

**RESOLUTION NO. 25-015 OF THE GOVERNING BOARD OF THE
BERKELEY UNIFIED SCHOOