, CA 95240

Dear Mayor Olson and Members of the Council:

Transmitted herewith is a copy of the District's approved 1983-1984 Development Fee Report, a copy of Resolution 83-45 (1983-1984 Declaration of Impaction), and a copy of the October 1, 1983 Development Fee Update for the City of Lodi.

On August 2, 1983, the District Board of Trustees approved the 1983-1984 Development Fee Report for public distribution and adopted Resolution 83-45 declaring certain school Attendance Areas "impacted."

On September 27th, the Board commenced discussion on the collection and use of Development Fees in the City of Lodi area. On October 4, the Board voted 7-0 to request the City of Lodi to continue the collection of Development Fees at the present rate of \$200 per bedroom. The Board also directed District staff to continue close monitoring of the Development Fee revenue and expenditures, and to periodically report to the Board the status of the Fund.

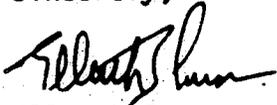
In taking action, Board members emphasized the District's continued, and escalating, need to supply interim school housing to serve developing residential tracts within the City of Lodi, in advance of permanent buildings to be funded through the State's Leroy F. Greene Program. The Board's determination was made after lengthy discussion of the alternatives outlined in the Update (attached) and the impact on school facilities of present and future residential building in the City of Lodi.

At the October 19th City Council hearing, District representatives will request that the collection and transmittal of Development Fees continue at the present rate.

Mayor Evelyn M. Olson  
Members of the Lodi City Council  
October 10, 1983  
Page 2

Thank you for your continued support of our efforts to provide school housing for Lodi students. We look forward to meeting with you on the 19th.

Sincerely,



Ellerth E. Larson  
Superintendent

EEL:eh

Attachments

P.H. - a

NOTICE OF PUBLIC HEARING REGARDING  
1983-84 DECLARATION OF IMPACTION BY  
LODI UNIFIED SCHOOL DISTRICT BOARD  
OF TRUSTEES

WHEREAS, Ordinance No. 1149, entitled, "An Ordinance of the City of Lodi to provide for the Dedication of Land or Fees or Both as a Condition to the Approval of New Residential Developments, for the Purpose of Providing Classroom Facilities Where Conditions of Overcrowding Exist in a Public School Attendance Area", which was adopted by the Lodi City Council on August 2, 1978, provides that the Governing body of a school district which operates, in whole or in part, within the City of Lodi may at any time pursuant to Government Code Section 65971, notify the City Council that it has found that: (1) conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of educational programs including the reason for such conditions existing, (2) all reasonable methods mitigating conditions of overcrowding have been evaluated; and (3) no feasible methods for reducing such conditions exist. Such notification shall remain in effect until withdrawn in writing by the governing body of the school district.

Upon receipt of such notice, the City Council shall schedule and conduct a public hearing on the notification for the purpose of allowing interested parties to comment on the matter. Following such hearing, the City Council shall determine whether it concurs in such finding. If the City Council concurs, it shall by resolution designate the school as an overcrowded school.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby set a Public Hearing on Wednesday, October 19, 1983 at the hour of 8:00 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers, City Hall, 221 West Pine Street, Lodi, California, to receive public input on notification received from the Lodi Unified School District declaring a state of impaction.

Information regarding this item may be obtained in the office of the City Clerk at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views either for or against the above proposal. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral statements may be made at said hearing.

Dated: October 6, 1983

By Order of the City Council

Alice M. Reimche  
City Clerk

LODI UNIFIED SCHOOL DISTRICT  
Facilities and Planning

DEVELOPMENT FEE UPDATE

September 1983  
Revised Edition  
October 1, 1983

INTRODUCTION

On August 2, 1983, the Board approved the 1983-84 Development Fee Report for public distribution and adopted Resolution 83-45 declaring certain school attendance areas "impacted." It was anticipated that schools in those attendance areas would be overcrowded in the coming year. This conclusion was based on an analysis of classroom capacity in relation to projected enrollment at each site.

The actual enrollment reached in September of this year exceeded the projection, resulting in an even greater degree of overcrowding than the supporting documents in the July, 1983 Development Fee Report indicate.

On September 27th the Board received, and discussed, the first edition of this report, at which time the Board was also informed that staff will be pursuing the continuation of the Development Fee with the Lodi City Council. It is staff's concern that the Board's intention with regard to the continued collection and use of Development Fees from Lodi City developments be properly addressed. This report is a reorganization of the earlier report, with an emphasis on the concerns addressed by the Board at the last meeting.

REVENUE

The Development Fee revenue received from the City of Lodi is detailed in Table I, below.

TABLE I

DEVELOPMENT FEE REVENUE--CITY OF LODI			
	A	B	C
	Fees	Interest	Cumulative Total Collected
1978 to March 1983	\$252,200 (Total shown in Column 1, Exhibit I of Report)	\$6,720	\$255,720
March 1983 to May 1983 (Transmitted and on account with District)	\$ 33,800	-0-	\$289,520 (Amount Reported by Finance Director)
To August 1983 (Collected by City but not yet received)	\$49,200	-0-	\$338,720 (Grand Total)

The amount of Development Fee revenue on-account with the District in July, 1983 (from collections through March, 1983), and the amount collected during each of the subsequent quarters to August, 1983, is detailed, by subdivision, in Table II. It is not possible to directly relate the amounts collected with the amount received by the District, as the amounts collected are reported to the District by the City Community Development Department on permit-by-permit basis. The District maintains a ledger accounting of these collections. The District also maintains a ledger accounting of the funds received. All checks are deposited into the District's Development Fee Fund upon arrival at the District. Revenue is transmitted to the District on a periodic basis by the City of Lodi Finance Department. The amounts transmitted to the District represent only a lump-sum payment. The only accounting by subdivision comes from the Building Department; therefore, the District frequently knows the amount collected and on-account at the City well in advance of the District's receipt of the funds.

If one takes the grand total collected (shown in Table I, Column C) and subtracts the funds expended as of 7/83 (shown in Exhibit I of the Report) and also subtracts the interest (shown in Exhibit I of the Report), the difference equals \$187,806, as shown in Table II, Column D, below.

Grand Total Collected	\$388,720
Funds Expended as of 7/83	- 144,194
Interest	- 5,720
	<u>\$187,806</u>

TABLE II

	A	B	C	D
	AMOUNT ON ACCOUNT AT DISTRICT AFTER 7/83 EXPENDITURE TRANSFER FROM COLLECTIONS THROUGH MARCH 1983	AMOUNT COLLECTED FROM 4/83 TO 6/83	AMOUNT COLLECTED FROM 7/83 TO 8/83	TOTAL AS OF 8/83
AARON TERRACE Vinewood, Sr. El, Lodi HS	\$ -0-	\$ 1,800	\$ 600	\$ 2,400
BECKMAN Nichols, Sr. El, Tokay HS	-0-	28,800	-0-	28,800
LAKESHORE Vinewood, Sr. El, Tokay HS	42,535	3,000	45,600	91,135
MILLSWOOD Reese, Woodbridge, Lodi HS	8,712	-0-	-0-	8,712
PALOMAR DR. (MILLSWOOD) Reese, Woodbridge, Lodi HS	184	-0-	-0-	184
STONETREE Heritage, Sr. El, Tokay HS	35,339	-0-	-0-	35,339
WINCHESTER ACRES Nichols, Sr. El, Tokay HS	21,236	-0-	-0-	21,236
TOTALS	\$108,006	\$33,600	\$46,200	\$187,806

EXHIBIT I

DEVELOPMENT FEES

TOTAL REVENUE AND EXPENDITURES<sup>1</sup>

CITY OF LODI

	A	B	C	D
SUBDIVISION	TOTAL AMOUNT COLLECTED 1979-83	SCHOOLS AND AMOUNT OF FUNDS EXPENDED <sup>2</sup>	TOTAL AMOUNT SPENT	BALANCE OF UNUSED DEVELOPMENT FEES
AARON TERRACE	\$ 2,800.00	Sr. Elem. \$ 2,800.00	\$ 2,800.00	\$ -0-
BECKMAN RANCH	17,600	Nichols 11,350.00 Tokay High 6,250.00	17,600.00	-0-
CAMBRIDGE	58,800.00	Tokay 54,139.00 Heritage 4,661.00	\$ 58,800.00	-0-
LAKESHORE	60,800	Tokay 16,804.00 Sr. Elem. 1,461.00	18,265.00	42,535.00
MILLSWOOD	34,400.00	Woodbridge 25,688.00	25,688.00	8,712.00
NO. SCHOOL ST. CONDOS	1,200.00	Woodbridge 1,200.00	1,200.00	-0-
PALOMAR DRIVE (Millswood)	600.00	Lodi High 416.00	416.00	184.00
PINWOOD	1,600.00	Lodi High 1,600.00	1,600.00	-0-
STONE TREE	39,600.00	Heritage 4,261.00	4,261.00	35,339.00
WINCHESTER ACRES	34,800.00	Tokay High 13,564.00	13,564.00	21,236.00
TOTAL LODI	\$252,200.00 <sup>3</sup>	\$144,194.00	\$144,194.00	\$108,006.00

1. \*Through March 1983

2. See 1982-83 Report on Allocation of Development Fees for further details.

3. Total does not include interest of \$6,720.00 which was used for partial payment of expenditures at Tokay High School.

EXPENDITURES

Expenditure of Development Fee revenue is made at the end of each fiscal year by a transferal of funds from the Development Fee Fund to the General Fund, as determined appropriate after careful analysis of interim housing expenditures and revenue by school attendance area. Interim housing expenditures are not paid directly out of the Development Fee Fund as they occur because of the uncertainty of what the revenue will be from year-to-year, and from where it may come. Also, lease payments are generally due on July 1 of the new fiscal year. In the past, the District has had to rely on forthcoming fees as there was no reserve. This is still the case in most of the District's impacted attendance areas.

Past Expenditures

Between 1979 and March of 1983, \$144,194 in Lodi-generated Development Fee revenue was spent on interim housing at schools serving the subdivisions where the revenue was collected (See page 3--Exhibit I from the Development Fee Report) and \$6,720 in interest was expended for interim housing at Tokay High School.

1983-84 Expenditure Commitments

An expenditure of approximately \$81,900 for interim housing at schools serving Lodi City students is anticipated for the 1983-1984 school year, as detailed in Table III. It is noted that the lease, or lease-purchase, of two new-to-the-District portables is in-process to alleviate some of the overcrowding at Lodi High School. Lodi High School has been overcrowded since the institution of the Development Fee; however, the District has been conservative in "loading up the site" with portable units. The concept of lease-purchasing portable units is discussed in greater detail later in this report.

TABLE III

1983-1984 INTERIM HOUSING LODI AREA SCHOOLS				
<u>School</u>	<u>Portable Lease Costs</u>	<u>Trailer Lease Costs</u>	<u>Setup Costs</u>	<u>Total</u>
Nichols	\$ 4,000 (2 units)	\$ 4,300	N/A	\$ 8,300
Heritage	N/A	4,300	N/A	4,300
Lawrence	6,000 (3 units)	N/A	N/A	6,000
Woodbridge	4,000 (2 units)	4,300	N/A	8,300
Lodi High	4,000 (2 units) 14,000 (2 new lease or lease-purchase units)	N/A	N/A	23,000
Tokay High	28,000 (14 units)	N/A	\$5,000 \$4,000 <sup>1</sup>	32,000
	<u>\$60,000</u>	<u>\$12,900</u>	<u>\$9,000</u>	<u>\$81,900</u>

<sup>1</sup> Carry-over work from last year's portable setup.

The allocation of Development Fees by attendance area is best accomplished and illustrated through the use of a matrix. This is the procedure that has been used in the District's two Development Fee reports and is used in Table IV to illustrate the use of Development Fee revenue currently on account (see Table II) for the 1983-1984 expenditures (see Table III). It is unlikely that there will be any significant increase in the expenditures during this school year; however, there will be an increase in revenue as more units are constructed between now and June 30, 1984.

TABLE IV

ALLOCATION OF DEVELOPMENT FEES FOR 1983-1984 EXPENDITURES

Expenditure Figures from Table III

	Nichols 8,300	Heritage 4,300	Lawrence 6,000	Woodbridge 8,300	Lodi High 23,000	Tokay High 32,000	Balance as of 8/83
AARON TERRACE \$2,400 (Vinewood) (Sr. El) Lodi HS					\$ 2,400		\$ -0-
BECKMAN \$28,800 Nichols, (Sr. El) Tokay HS						\$16,000	\$ 12,800
LAKESHORE \$91,135 (Vinewood) (Sr. El) Tokay HS						\$16,000	\$ 75,135
MILLSWOOD \$8,712 (Reese) Woodbridge, Lodi HS					\$ 8,712		-0-
PALOMAR-MILLSWOOD \$184 (Reese) Woodbridge, Lodi HS				\$ 184			\$ -0-
STONETREE \$35,339 Heritage, (Sr. El) Tokay HS		\$ 4,300					\$ 31,039
WINCHESTER ACRES \$21,236 Nichols, (Sr. El) Tokay	\$ 8,300						\$ 12,936
UNPAID EXPENDITURES = \$26,004	-0-	-0-	\$6,000	\$8,116	\$11,888	-0-	\$131,910

Revenue Figures from Table II

( ) Indicates those school attendance areas not currently declared impacted. This status is expected to change as developments in those attendance areas are occupied.

In addition to the expenditures listed at the schools currently declared impacted, there are also the following expenditures for interim housing at schools not currently considered impacted on the basis of the formula which loads all regular classrooms at 30 students and special program rooms at 12 students. A trailer for classroom purposes has been located at Reese Elementary at a lease cost of \$4,300 per year and approximately \$4,000 in setup costs, and there is a trailer at Senior Elementary used for classroom purposes at a lease cost of \$4,300 per year. It is noted that fees are collected from all new developments in the County and the two cities because of the high school attendance areas; however, the elementary school or the middle school serving

the subdivision may not be considered impacted on paper and yet there may be costs for interim facilities. This \$12,600± must be paid out of the General Fund.

By the end of this school year, total expenditures for interim facilities serving students from Lodi subdivision will reach \$225,094, not including the \$12,600 expenditure at Reese and Senior Elementary Schools.

#### Future Expenditures

The District will have a continuing lease cost for interim facilities currently in-place at schools serving Lodi City students of approximately \$60,000 per year. The two new units at Lodi High School will cost approximately \$12,000 to \$20,000 per year (depending upon the final lease or lease-purchase agreement). In addition, the District anticipates a need for more classrooms at both high schools next year. If it becomes necessary to lease and equip portable classrooms for science and other laboratory-type subjects, it is anticipated that the costs will be in the tens of thousands of dollars. Although a new high school is in the planning stages, it will be a minimum of three years before it is constructed. Projections are unclear but suggest that the existing high schools will continue to be overcrowded, even after the construction of the new high school, necessitating the ongoing use of interim facilities until such time as a potential fourth high school can be constructed.

Another elementary school in the southern part of Lodi is scheduled for construction (English Oaks). Due to the formula by which State construction funds are allocated and other State actions, a definite time table cannot be established. Until that time, schools serving the growing areas of Lodi will be overcrowded. It is anticipated that additional portable classrooms will be necessary at one or more of the District's Lodi area schools within the next year or two to provide sufficient space for students expected from new residential developments. It is likely that lease costs alone at Lodi area schools will exceed \$100,000 per year in the near future.

Relative to expenditures for interim housing, there are three things to remember:

- 1) Once permanent housing is built and the overcrowded conditions at existing schools are alleviated, interim housing will not be necessary and the costs will disappear--hence, the need for development fees will not exist. At this juncture the District is mandated to notify the affected jurisdictions to cease collection (if there is no impactation);
- 2) Application cannot even be made for construction funds for permanent housing until existing facilities are overcrowded; and
- 3) In 1981, there were approximately 2,200 unbuilt residential units on record for construction within the City of Lodi. Assuming one-third of the units have been constructed in the last two years, there are still nearly 1,500 approved units to be constructed, not including any developments which have been approved since 1981 which do not appear on the listing in the City's Development Information publication. A substantial number of students will be generated by the as-yet unbuilt units.

## ALTERNATIVES AND RAMIFICATIONS

The issue of unspent Development Fees needs to be addressed by the Governing Board prior to discussing the matter with the Lodi City Council in October when the Development Fee Report and Declaration of Impaction will be presented to the Council members at a public hearing. The Council will, at that time, decide:

- 1) to approve or disapprove the District's Declaration of Impaction statement;
- 2) if the collection of Development Fees should continue; and
- 3) to confirm or change the amount of the fees.

There are at least three alternatives which merit examination. There are both positive and negative ramifications associated with the alternatives. The following listing of alternatives and ramifications include all of those items readily apparent to staff; however, the listing should not be construed as being all-inclusive. There are other ramifications which may not have been readily apparent to staff, and there may be others which cannot even be determined at this time.

Alternative No. 1: Request the City to continue imposition of the Fee and expend fees as needed with the unspent balance carried forward to be used in succeeding years as pupils come from the new houses which have generated the fees. Review and revise the interim housing plans for Lodi area students in anticipation of an influx of students from the new residential developments.

### Ramifications:

Possible accumulation of excessive unspent dollars; difficulty in returning unspent dollars at unspecified time in the future, subject to criticism from other officials and the public; possible cessation of all Development Fees by City of Lodi, resulting in no Development Fees being available for expenditures at Lodi city schools.

In many areas of the City of Lodi there are developments currently under construction which have already paid Development Fees. The District has not yet received the students anticipated to come from these developments. This means that funds will be necessary in the future.

Development fees are a one-time fee on new housing units, meaning that the revenue is available only as long as there are units being constructed; however, lease costs are an annual situation until such time as there is adequate permanent construction. The time relationship between interim and permanent facilities is discussed in the Future Expenditure section above.

If Development Fees are expended in total as they are received each year, a point will be reached very quickly where the expenditures will exceed the Development Fee revenue. This strongly indicates a need for the accumulation of some funds to carry through until the school can be constructed and the impaction problem permanently resolved.

Alternative No. 2: Request that the City continue the Fee, but decrease the amount of the Fee collected City-wide or by specific developments in which significant revenue and limited expenditures may be forecast.

### Ramifications:

Difficulty in determining an appropriate price schedule as some schools use all available revenue, while other require less revenue; problems with pricing of units as noted below.

Alternative No. 3: Request that the City stop collecting Development Fees on a temporary basis (a moratorium).

### Ramifications:

Fees will be needed in the future as students begin arriving from units currently under construction--a moratorium may be very difficult to reverse; creation of problems for City and developers regarding equitable pricing of homes where development fees have already been paid.

### OTHER CONSIDERATIONS

Although the alternatives delineated above are relatively straightforward, the issue is much more complex, as there are a number of considerations which must be taken into account in the analysis of the alternatives and their potential ramifications. Again, the following listing represents a "pulling together" from many sources of apparent concerns; however, it is by no means meant to be all-inclusive.

### Direct Agreements

The District currently has direct agreements on four developments in the City: Filley Ranch, Park West, Noma Annexation, and Lobaugh Meadows. An agreement is in-process with Grupe Company for Lakeshore Village. The agreements provide for the payment of fees directly to the District for use on permanent or interim school facilities to serve the subdivision.

It is obviously in the best interest of the District (and perhaps developers and the City of Lodi) to continue the pursuit of direct agreements with developers of new developments. Another dimension worth consideration is the negotiation of agreements relative to the expenditure of funds already collected. This would allow the use of reserve Development Fee revenue to facilitate and supplement permanent construction. There is presently no information available on the legal process to be followed in implementing the latter concept; however, staff will research this. In short, the ramifications of direct-agreements (from the District's viewpoint) are as follows:

Will provide more flexible use of funds; will provide a source of funds to supplement construction funds for new schools to serve the affected subdivisions; will provide source of funds to proceed with projects if there are delays in State funding; presents some administrative difficulty relative to the collection of the fees for new agreement would not require any administrative difficulties as applied to fees "on account;" after-the-fact agreement may or may not be consistent with Lodi City ordinance--would require interpretation.

Developers appear to be hesitate to enter into direct agreements for a variety of reasons. First, a lien is placed on the property, necessitating board action

and the recording of a new document every time a unit is sold (necessary to assure that the conditions of the agreement are binding on the property, regardless of owner). The presence of a lien on the property (regardless of the type) sometimes has an affect on financing of the development. Second, if the Fee is no longer imposed by the City, most developers want to be sure they are not paying a fee that is not being imposed equally on all developers. In all fairness, it must be pointed out that there are some developers who have expressed willingness to pay for school housing, regardless of an ordinance (however, their benevolence has not been truly tested). Third, the developers agree to a number of binding items. Most have indicated that they feel the District should also be bound to certain actions, not the least of which is guarantees on the "appropriate" expenditure of the revenue garnered from the agreements.

### Senate Bill 811

Senate Bill 811 is currently on the Governor's desk for signature. The bill provides for the use of Development Fees for payment of the 10% matching requirement in the Leroy F. Greene Lease-Purchase Program for approved permanent projects. Continuing Development Fee revenue "on account" for this purpose would be beneficial to the District by alleviating General Fund requirements through the years. In many areas, such as the Elkhorn attendance area, Development Fee revenue is being used entirely for interim housing and will not continue to be collected after the completion of a new school unless that particular attendance area is considered impacted, based on our formula. If that is the case, Development Fees will continue to be collected and could be applied as our 10% match, or, of course, could continue to be used for any necessary interim housing.

Senate Bill 811 also has language regarding the use of dedicated property in conjunction with the 10% matching. This pertains to those instances where a dedication of property was accepted in lieu of the Development Fee. There are two instances in the City of Lodi where it has been determined that a collection of Development Fees might be more desirable than a dedication of property, based upon analysis of projected enrollments in existing facilities and the less than desirable location of the offered property. This does not mean that the District should deny all offers of dedication as we will need additional school property in the City of Lodi. If SB 811 is signed, it may be to the District's advantage to accept dedication of the property in some situations, regardless of site location.

### Lease-Purchase of Facilities

A concept, or process, which is currently done in other districts, is the use of Development Fee revenue for the lease-purchase of classroom facilities. Generally the leases are three to seven years, with lease payments applied at least in part to the purchase price of the unit. At the end of the lease term, the district exercises the option to purchase the unit(s) for a nominal fee. There is no question that the need for interim facilities at a number of Lodi area campuses will continue to increase as the student population increases. It might be to the District's long-term benefit to consider a lease-purchase of facilities in lieu of straight leases. This would be cost-effective over a long term as the facilities would ultimately be owned by the District for use as needed. This could result in a long-term savings to the District (and possibly developers) as there would not be the continuing rental fees. "Owned" facilities (regardless of their relocatable status) count against the District under the provisions of the Leroy Greene program. The square footage penalty would count against the District for building program purposes only; however,

it is probable that the District will have insufficient priority points in any one location to qualify for construction of additional permanent facilities immediately. A larger inventory of District-owned relocatable buildings could be most beneficial.

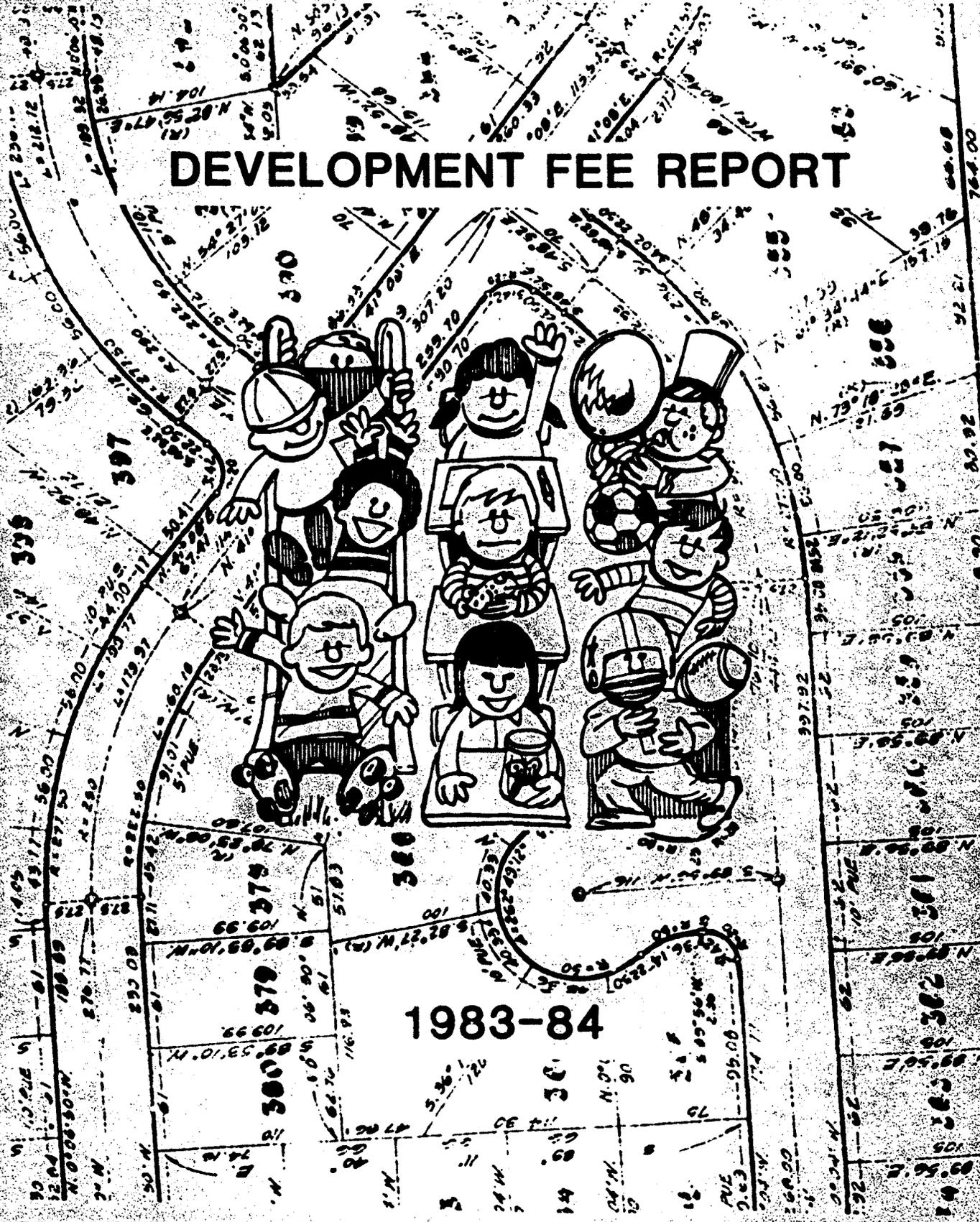


# odi unified school district

## DEVELOPMENT FEE REPORT



1983-84



# Governing Board

ANN JOHNSTON, PRESIDENT

ROBERT BALL, VICE PRESIDENT

JOHN VATSULA, CLERK

B. ANNE MEYER

FRANCES DERRICK

FLOYD DALE

ELEANOR TODD

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Tom Bandelin, Assistant Superintendent

Ronald Alsup, Assistant Superintendent

Mary Joan Starr, Facility Planner

Joan Pipes, Business Manager

Ralph Wetmore, Administrative Director of Personnel

Joan Jensen, Administrative Assistant

# **Lodi Unified School District**

**1983-84**

## **DEVELOPMENT FEE REPORT**

**PREPARED BY**

**FACILITIES AND PLANNING OFFICE**

This report has been prepared in fulfillment of the requirements of State Government Code Sections 65976, 65978, and 65981 and the requirements of the implementing ordinances of the Cities of Lodi (Ord. 1149, August 2, 1978), and Stockton (Ord. 3095 D.S., July, 1978), and San Joaquin County (Ord. 2574, July, 1978). The report is presented in three sections: Declaration of Impaction and Notification of Conditions of Overcrowding for the 1983-84 School Year; Allocation of Development Fees; and Student Housing Option Update.

**APPROVED BY**

**THE**

**GOVERNING BOARD**

**AUGUST 2, 1983**

# DECLARATION OF IMPACTION

and

## NOTIFICATION OF CONDITIONS OF OVERCROWDING

### 1983-84 SCHOOL YEAR

The following details the conditions of overcrowding anticipated in the coming school year and provides the District's formal declaration of continued impaction.

The projected Lodi Unified School District student enrollment for the 1983-84 school year is 16,433 students. This is a projected increase of approximately 400 students over last year and does not take into account any sudden influx of students which might occur as the result of significant residential construction within the District. In January, 1983, local agencies and developers reported probable summertime construction of approximately 710 residential units with an additional 5,000+ units in the planning stages.

18%, or more importantly, 3,047 of the statistically projected number of students planned for arrival are considered "unhoused," meaning that there are insufficient regular classrooms available in the coming school year in the District, thereby necessitating the implementation of continued temporary student housing alternatives.

It is the District's plan to house regular, special education and pull-out program students in the following manner during the 1983-1984 school year:

- 431 permanent classrooms
- ??? "other" in-school spaces, i.e., storage areas, work rooms, offices, etc. that are "unofficially" used as classroom space
- 12 leased and District-owned trailers
- 14 mini-school rooms in temporarily converted duplexes
- 13 maxi-school rooms in temporarily converted duplexes
- 45 District-owned relocatable rooms
- 84 State-lease emergency portables

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The following facilities are used to house LUSD programs; however, Development Fees can not be applied at these locations:

- 1 leased house used for deaf-blind student education
- 6 rooms in leased quarters for the Career Center
- 7 District-owned relocatable rooms for Adult Education

Enrollment projections and classroom loading are detailed by Attendance Area<sup>1</sup> school in Exhibit A.

The number of "unhoused" students reported for the coming school year is reduced drastically from the number reported in 1982-83. This is due to a definitional change and not to a decrease in actual numbers of students. In past years, District-owned relocatable buildings were considered interim housing; however, they are now counted as permanent classrooms as a result of a re-evaluation of how these buildings are used over the short and long-term and clarified information on how they are viewed by State school building officials. The District will have 46 relocatable buildings, including eight at the new Stonewood School site. One of the buildings at Stonewood is planned for use in the coming year as a special program/multi-purpose room and is temporarily not available as a regular classroom. Inclusion of the 45 buildings as interim housing would result in an additional 1,350 "unhoused" students, bringing the total to 4,397, which is an approximate increase of 400 students over last year.

Based on the known extent of overcrowding, the anticipated increase in enrollment, and the known potential for all residential construction activity within the impacted attendance areas of the Lodi Unified School District, the Governing Board declared the following attendance areas impacted for the purposes of requesting the continued imposition and collection of development fees by local governments. A copy of Board Resolution 83-45 is set forth as Exhibit B in this report.

Lodi Unified School District  
IMPACTED SCHOOL ATTENDANCE AREAS  
1983 - 1984

Lodi High School Attendance Area  
Tokay High School Attendance Area  
Liberty High School Attendance Area

Norada Middle School Attendance Area  
Needham Middle School Attendance Area  
Woodbridge Middle School Attendance Area

Davis Elementary School Attendance Area  
Elkhorn Elementary School Attendance Area  
Henderson Elementary School Attendance Area  
Heritage Elementary School Attendance Area  
Lawrence Elementary School Attendance Area  
Leroy Nichols Elementary School Attendance Area  
Oakwood Elementary School Attendance Area  
Otto Drive Elementary School Attendance Area  
Parklane Elementary School Attendance Area  
Stonewood Elementary School Attendance Area  
Victor Elementary School Attendance Area  
Vinewood Elementary School Attendance Area

<sup>1</sup>Attendance Areas are determined each year by the Assistant Superintendent, Elementary Education in cooperation with the principals and the District Administration and Staff. A publication, reviewed by the Board is prepared each year. There may be more than one elementary school in an Attendance Area. A partial listing of attendance areas is in Exhibit C.

EXHIBIT A  
1983-84  
DETERMINATION OF IMPACT

SCHOOL (18)	PERMANENT CLASSROOMS					STUDENT CAPACITY OF PERMANENT CLASSROOMS			SPACE UTILIZATION	INTERIM HOUSING (19)				
	A Permanent Classrooms	B Add'l PM Kindergartens	C <sup>1</sup> Minus Special (14) Program Rooms	D Add District Owned Relocatables	E NET Permanent Classrooms A + B - C + D	F (15) Regular Student Capacity E x 30 Students	G (14) Special Program Capacity C x 12 Students	H Net Student Capacity of School F + G	I (16) Projected 1983-84 Enrollment	J	K State Lease Portables	L Leased or Owned Trailers	M Mini or Mini School Rooms	
Lodi High School	66	-	2	1	4	67	2010	24	2034	2134				
Tokay High School	69	-	2	1	2	68	2040	24	2064	2421				
Liberty High	3	-	-	-	4	7	210	0	210	248				
Florida Middle School	12	-	1	1	1	12	360	6	366	550				
Senior Elementary School	32	-	1	2	3	32	960	12	972	880				
Woodbridge Middle	17	-	2	1	1	15	450	24	474	528				
Needham Middle (1)	13	-	-	1	-	12	360	0	360	488				
Davis Elementary (2)	20	1	1	1	-	19	570	12	582	754			6 (17)	
Elkhorn Elementary (2)	7	0	2	-	6	11	330	24	354	756			8 (17)	
Henderson Elementary (3)	3	0	-	-	-	3	90	0	90	250				
Heritage Elementary	18	2	1	-	-	19	570	12	582	678		2		
Houston Elementary (4)	13	-	1	-	-	12	360	12	372	350				
Lakewood Elementary	19	1	3	-	-	17	510	36	546	482				
Lawrence Elementary	7	1	1	-	-	7	210	12	222	293		1		
Live Oak Elementary	11	1	3	-	2	11	330	36	366	350				
Lockeford Elementary (5)	7	-	-	-	2	9	270	0	270	250				
Clements Elementary (5)	3	1	-	-	-	4	120	0	120	105				
Dorothy Mahin (6)	6	-	6	-	-	-	-	72	72	50				
Leroy Nichols (7)	20	2	-	1	-	21	630	0	630	722		1		
Oakwood Elementary (8)	0	1	1	1	6	5	180	12	192	684				
Otto Drive Elementary (9)	0	-	-	-	-	-	0	0	0	438			13	
Parklane Elementary (10)	7	1	1	1	-	6	12	372	954		19	1	0 (20)	
Ray Elementary (11)	3	1	-	-	-	4	120	0	120	62				
Erna Reese Elementary	17	1	3	1	-	14	420	36	456	401				
Stonewood Elementary (21)	0	6	-	-	7	7	210	0	210	214				
Turner Elementary	2	0	-	-	2	2	60	0	60	60				
Tokay Colony (12)	4	0	-	-	1	5	150	0	150	82				
Victor Elementary	9	1	1	1	-	8	240	12	252	254				
Vinewood Elementary	18	1	2	1	-	16	480	24	504	632				
Washington Elementary	14 (15)	1	2	1	-	12	360	24	384	372				
<b>TOTAL</b>	<b>420</b>	<b>16</b>	<b>35</b>	<b>14</b>	<b>45</b>	<b>431</b>	<b>12,960</b>	<b>426</b>	<b>13,386</b>	<b>16,433</b>		<b>84</b>	<b>12</b>	<b>27</b>

NOTATIONS:

- (1) Grade 7 and 8 students from portions of Elkhorn and Oakwood Areas will be housed at Needham until construction of the new school in North Stockton. Needham elementary students-K to Nichols and 1-6 to Vinewood.
- (2) Includes the Davis/Parklane and Elkhorn Mini Schools. Students from old Venice-King Island attendance area (AA) go to Elkhorn.
- (3) Henderson will house grades 4-6 students from Normandy Village Subdivision and classes of gifted and talented students. Henderson AA students attend Vinewood.
- (4) Houston is a grade 1-8 school with 7 and 8 grade students from Lockeford/Clements AA.
- (5) Grades 2-6 go to Lockeford and K-1 to Clements.
- (6) Mahin houses only special education students.
- (7) Students from the old Terminus AA attend Nichols.
- (8) Grades 1-5 from Oakwood AA attend Oakwood with Stonewood Subdivision kindergartners also attending Oakwood. Western Valley and Davis Oaks Subdivision kindergartners attend Elkhorn Mini.
- (9) Otto Drive is grades 1-6; kindergartners attend Elkhorn Mini.
- (10) Parklane includes grades 2-3 from Normandy Village Subdivision.
- (11) Grades K-3 attend Ray and grades 4-6 attend Turner.
- (12) Grades 1-6 attend Tokay Colony and kindergartners attend Live Oak.
- (13) There are 21 classrooms at Washington School, with 7 to be converted to a DCI facility.
- (14) Includes all type of special education classes, i.e., English as a second language, learning disability, resource specialists, etc. Rooms are deducted because they are loaded at less than 50% of the loading of a regular classroom, i.e., 12 students vs. 20 students. This column is intended to include only permanent classrooms used for these classes. Column "A" is rooms housing children "full-time." These students are assigned to a specific room. Column "B" is "pullout" program rooms. Children using these rooms are from a regular 30-student class and therefore are accounted for in those columns. There may be minor discrepancies between these figures and others used by the District due to scheduling modifications after data compilation.
- (15) Thirty students is used as a multiplier. Actual loading may vary with conditions and contractual agreements.
- (16) These are locally generated enrollment projections, calculated for the purposes of classroom planning. There may be some deviation from those done by Office of Local Assistance due to varying considerations.
- (17) There are 4 kindergarten rooms with 2 sessions equaling 8 loadings for Elkhorn Mini and 4 rooms with 2 first grades and 4 kindergarten sessions at Davis/Parklane Mini.
- (18) Generally the attendance area (AA) and the school are the same; however, in certain situations (as noted above), students from one attendance area may be attending a school in another area or areas have been combined. This has been taken into account in the figure in Column 1.
- (19) There may also be interim housing in the permanent facilities, i.e., in closets, offices, etc., and double sessions.
- (20) With Davis School.
- (21) Stonewood grades 4-6, Oakwood 6th grade to attend Otto Drive.

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

RESOLUTION NO. 83-45  
1983-84 DECLARATION OF IMPACTION

WHEREAS, the development of new residential property results in the demand for school facilities; and

WHEREAS, the construction of new residences and the resultant increase of students continues; and

WHEREAS, students from new residential units in overcrowded attendance areas cause an immediate need for classroom solutions; and

WHEREAS, Lodi Unified School District has considered and acted upon such options as: (1) presentation to the voters of bond measures to provide capital funds for permanent school housing, (2) temporary buildings, (3) double sessions, (4) bussing, (5) school attendance boundary realignment, and has considered, and for good and sufficient reasons chosen not to act upon, (6) year-round school attendance and (7) extended day programs (high school); and

WHEREAS, there have been no developer provided facilities as defined in Government Code Section 69578; and

WHEREAS, pursuant to Government Code Section 65978 the City of Lodi has enacted Ordinance No. 1149, the City of Stockton has enacted Ordinance No. 3095-C.S., and the County of San Joaquin has enacted Ordinance No. 2574 to assist school districts mitigating the impact of new home construction; and

WHEREAS, the aforementioned Ordinances require residential developers to participate in the cost of interim solutions necessitated by the overcrowding of existing classroom facilities due to new residential construction; and

WHEREAS, this Board has reviewed the content of the Development Fee Report prepared by staff, a copy of which is attached hereto, and has approved said report for public distribution;

THEREFORE, IT IS HEREBY RESOLVED that the Lodi Unified School District declares impaction in those school attendance areas affected by current and proposed development plans; to wit:

Lodi High School AA (Attendance Area)	Heritage Elementary School AA
Tony High School AA	Lawrence Elementary School AA
Liberty High School AA	Leroy Nichols Elementary School AA
Marada Middle School AA	Oakwood Elementary School AA
Norham Middle School AA	Otto Drive Elementary School AA
Woodbridge Middle School AA	Parklens Elementary School AA
Davis Elementary School AA	Stonewood Elementary School AA
Elkhorn Elementary School AA	Victor Elementary School AA
Henderson Elementary School AA	Vinewood Elementary School AA

BE IT FURTHER RESOLVED that the Superintendent be, and he hereby is, directed to transmit a certified copy of this resolution and the accompanying staff report to the City Councils of Lodi and Stockton, and the Board of Supervisors of the County of San Joaquin for their consideration and concurrence.

PASSED AND ADOPTED this 2nd day of August, 1983, by the following vote of the Board of Trustees, to wit:

AYES: Johnston; Ball; Meyer; Darrick; Todd; Vatsula

NEES: None

ABSENT: Dale

  
Ann Johnston, President

  
Ann Vatsula, Clerk

## ALLOCATION OF DEVELOPMENT FEES

Between implementation of the Impaction Ordinances and May of 1982 (inclusive), local agencies collected fees from developer/builders for each bedroom to be constructed on parcels created after the effective date of the particular ordinance. However, as a result of litigation in Shasta County, all fees were "impounded" until the State Supreme Court settled the issue, whereupon the "impounded" fees, totaling \$638,942.74, were released to the District. During the time that the fees were being collected the District expended well in excess of \$1,200,000 on interim solutions to the student housing problems. A detailed accounting of Development Fees allocated in 1982-83 is contained in the July 1, 1982 "Report on Allocation of Development Fees" which was presented to all affected jurisdictions last year.

At that time the Board authorized transfer of \$595,987.74 from the Development Fee Fund to the General and/or Site Funds as "payback" for expenditures made during the qualifying period. All "expenditure paybacks" were made on the premise that fees collected from Subdivision X were to be used for "qualifying" expenditures at impacted schools serving Subdivision X. This is the same philosophy that has been followed in the allocation of all Development Fees that have been received to date.

The recommended allocation of development fees is based on strict interpretation of the enabling legislation. Government Code Sections 65970 - 65981 (SB 201 - 1977) permit local jurisdictions to adopt ordinances requiring land dedication or to exact fees from residential developers in lieu of land dedication for purposes of providing interim school facilities. Section 65978 requires that Lodi Unified School District maintain an accounting of fees, while Section 65980 limits their use to strictly defined interim facilities. In addition, Government Code Section 65974 (d) states in part,

The location and amount of land to be dedicated or the amount of fees to be paid, or both, shall bear a reasonable relationship and will be limited to the needs of the community for interim elementary or high school facilities and shall be reasonably related and limited to the need for schools caused by the development; . . .

Based on the District's desire to use the Fees only in the manner intended by the implementing legislation and the local ordinances, assumptions and qualifiers were developed in 1982 to guide in the allocation of Development Fees. With minor modifications, these same assumptions have been used in the allocation of Development Fees in 1983.

ASSUMPTIONS AND QUALIFIERS

1. Allocations are made on a fiscal year basis; however, due to the time periods in which fees are sent to the District, the last quarter of every year is reported separately or in the following year. The starting date for allocation was Fiscal Year 1979-80.
2. Based on a 1980 change in the definition of Interim, a State Attorney General Opinion 79-625 (October 16, 1979), and the advice of County Counsel, the expenses of Otto Drive West School and the two mini schools were not considered eligible, and, therefore, do not appear in any totals in last year's report (except Elkhorn set-up, which predated the code change). In 1983, AB 1645 was signed into law, permitting Lodi Unified to use development fees for the payment of mini/mini school leases.
3. Consistent with Government Code Section 65974, all expenditures must be related to the impacted attendance area containing the contributing residential development. Expenditures by school were "credited" on the basis of the District's Declaration of Impaction Report and the Board formula. Non-impacted schools are not considered eligible.
4. Development fees are used to cover expenditures at schools outside of the attendance area containing the generating residential development. If that is the overflow school for that attendance area. For example, Lodi High School takes the overflow from Tokay High School.
5. In those attendance areas with several schools (specifically Elkhorn), it is recognized that the impact of any specific development is on the entire attendance area; therefore, expenditures made for any school in the attendance area are considered relative to any paying development built in the attendance area.
6. "Unpaid" or "unrecovered" expenditures made in the past were not carried to the next year; however, it has been determined that it is reasonable to carry expenditures, as well as revenue, forward from one year to the next, based on the rationale that the District may provide interim housing in advance of the development fee income and the arrival of the students from the subject development(s).
7. "Impacted" fees or "unresponsibly" revenue received in any given year is carried from year to year for future expenditure on the basis that the need for interim facilities to serve children from the related developments may not arrive at the schools until sometime after the revenues is collected. This is the companion condition to that discussed above.
8. Interest is applied only to qualifying expenditures and not for any other district purpose, although that may technically be possible. It is felt that the only proper use of interest is in the manner ascribed since a portion of the interest is earned while the fees are still in City and County accounts.
9. Leased trailers financed directly or indirectly by the General Fund are included in the expenditures. Students housed in leased trailers are substantially from the attendance area of the school where they are located.
10. At the present time, interim housing expenditures are budgeted from the District's general fund at the beginning of each fiscal year. At the end of the fiscal year, development fee revenue is allocated to the various expenditures based on the above and a lump sum is transferred from the Development Fee Fund to the General Fund, where it appears in the ending balance. At the beginning of the fiscal year an anticipated sum may be transferred in advance through the budget process. This amount is based on a conservative projection of fees to be received relative to qualifying expenditures. This procedure is presently to facilitate cost accounting.

## Attendance Areas

Elementary, Middle and High School Attendance Areas and specific schools serving each City subdivision paying fees in 1982-83 are listed below. All County fees were accounted for permit by permit; therefore, attendance areas for County developments are listed as coming from individual builders. All attendance area information was obtained from the annual attendance area reports.

Exhibit C details the attendance areas for the 1982-1983 school year. These attendance areas are applicable to the allocation of development fees received during the 1982-1983 school year. Although generally reflective of the 1983-1984 attendance areas, there are modifications, including the addition of the Stonewood School.

### EXHIBIT C

1982-1983

#### ATTENDANCE AREAS AND SCHOOLS

Subdivision/ Jurisdiction	Elementary School Attendance Area	Middle School Attendance Area	High School Attendance Area
<u>City of Lodi</u>			
Aaron Terrace	Vinewood	Senior Elementary	Lodi High
Bockman Ranch	Nichols	Senior Elementary	Tokay High
Cambridge Place	Heritage	Senior Elementary	Tokay High
Lakeshore	Vinewood Rural	Senior Elementary	Tokay High
Millwood	Reese	Woodbridge	Lodi High
N. School St. Condos	Washington	Woodbridge	Lodi High
Palomar Drive	Reese	Woodbridge	Lodi High
Pinewood	Reese	Woodbridge	Lodi High
Stonewood	Heritage	Senior Elementary	Tokay High
Winchester Acres	Nichols	Senior Elementary	Tokay High
<u>City of Stockton</u>			
Colonial Estates	Elkhorn Mini/ Otto Drive	Senior Elementary	Tokay High
Falcon Crest	Elkhorn	Senior Elementary	Tokay High
Fox Creek	Davis/Parklane	Morada	Tokay High
Harpers Ferry	Elkhorn Mini/ Oakwood	Needham	Tokay High
Paloma Estates	Parklane	Senior Elementary	Tokay High
Summer Place	Parklane	Senior Elementary	Tokay High
<u>County</u>			
Country View Estates	Lakewood	Woodbridge	Lodi High
River Meadows	Lakewood	Woodbridge	Lodi High
Individual Builders	Davis	Morada	Tokay High
Individual Builders	Live Oak	Morada	Tokay High
Individual Builders	Lockeford/ Clements	Houston	Lodi High

### Development Fee Revenue

During the fourth quarter of Fiscal Year 1981-82 a total of \$31,850.00 in Development Fees was generated and forwarded to the District. This brought the total Development Fee Revenue received for that fiscal year to \$141,273.55. During the period July, 1982 through March, 1983 a total of \$233,266.00 was received in Development Fees. This is approximately \$123,000 more than the previous year (for the same time period) and \$133,000 more than had been projected in last year's report for receipt this year. This is taken as tangible evidence that residential building in the Lodi Unified School District is definitely on the increase. It is also noted that a substantial proportion of those residences for which permits have been drawn are not yet occupied; therefore, the District's estimate of 400 new students is probably quite conservative.<sup>1</sup>

### Allocation of Fees

The basis upon which Development Fees are used for payment of interim housing expenditures is detailed in the introductory portion of this section of the report (above). It is reiterated that the District uses the most stringent interpretation of the State Code and implementing ordinances and directives in the allocation of Development Fees. At the present time Development Fees are used exclusively for the lease of portables, trailers and the setup of these units, and the mini-maxi school leases (by special legislation).

### Expenditures

Between July, 1982 and March, 1983 the District expended \$361,018.10 on trailer, portable and mini/maxi- school leases, the setup of new portables, and the moving of trailers. These expenditures, by school attendance area are detailed in Exhibit D.

A total of \$4,661.00 in expenditures in the last quarter of Fiscal Year 1982-1983 may be paid by Development Fees. This amount is available for transfer to the General Fund. A total of \$200,654 in expenditures were paid with Development Fees during the period July, 1982 through March, 1983. This is the total amount that has been transferred to the District's General Fund (\$70,000 was transferred during the budget process in 1982, and \$119,074 was transferred at the end of the 1982-83 fiscal year to appear in the General Fund ending balance).

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<sup>1</sup>Reference is made to Exhibit A - Determination of Impaction, and the District's 1983 Attendance Area Report, available from the Office of the Assistant Superintendent, Elementary Education.

**EXHIBIT D**  
**LODI UNIFIED SCHOOL DISTRICT**  
**INTERIM HOUSING EXPENDITURES**  
**FOR PERIOD JULY, 1982 - MARCH 1983**

SCHOOL	New Portable Lease Cost	Portable Setup <sup>1</sup> Cost	Old Portable Lease Cost	Trailer Lease Cost	Mini and Maxi School	Total
DAVIS	\$ 6,389.68	\$ 4,859.39	\$ .00	\$ .00	.00	\$ 11,249.07
ELKHORN	6,203.36	3,435.26	4,000.00		\$108,600.00 <sup>2</sup>	122,238.62
HENDERSON	10,587.36	3,427.46	.00	.00	.00	14,014.82
HERITAGE	.00	.00	.00	4,261.20	.00	4,261.20
LAWRENCE	3,485.28	4,834.16	.00	.00	.00	8,319.44
LOCKEFORD	1,424.80	3,302.61	.00	.00	.00	4,727.41
NEEDHAM	13,853.44	2,523.38	.00	.00	.00	16,376.82
NICHOLS	2,323.52	4,764.84	.00	4,261.20	.00	11,349.56
OAIDOOD	15,585.12	13,052.03	16,000.00	.00	.00	44,637.15
PARKLANE	2,926.32	5,862.10	16,000.00	4,261.20	18,000.00	47,049.62
MORADA	8,011.76	4,332.34	8,000.00	4,261.20	.00	24,605.30
LODI HIGH	1,161.76	2,112.28	.00	.00	.00	3,274.04
SENIOR ELEMENTARY	.00	.00	.00	4,261.20	.00	4,261.20
TOKAY HIGH	7,036.32 <sup>3</sup>	13,356.33	16,000.00	.00	.00	36,392.65
WOODBIDGE	-00	.00	4,000.-0	4,261.20	.00	8,261.20
<b>TOTALS</b>	<b>\$ 78,988.72</b>	<b>\$ 65,862.18</b>	<b>\$ 64,000.00</b>	<b>\$25,567.20</b>	<b>\$126,600.00</b>	<b>\$361,018.10</b>

<sup>1</sup> Amount shown does not include money spent for electrical hookup. That portion of cost not reimbursed by the State will be included with the last quarter of Fiscal Year 1983-84 yet to be reported.

<sup>2</sup> Amount includes \$15,600 for the Elkhorn Mini School and \$93,000 for Otto Drive Maxi School.

<sup>3</sup> Amount shown does not include the cost of final grading, which was delayed by ponded water. This expenditure will also be reported in the future.

A summary of the District's Development Fee Revenue and Expenditures for the first three quarters of Fiscal Year 1982-83 is given in Exhibit E. A detailed breakdown is given on the Development Fee Revenue/Expenditure Accounting Forms, included in this report as Exhibits F, G, and H. A total of \$200,654 was transferred by the end of the 1982-83 fiscal year from the Development Fee Fund to the General Fund.

EXHIBIT E

SUMMARY OF DEVELOPMENT FEE REVENUE AND EXPENDITURES

JULY 1982 - MARCH 1983

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<u>REVENUE</u>	
Revenue Received 1982-83	\$233,266
Revenue Forward from 1981-82	+ <u>70,144</u>
Total Revenue on Hand 1982-83	303,410
Revenue Spent 1982-83	<u>200,654</u>
Balance to Carry Forward for 1983-84	\$102,756
<u>EXPENDITURE</u>	
Total Expenditures for 1982-83	\$361,018
Expenditures Paid with Development Fees	<u>-200,654</u>
Unpaid Expenditures (No Eligible Funds)	\$160,364

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A comprehensive summary of Development Fee Revenue and Expenditures by jurisdiction is contained in Exhibits I, J and K.

The District is currently researching how other districts use Development Fees, as well as legislative proposals for alternative uses of development fees. A future report to the District's governing board on this subject is anticipated. Aside from in-lieu agreements (discussed later in this section of the report) Development Fees are the exclusive means of mitigating the impact of new residential development within the Lodi Unified School District. The District is currently re-studying the entire area of the impact of residential development on the School District as a result of increasing information from other districts, the California Association of School Business Officials, and the State legislature; recent interpretations of State legislation; and recent court cases (including a significant case at the appellate level in El Dorado County). Additional information in this area will also be presented to the Board in the aforementioned report. Any consideration of mitigation must be made in relation to the District's long-term plans for student housing. This is to be detailed in the revised Facility Master Plan which is currently underway.

EXHIBIT F  
LODI UNIFIED SCHOOL DISTRICT

DEVELOPMENT FEE REVENUE/EXPENDITURE FOR

DEVELOPMENT FEE REVENUE RECEIVED BY DEVELOPMENT*	REVENUE INQUIRY FORWARD	000000	NEEDHAM	ELIJAH	PAYLANE	HERITAGE	REVENUE TO CARRY FORWARD
BEOWAN RANCH \$2,400	6,000	16,000	4,788	4,000	7,360	4,661	\$ 8,400
CHANDLER PLACE \$18,000						4,661	13,339
DUNESIDE VILLAGE \$3,000	9,600						12,600
HILLSWOOD \$2,400	6,711						9,111
NO. SCHOOL ST. CONDOS \$1,200							1,200
WINCHESTER APARTS	21,236						21,236
COLONIAL ESTATES							(-10,665)
FOX CREEK \$1,470	(-12,135) <sup>1</sup>						6,143
COUNTY--LODI HIGH	6,143						6,143
COUNTY--DAVIS - MORADA - TOKAY	1,200						1,200
COUNTY--DAVIS - MORADA - TOKAY	2,820						2,820
COUNTY--CLIBERTS/DUDGE - FORD-HOUSTON-LODI HIGH \$2,600	600						3,200
COUNTY--LIVE OAK-HEAD-TOKEY	780						780
RIVER HEADS \$ 780							780
UNPAID EXPENDITURES \$32,148		16,000	4,788	4,000	7,360	-0-	\$70,144
REVENUE TO CARRY FORWARD TO 1982-83							

REVENUE RECEIVED 4TH QUARTER 1981-82 \$ 51,850.00  
 REVENUE FORWARD FROM 1ST 3 QUARTERS 1981-82 \$47,955.00  
 TOTAL REVENUE AVAILABLE 4TH QUARTER 1981-82 \$ 74,805.00  
 REVENUE SPENT 4TH QUARTER 1981-82 4,661.00  
 BALANCE TO CARRY FORWARD TO 1982-83 \$ 70,144.00

TOTAL 1981-82 EXPENDITURES REMAINING \$ 36,809.00  
 UNPAID AT 4TH QUARTER 1981-82  
 TOTAL REVENUE SPENT 4TH QUARTER 1981-82 - 4,661.00  
 UNPAID EXPENDITURES FOR 1981-82 YEAR \$ 32,148.00  
 (No Eligible Funds)

\*SEE SEPARATE LISTING FOR ATTENDANCE AREA AND/OR SCHOOL SERVING EACH SUBDIVISION  
 (1) FEES COLLECTED IN ERROR BY CITY OF STOCKTON AND RELEASED

# EXHIBIT G

## LODI UNIFIED SCHOOL DISTRICT

### DEVELOPMENT FEE REVENUE/EXPENDITURE ACCOUNTING FORM



12

FEE REVENUE RECEIVED BY DEVELOPMENT	REVENUE BROUGHT FORWARD	EXPENDITURES BY SCHOOL ATTENDANCE AREA										REVENUE TO CARRY FORWARD	
		Oakwood 16,000	Needham 4,788	Morada 23,990	Elkhorn 4,000	Davis 8,487	Parklane 16,000	Tokay 16,000	Woodbridge 12,211	Heritage 4,661	To: 79 - 80		
PECISON RANCH \$ 8,400													8,400
CHURCH PLACE \$18,000											4,661		13,339
LAKEVIEW VILLAGE \$12,600													12,600
MILLSWOOD \$15,400	5,922									12,211			9,111
NO. SCHOOL ST. CONDUS \$ 1,200													1,200
WINCHESTER ACRES \$18,900	2,436												21,236
COLONIAL ESTATES (1) - \$10,665													10,665
FOX CREEK \$54,620				23,990		8,487			16,000				6,143
PALOM ESTATES \$ 5,880								5,880					-0-
SUNNER PLACE \$ 2,760								2,760					-0-
COUNTY - Lodi High	1,200												1,200
COUNTY - DAVIS, MORADA, TOKAY \$ 2,820													2,820

EXHIBIT G cont'd

LODI UNIFIED SCHOOL DISTRICT

DEVELOPMENT FEE REVENUE/EXPENDITURE ACCOUNTING FORM



FEE REVENUE RECEIVED BY DEVELOPMENT	REVENUE BROUGHT FORWARD	EXPENDITURES BY SCHOOL ATTENDANCE AREA										REVENUE TO CARRY FORWARD	
		Oakwood	Needham	Morada	Elkhorn	Davis	Parklane	Tokay	Woodbridge	Heritage	TO: 79-80		
COUNTY - CLER/LOCKEFORD HOUSTON, LODI HIGH \$ 2,600	600												3,200
COUNTY - LIVEOAK, MORADA, TOKAY \$ 780													780
RIVER MEADOWS \$ 780													780
INTEREST \$7,298.55												7,298.55	-0-
UNPAID EXPENDITURES \$32,148		16,000	4,788	-0-	4,000	-0-	7,360	-0-	-0-	-0-	-0-	-0-	
REVENUE TO CARRY FORWARD TO 1982-83													70,144

REVENUE RECEIVED 1981-82 - \$141,273.55  
 REVENUE FORWARDED FROM 1980-81 - 10,158.00  
 TOTAL REVENUE ON HAND 1981-82 - \$151,431.55  
 REVENUE SPENT 1981-82 - -81,287.55  
 BALANCE TO CARRY FORWARD FOR 1982-83 - \$ 70,144.00

TOTAL EXPENDITURES FOR 1981-82 \$106,137.00  
 FUNDS APPLIED TO EXPENDITURES 1979-80 + 7,298.55  
 \$113,435.55  
 EXPENDITURES PAID WITH DEVELOPMENT FEES - 81,287.55  
 UNPAID EXPENDITURES (No Eligible Funds) \$ 32,148.00

- SEE SEPERATE LISTING FOR ATTENDANCE AREA AND/OR SCHOOL SERVING EACH SUBDIVISION
- (1) FEES COLLECTED IN ERROR BY CITY OF STOCKTON AND REIMBURSED



EXHIBIT H cont'd

LOO1 UNIFIED SCHOOL DISTRICT

DEVELOPMENT FEE REVENUE/EXPENDITURE ACCOUNT FORM

DEVELOPMENT	REVENUE BROUGHT FORWARD	Devils (1)	Elkhorn (1)	Henderson (1)	Heritage	Lawrence (1)	Lockeford (1)	Needham (1)	Nichols (1)	Outwood (1)	Partlame (1) (4)	Korrada (1)	St. Elm.	Kodi High (1)	Pottery High (1) (2)	Wood-bridge (1)	BALANCE FORWARD	
SUNNER PLACE COUNTY VIEW ESTATES \$15,910											15,910						-0-	
COUNTY - DEVILS- MORADA-TOKAY \$1,560																	1,560	-0-
COUNTY-LIVE OAK. MORADA-TOKAY \$1,040	2,820	3,860															-0-	
COUNTY-LOCKERD- CLANDON-HOUSTON LOO1 HIGH \$2,080	780											2,860					-0-	
RIVER HEADERS \$ 780	780													58		1,502	-0-	
COUNTY LOO1 HIGH 1,200	1,200													1,200			-0-	
(5) INTEREST \$99,829		1,246	9,478	5,558			1,527	16,377		43,597	5,498	5,547						
UNPAID EXPENDITURES \$32,985		-0-	108,600	8,452	-0-	9,319	-0-	-0-	-0-	-0-	22,282	16,198	-0-	-0-	-0-	-0-	-0-	

REVENUE TO  
CARRY FORWARD  
1985-86

\$102,766

**EXHIBIT I**

**DEVELOPMENT FEES**

**TOTAL REVENUE AND EXPENDITURES\***

**CITY OF LODI**

<b>SUBDIVISION</b>	<b>TOTAL AMOUNT COLLECTED 1979-83</b>	<b>SCHOOLS AND AMOUNT OF FUNDS EXPENDED</b>	<b>TOTAL AMOUNT SPENT</b>	<b>BALANCE OF UNUSED DEVELOPMENT FEES</b>
<b>AARON TERRACE</b>	\$ 2,800.00	Sr. Elem. \$ 2,800.00	\$ 2,800.00	\$ -0-
<b>BECKMAN RANCH</b>	17,600	Nichols 11,350.00 Tokay High 6,250.00	17,600.00	-0-
<b>CAMBRIDGE</b>	58,800.00	Tokay 54,139.00 Heritage 4,661.00	\$ 58,800.00	-0-
<b>LAKE SHORE</b>	60,800	Tokay 16,804.00 Sr. Elem. 1,461.00	18,265.00	42,535.00
<b>MILLSWOOD</b>	34,400.00	Woodbridge 25,688.00	25,688.00	8,712.00
<b>NO. SCHOOL ST. CONDOS</b>	1,200.00	Woodbridge 1,200.00	1,200.00	-0-
<b>PALOMAR DRIVE (Millswood)</b>	600.00	Lodi High 416.00	416.00	184.00
<b>PINEWOOD</b>	1,600.00	Lodi High 1,600.00	1,600.00	-0-
<b>STONE TREE</b>	39,600.00	Heritage 4,261.00	4,261.00	35,339.00
<b>WINCHESTER ACRES</b>	34,800.00	Tokay High 13,564.00	13,564.00	21,236.00
<b>TOTAL LODI</b>	\$252,200.00	\$144,194.00	\$144,194.00	\$108,006.00

\*Through March 1983

**EXHIBIT J**

**DEVELOPMENT FEES  
TOTAL REVENUE AND EXPENDITURES\*  
CITY OF STOCKTON**

<b>SUBDIVISION</b>	<b>TOTAL AMOUNT COLLECTED 1979-83</b>	<b>SCHOOLS AND AMOUNT OF FUNDS EXPENDED</b>	<b>TOTAL AMOUNT SPENT</b>	<b>BALANCE OF UNUSED DEVELOPMENT FEES</b>
<b>CLAIRMONT</b>	\$ 47,610.00	Parklane \$ 43,660.00 Tokay 3,950.00	\$ 47,610.00	-0-
<b>COLONIAL ESTATE</b>	247,005.00	Elkhorn Mini 53,725.00 Elkhorn 12,821.00 Oakwood 185,709.00	252,255.00	(\$5,250.00) <sup>1</sup>
<b>FALCON CREST</b>	4,160.00	Elkhorn 4,160.00	4,160.00	-0-
<b>FOX CREEK</b>	124,495.00	Davis 14,630.00 Parklane 69,875.00 Morada 23,990.00 Tokay 16,000.00	124,495.00	-0-
<b>HARPERS FERRY</b>	1,040.00	Oakwood 1,040.00	1,040.00	-0-
<b>PALOMA ESTATES</b>	9,260.00	Parklane 9,260.00	9,260.00	-0-
<b>SUNGER PLACE</b>	25,110.00	Parklane 25,110.00	25,110.00	-0-
<b>TOTAL STOCKTON</b>	\$458,680.00	\$463,930.00	\$463,930.00	(\$5,250.00) <sup>1</sup>

<sup>1</sup> Deficit balance is due to City of Stockton collecting fees in error and then refunding developers.

\*Through March 1983

EXHIBIT K

DEVELOPMENT FEES  
 TOTAL REVENUE AND EXPENDITURES\*  
 SAN JOAQUIN COUNTY

SUBDIVISION	TOTAL AMOUNT COLLECTED 1979-83	SCHOOLS AND AMOUNT OF FUNDS EXPENDED	TOTAL AMOUNT SPENT	BALANCE OF UNUSED DEVELOPMENT FEES
COUNTRY VIEW ESTATES	\$ 1,560.00	Woodbridge \$ 1,560.00	\$ 1,560.00	-0-
RIVER MEADOWS	1,560.00	Lodi High 58.00 Woodbridge 1,502.00	1,560.00	-0-
INDIVIDUAL PERMITS LODI HIGH AREA	4,400.00	Lodi High 1,200.00 Lockeford 3,200.00	4,400.00	-0-
INDIVIDUAL PERMITS TOKAY HIGH AREA	22,320.00	Morada 9,060.00 Davis 3,860.00 Tokay 9,400.00	22,320.00	-0-
<b>TOTAL</b>	<b>\$ 29,840.00</b>	<b>\$ 29,840.00</b>	<b>\$ 29,840.00</b>	<b>-0-</b>

\*Through March 1983

## In-Lieu Agreements

During the time that Development Fees were impounded, Developers entered into "in-lieu of development fee" agreements with the District to assure that the District received fees or a dedication of land to assist in mitigating the anticipated impact of the proposed residential development. The District has continued to encourage Developers to willingly enter into these agreements with the District so that funds generated could be used for long-term solutions to the housing problems and not just the short-term interim solutions. This is becoming particularly important as it becomes more difficult to obtain State funding for new school construction, and as the State imposes District fund-match requirements.

There are presently 11 in-lieu agreements operative, including one for partial payment of the Clairmont School Site. The District has agreements for the following developments:

- Dennis Noble (Zinfandel Estates) - Stockton
- Cook-John Development (Willow Brook) - Stockton
- Eilers Annexation - Woodbridge
- Woodbridge Greens - Woodbridge
- Noma Annexation - Lodi
- Park West - Lodi
- Filley Ranch (Sun West #4) - Lodi
- Barnett-Range (Fox Creek 11 & 12) - Stockton
- Lobaugh - Lodi
- Joaquin Murietta - Stockton
- Barnett-Range (Clairmont) - Stockton

To date, no direct-agreement fees have been received, with the exception of the Clairmont Subdivision where the fees will be reimbursed to the developer after receipt from the City in conformance with the agreement of sale for the school site. The District is currently reviewing a draft agreement for Grupe Communities' Lakeshore Village and, as a matter of procedure, all developers are contacted upon District notification of a proposed development. Since no fees have been collected by the District as a result of agreements, there is no expenditure plan and the administrative procedures for coordination with the affected jurisdictions have not been tried. It is noted, however, that the City of Stockton requires that reference to anything in-lieu of payment of Development Fees through the City must be made a condition of the Tentative Subdivision Map at the time of approval. In general, the District has preferred the receipt of fees instead of land dedication, primarily because of the immediate need for the fees and the difficulties in establishing a time for construction of a school. Location has also been a primary consideration. This does not mean that the District would not prefer dedication in the future, depending upon circumstances. A sample of a generalized agreement sent to developers for their review is included in this report as Appendix B.

## STUDENT HOUSING UPDATE

The final section of this report is intended to provide all interested parties an update on other means of housing students in the District's educational programs that are currently being pursued.

The Lodi Unified School District is actively pursuing solutions to existing and projected student housing inadequacies on two fronts.

First, the District is continuing to pursue permanent facilities with applications for seven new schools and expansion of three others through the Leroy F. Greene Lease-Purchase Program of 1976, and second, the District is making every effort to house children in an interim basis with minimal adverse impact on the educational program.

### Permanent Facilities

Since last year, site work at the Stonewood School site in north Stockton has been nearly completed with arrival of the eight relocatable classrooms anticipated by fall of 1983. Plans have been completed and approved by the State for construction of Clairmont Elementary School (north Stockton), Washington School Developmental Center for the Handicapped (Lodi), and permanent buildings at Stonewood. All of the projects are ready for construction; however, funds are not available until the sale of another \$75 million in Proposition 1 (November 1982) bonds. Although the Committee charged with bond sale recommendations has given the go-ahead to sell the bonds, the State Treasurer is not expected to do so until the fall or early winter of 1983. One hundred and twenty-five million dollars in Proposition 1 bonds have been sold to finance already-approved projects whose funds were transferred by the Governor and the Legislature to the State General Fund in the February, 1983, budget balancing legislation. The site work and relocatable buildings at Stonewood School were included in an earlier apportionment and encumbered by contract prior to the transfer. Upon sale of the bonds, Lodi Unified expects full funding of the projects ready for construction. The District has received Phase II approval for the new Middle School (north Stockton) with apportionment to be made from existing cash-on-hand or from the forthcoming bond monies. Preliminary planning money has been received for the permanent buildings at Oakwood (north Stockton), English Oaks Elementary School (Lodi), and Holt Elementary School (north Stockton). Revisions in the District's application and priority points have resulted in a temporary hold on these projects. It is anticipated that sufficient eligibility will be generated in the fall of 1983 to proceed with the plans for these projects. Educational specifications, site selection, and preliminary plans are in-process for the new high school and the new continuation high school, both to be located in north Stockton.

### Alternatives

An important consideration in determining the most reasonable housing alternative is the neighborhood school concept. Also important is the equal loading policy which causes all schools throughout the District, within a given grade span, to house the same proportion of students relative to capacity, where practical. Equal loading is a concept that works well in an urban area but provides extraordinarily long bus rides for students when the area of

Impaction and growth is substantially removed from the area where classrooms are available. As growth continues and the schools become overcrowded before new facilities can be constructed, the District has considered and will continue to consider the following alternatives:

#### Busing:

Busing is used as an interim process to implement the equal load policy. The Board finds that no pupil should be bused from his attendance area, but if necessary, never more than 10 miles from the "full" school to the school of redirection.

#### Double Sessions - Elementary Schools:

Double sessions in the primary grades retain the same amount of in-class time. In each of the instructional sections, double sessions are perceived as being disadvantageous to the students attending school in the p.m. shift. The fabric of society rejects the concept of young children being in school from 12:30 p.m. to 5:00 p.m. followed by what may be an extended period of time on the school bus. Older children (above grade 4) lose a significant amount of instructional time through the device of double sessions; therefore, it is not considered feasible for the intermediate grades. Double sessions are perceived as being acceptable on an extremely short-term measure for grades 1-3 pupils.

#### Extended Day Programs - High Schools:

Programs in the early morning or in the late afternoon may be devised to utilize a high school plant at above-normal carrying capacity. Such programs are found to have relatively small pupil/parent interest, are not conducive to intergration with established busing schedules, and are not a viable answer to impaction.

#### School Boundary Realignment:

This device has been used to accomodate growth in an immediately adjacent attendance area. Where growth is scattered or substantially removed from school houses with room available, realignment is ineffective. Boundary realignment is not a viable permanent solution beyond that already accomplished considering the growth rate of the several attendance areas in this district and their close proximity to each other. A de-annexation of territory (formation of a new district or transfer of territory to an existing neighboring district) is not considered a political reality.

#### Year-Round Schools:

A year-round school program could have the potential of increasing available classroom space by 18% to 25%. Over the last two+ years District staff, Board members, and the Year-Round School Committee met and studied the appropriateness of Year-Round School in Lodi Unified and to determine those schools most suited for possible implementation of such a program in this, or subsequent, school years. Meetings with parents of students in potential YRS attendance areas were held during the last school year.

In some cases parents were polled in writing. Based on constituent disapproval the governing Board set aside consideration of YRS in all areas except the "greater" Elkhorn Attendance Area. As an aside, it has been found that many districts that had year round schools have returned to conventional scheduling, and all districts with year-round school have indicated that the program will not work unless it has significant parent support, which is not present in Lodi Unified School District.

#### State Lease Emergency Classrooms:

Assembly Bill 8, signed by the Governor on July 24, 1979, enacted the Emergency Classroom Law of 1979. Under this law, Lodi Unified School District has received 84 portables. The District must qualify for receipt of these units on the basis of our State School Construction Application. Separate application must be made each year and receipt of the units is subject to availability. This program has provided the most significant relief to Lodi's overcrowding situation. These units are subject to recall by the State of California should there be a greater need elsewhere in the State. These units can be used for regular classroom programs only and must be loaded at the rate of 30 students per unit. Although the units are quite utilitarian and most sites have room on an interim basis, support facilities, such as play area, bathrooms, cafeteria, multi-purpose room, lockers, etc., are taxed well beyond capacity with the additional classroom units.

#### Trailers:

The District currently leases a number of trailers to house special education programs. The capacity of these units is approximately 12 students and the lease and setup costs are two to three times the cost of the State portables. The District will attempt to phase out all trailers in favor of State lease portables where possible. This will require moving special education classes into regular classrooms and regular programs into the portables.

#### Relocatable Units:

Relocatables are herein defined as portable units owned by the District. Many of these units are more than 15 years old; however, they have been quite serviceable. As a matter of policy, all new schools are being designed with a certain number of relocatable portables in anticipation of a declining enrollment situation in the future. This will give the District flexibility in housing students in the future and the use of relocatables in the site master plan gives the District bonus points which can be applied towards additional square footage in permanent buildings. As noted earlier, these units are now included in the District's inventory of permanent classrooms. When the various older units will be beyond repair and perhaps unsafe for occupancy has not been determined. The District currently retains these units for use wherever needed, although many of the units are basically permanent at their present location.

**Shared Facilities:**

Other alternatives that are in use in other Districts include the use of school buildings in adjoining districts which are not needed by that district. This is not considered a viable alternative for Lodi as facilities in all adjoining districts, except Stockton Unified, are used to the maximum extent. The Stockton Unified facilities within a reasonable distance of Lodi Unified also do not have surplus capacity, while vacant classroom space is not located within a reasonable transportation distance.

# APPENDIX A

## STATE CODE

### Chapter 4.7. School Facilities

- 65970.** The Legislature finds and declares as follows:
- (a) Adequate school facilities should be available for children residing in new residential developments.
  - (b) Public and private residential developments may require the expansion of existing public schools or the construction of new school facilities.
  - (c) In many areas of the state, the funds for the construction of new classroom facilities are not available when new development occurs, resulting in the overcrowding of existing schools.
  - (d) New housing developments frequently cause conditions of overcrowding in existing school facilities which cannot be alleviated under existing law within a reasonable period of time.
  - (e) That, for these reasons, new and improved methods of financing for interim school facilities necessitated by new development are needed in California.

(Added by Stats. 1977, Ch. 955.)

**Policy**

**65971.** If the governing body of a school district which operates an elementary or high school makes a finding supported by clear and convincing evidence that: (a) conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of educational programs including the reason for such conditions existing; and (b) that all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing such conditions exist, the governing body of the school district shall notify the city council or board of supervisors of the city or county within which the school district lies. The notice of findings sent to the city or county shall specify the mitigation measures considered by the school district. If the city council or board of supervisors concurs in such findings the provisions of Section 65972 shall be applicable to actions taken on residential development by such council or board.

(Added by Stats. 1977, Ch. 955.)

**Local findings**

**65972.** Within the attendance area where it has been determined pursuant to Section 65971 that conditions of overcrowding exist, the city council or board of supervisors shall not approve an ordinance rezoning property to a residential use, grant a discretionary permit for residential use, or approve a tentative subdivision map for residential purposes, within such area, unless the city council or board of supervisors makes one of the following findings:

**Development prohibited  
unless findings made**

**Exceptions**

- (1) That an ordinance pursuant to Section 65974 has been adopted, or
- (2) That there are specific overriding fiscal, economic, social, or environmental factors which in the judgment of the city council or board of supervisors would benefit the city or county, thereby justifying the approval of a residential development otherwise subject to Section 65974.

(Added by Stats. 1977, Ch. 955.)

**Definitions**

- 65973.** As used in this chapter:
- (a) "Conditions of overcrowding" means that the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school as determined by the governing body of the district.
  - (b) "Reasonable methods for mitigating conditions of overcrowding" shall include, but are not limited to, agreements between a subdivider and the affected school district whereby temporary-use buildings will be leased to the school district or temporary-use buildings owned by the school district will be used.
  - (c) "Residential development" means a project containing residential dwellings, including mobilehomes, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units.

(Added by Stats. 1977, Ch. 955.)

**Interim facilities provided by dedication or fee as condition of approval**

**65974.** For the purpose of establishing an interim method of providing classroom facilities where overcrowding conditions exist, as determined necessary pursuant to Section 65971, and notwithstanding Section 66478, a city, county, or city and county may, by ordinance, require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for classroom and related facilities for elementary or high schools as a condition to the approval of a residential development, provided that all of the following occur:

- (a) The general plan provides for the location of public schools.
- (b) The ordinance has been in effect for a period of 30 days prior to the implementation of the dedication or fee requirement.
- (c) The land or fees, or both, transferred to a school district shall be used only for the purpose of providing interim elementary or high school classroom and related facilities.
- (d) The location and amount of land to be dedicated or the amount of fees to be paid, or both, shall bear a reasonable relationship and will be limited to the needs of the community for interim elementary or high school facilities and shall be reasonably related and limited to the need for schools caused by the development; provided, the fees shall not exceed the amount necessary to pay five annual lease payments for the interim facilities. In lieu of the fees, the builder of a residential development

**Limitation on  
interim facilities**

65979. One year after receipt of an apportionment pursuant to the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (Chapter 22 (commencing with Section 17700 of Part 10 of the Education Code) for the construction of a school, the city or county shall not be permitted thereafter, pursuant to this chapter or pursuant to any other school facilities financing arrangement such district may have with builders of residential development, to levy any fee or to require the dedication of any land within the attendance area of the district. However, any time after receipt of the apportionment there may be a determination of overcrowding pursuant to Section 65971, if there is the further finding that (1) during the period of construction additional overcrowding would occur from continued residential development, and (2) that any fee levied and any required dedication of land levied after the receipt of the construction apportionment can be used to avoid the additional overcrowding prior to the school being available for use by the school district.

Any amounts of fees collected or land dedicated after the receipt of the construction apportionment and not used to avoid overcrowding shall be returned to the person who paid the fee or made the land dedication.

(Amended by Stats. 1980, Ch. 1354.)

**Definition of interim  
facilities**

65980. For the purposes of Section 65974, "classroom facilities," "classroom and related facilities," and "elementary or high school facilities" mean "interim facilities" as defined in this section and shall include no other facilities.

Interim facilities for the purposes of Section 65974 shall be limited to the following:

- (a) Temporary classrooms not constructed with permanent foundation and defined as a structure containing one or more rooms, each of which is designed, intended, and equipped for use as a place for formal instruction of pupils by a teacher in a school.
- (b) Temporary classroom toilet facilities not constructed with permanent foundations.
- (c) Reasonable site preparation and installation of temporary classrooms.

(Amended by Stats. 1980, Ch. 1354.)

**Recommendation on fees**

65981. If an ordinance has been adopted pursuant to Section 65974 which provides for the school district governing body to recommend the fees for providing interim facilities that are to be assessed on a development as a condition of city or county approval of a subdivision, such recommendation shall be required to be submitted to the respective city or county within 60 days following the issuance of the initial permit for the development. Failure to provide the recommendation of fees to be assessed within the 60-day period shall constitute a waiver by the governing body of the school district of its authority to request fees pursuant to this chapter.

(Added by Stats. 1979, Ch. 282. Effective July 24, 1979.)

**Limitation on  
interim facilities**

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(Added by Stats. 1979, Ch. 282. Effective July 24, 1979.)

## APPENDIX B

### SAMPLE

## IN-LIEU DEVELOPMENT FEE AGREEMENT

This AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ by and between \_\_\_\_\_ having its principal place of business in \_\_\_\_\_, California (hereinafter, "DEVELOPER"), and LODI UNIFIED SCHOOL DISTRICT OF SAN JOAQUIN COUNTY, a Political Subdivision of the State of California (hereinafter, "LODI UNIFIED").

### W I T N E S S E T H

These parties hereto acknowledge and mutually agree that:

1. During a period covering approximately \_\_\_\_\_ years, Developer plans to construct approximately \_\_\_\_\_ residential units within the district governed by Lodi Unified, as part of a project commonly known as \_\_\_\_\_ consisting of approximately \_\_\_\_\_ acres located in the \_\_\_\_\_ of \_\_\_\_\_, San Joaquin County, California.
2. Construction of said residential units will cause increased enrollment in the district, compounding the current problems faced by Lodi Unified in providing facilities for students.
3. Developer desires to alleviate the impact upon Lodi Unified of said anticipated increase in enrollment.
4. The real property constituting the site upon which the heretofore mentioned project is to be constructed is more particularly described as:

(insert legal description)

5. Lodi Unified has no objection to Developer's \_\_\_\_\_ project; provided the Developer make a reasonable and appropriate contribution to mitigate the impact that the project may have on Lodi Unified.
6. Developer shall make such reasonable and appropriate contribution to mitigate school overcrowding by either, at the election of Lodi Unified: (a) Depositing with Lodi Unified an amount equal

to, and in lieu of, any sums prescribed to be deposited for such residential development by \_\_\_\_\_ Ordinance Number \_\_\_\_\_, of the \_\_\_\_\_ Code, commonly referred to as the "School Facilities Dedication Ordinance."

- (1) It is understood by the parties hereto that the fee schedule, under the provisions of said ordinance, is set by the \_\_\_\_\_ periodically by resolution.
  - (2) The rate of fees applicable to this Agreement shall be the rate in effect on the date payment becomes due under the terms of this Agreement.
  - (3) In no event shall the fees exceed two percent (2%) of the actual construction cost of the Developer.
  - (4) In the event that said Ordinance is declared unconstitutional by any court of law having jurisdiction over the \_\_\_\_\_, the applicable rate of fees shall be the last rate set by the \_\_\_\_\_ prior to the effective date of the Court's ruling. Said declaration of unconstitutionality shall have no force or effect upon Lodi Unified's ability or right to collect the fees set by this Agreement.
  - (5) Said fees shall be due and deposited with Lodi Unified at such time as Developer or builder shall be in a position to receive from the \_\_\_\_\_ all building permits for residential structures necessary for the construction of buildings on such portion of the development as Developer or builder is then currently planning.
  - (6) Upon receipt of the fees provided for by this Agreement, Lodi Unified shall notify the \_\_\_\_\_ of its receipt thereof and request that the Developer or builder be exempt from any fee imposed upon the same residential units by \_\_\_\_\_ Ordinance Number \_\_\_\_\_.
  - (7) In the event that the \_\_\_\_\_ shall collect any fees under said ordinance, upon residential units for which Developer has already paid a fee under this Agreement, Lodi Unified shall reimburse Developer for any duplication of payment based upon the same residential units and in no event shall Lodi Unified collect the fee both under said Ordinance and this Agreement.
- (b) Providing for, and dedicating, a(n) \_\_\_\_\_ school site for the benefit and use of Lodi Unified.
- (1) It is understood by the parties hereto that such a school site must be approved by various State agencies, including the Bureau of School Planning.
  - (2) In no event, shall the total area of said school site exceed \_\_\_\_\_ acres.

7. In the event that school facilities are constructed with proceeds from the sale of bonds and/or levy of a special override tax by Lodi Unified eliminating the student housing shortage caused by Developer's project prior to completion of said project, Developer shall be released from its obligation under this Agreement, and shall be refunded all unexpended monies then on deposit with Lodi Unified.
8. In the event that the Developer should breach any term of this Agreement, Lodi Unified reserves the right to notify the \_\_\_\_\_ of said breach and request that the \_\_\_\_\_ withdraw approvals until Developer agrees to remedy the breach or otherwise mitigate the impact of its project on Lodi Unified's overcrowded classroom conditions. Lodi Unified's reserved right under this paragraph shall be in addition to, and shall in no way preclude, its right to pursue other lawful remedies for breach of this Agreement.
9. Lodi Unified shall record a copy of this Agreement in the Official Records of San Joaquin County. From and after the date of such recording, the obligation to pay any fee under this Agreement shall constitute a lien on the title to each residential unit contained in the \_\_\_\_\_ Development until such time as the lien is extinguished by payment of the appropriate fee(s). Lodi Unified shall execute appropriate releases for each residential unit upon receipt of fees pursuant to this Agreement.
10. In the event any portion of this Agreement shall be found or declared by a court of competent jurisdiction to be invalid, the remaining terms and conditions hereof not expressly declared invalid shall remain in full force and effect. A legislative or judicial amendment or declaration altering or eliminating the authority conferred upon the \_\_\_\_\_ by the provisions of Government Code Section 65970, et seq., or otherwise declaring the School Facilities Dedication Ordinance to be invalid, shall not affect the rights and obligations created by this Agreement, except as specifically provided hereinbefore.
11. In the event that either party to this Agreement resorts to litigation to enforce the terms and conditions hereof or to seek declaratory relief or to collect damages for breach hereof, the prevailing party in such litigation shall be entitled to recover reasonable attorney's fees.
12. All notices and payments to be given or made under this Agreement shall be in writing and shall be delivered either personally or by first - class United States mail, postage prepaid, to the following persons at the location specified:

FOR THE DISTRICT  
Facility Planner  
Lodi Unified School District  
815 West Lockeford Street  
Lodi, CA 95240

FOR THE DEVELOPER

13. **TERM.** This Agreement shall be effective the date first above written and shall terminate upon completion of the construction of the final residential unit in the project, unless otherwise agreed by the parties.
14. **MODIFICATION.** This Agreement contains each and every term and condition agreed to by the parties and may not be amended except by mutual written agreement.

(other terms as agreed by District  
and Developer)

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement the day and year first written above.

By \_\_\_\_\_

- Hereinabove Called "DEVELOPER"

LODI UNIFIED SCHOOL DISTRICT OF  
SAN JOAQUIN COUNTY, a Political  
Subdivision of the State of  
California

By Ellerth E. Larson, Superintendent

- Hereinabove Called "LODI UNIFIED"

Approved as to Form

Deputy County Counsel  
Date \_\_\_\_\_

pin

# CITY OF LODI

JOHN A. ...  
 JOHN A. ...  
 ROBERT H. ...  
 JAMES W. ...  
 FRANK ...

...  
 ...  
 ...

## MEMORANDUM

**TO:** Henry A. Graves, Jr., City Manager  
**FROM:** Robert H. Holm, Finance Director  
**DATE:** September 19, 1983  
**SUBJECT:** Payments of Bedroom Tax to LUSD

The following payments have been made to LUSD for the collection of bedroom tax since collections started in September of 1979.

April 1982	\$126,320 (A)
June 1982	21,600
September 1982	12,400
November 1982	95,400
May 1983	33,800
<b>TOTAL</b>	<b>\$289,520</b>

(A) Includes interest of \$6,720 on funds placed in passbook savings pending outcome of lawsuit.

Further, the City Council voted to continue the collection of the development fees at the present rate of \$200.00 per bedroom.

This action was taken at a regular City Council meeting held October 19, 1983 following a Public hearing on the matter.

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

Very truly yours,

Allen St. Gerardo  
City Clerk

ASG:jj  
Enc.

**CITY COUNCIL**

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

**CITY OF LODI**

CITY HALL, 221 WEST PINE STREET  
POST OFFICE BOX 320  
LODI, CALIFORNIA 95241  
(209) 334-5634

HENRY A. GLAVES, Jr.  
City Manager  
ALICE M. REIMCHE  
City Clerk  
RONALD M. STEIN  
City Attorney

October 24, 1983

Mr. Ellerth Larsen  
Superintendent  
Lodi Unified School District  
815 West Lockeford Street  
Lodi, CA 95240

Dear Mr. Larsen:

Enclosed herewith please find a certified copy of Resolution No. 83-117 whereby the Lodi City Council designated the following Lodi Unified School District Schools to be impacted:

Lodi High School	Tokay High School
Liberty High School	Morada Middle School
Needham Middle School	Woodbridge Middle School
Davis Elementary School	Elkhorn Elementary School
Henderson Elementary School	Heritage Elementary School
Lawrence Elementary School	Leroy Nichols Elementary School
Oakwood Elementary School	Otto Drive Elementary School
Parklane Elementary School	Stonewood Elementary School
Victor Elementary School	Vinewood Elementary School

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This action was taken at a regular City Council meeting held October 19, 1983 following a Public Hearing on the matter.

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

Very truly yours,

Alice M. Reimche  
City Clerk

AMR:jj  
Enc.

RESOLUTION NO. 83-117

RESOLUTION CONCURREING WITH THE FINDINGS OF THE  
LODI UNIFIED SCHOOL DISTRICT REGARDING IMPACTION  
AND DECLARING AN STATE OF IMPACTION IN EIGHTEEN  
ATTENDANCE AREAS WITHIN THE DISTRICT

WHEREAS, Ordinance No. 1149, entitled, "An Ordinance of the City of Lodi to Provide for the Dedication of Land or Fees or Both as a Condition to the Approval of New Residential Developments, for the Purpose of Providing Classroom Facilities Where Conditions of Overcrowding Exist in a Public School Attendance Area", which was adopted by the Lodi City Council on August 2, 1978, provides that the Governing body of a school district which operates, in whole or in part, within the City of Lodi may at any time pursuant to Government Code Section 65971, notify the City Council that it has found that:

(1) conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of educational programs including the reason for such conditions existing; (2) all reasonable methods of mitigating conditions of overcrowding have been evaluated; and (3) no feasible methods for reducing such conditions exist. Such notification shall remain in effect until withdrawn in writing by the governing body of the school district.

WHEREAS, pursuant to Ordinance No. 1149, following receipt of the Declaration of Impaction by the Lodi Unified School District dated August 5, 1983, the City Council scheduled and conducted a public hearing on October 19, 1983 on the notification for the purpose of allowing interested parties to comment on the matter.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi following the receipt of public testimony concerning the matter, does hereby concur with the findings of the Lodi Unified School District in declaring impaction in those school attendance areas affected by current and proposed development plans, to wit:

Elkhorn Elementary School Attendance Area  
Heritage Elementary School Attendance Area  
Lawrence Elementary School Attendance Area  
Davis Elementary School Attendance Area  
Needham Elementary School Attendance Area  
Leroy Nichols Elementary School Attendance Area  
Stonewood Elementary School Attendance Area  
Liberty High School School Attendance Area  
Henderson Elementary School Attendance Area  
Oakwood Elementary School Attendance Area  
Otto Drive Elementary School Attendance Area  
Vinewood Elementary School Attendance Area  
Parkland Elementary School Attendance Area  
Victor Elementary School Attendance Area  
Morada Middle School Attendance Area  
Woodbridge Middle School Attendance Area  
Lodi High School Attendance Area  
Tokay High School Attendance Area

BE IT FURTHER RESOLVED that City Council of the City of Lodi does hereby authorize the continued collection of Development Fees at the present rate of \$200.00 per bedroom.

BE IT FURTHER RESOLVED that the City Clerk of the City of Lodi is hereby directed to transmit a certified copy of this Resolution to the Governing Board of the Lodi Unified School District.

Dated: October 19, 1983

I hereby certify that Resolution No. 83-117 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 19, 1983 by the following vote:

Ayes: Council Members - Reid, Snider, & Olson (Mayor)

Noes: Council Members - Pinkerton

Absent: Council Members - Murphy

*Alice M. Reinche*  
Alice M. Reinche  
City Clerk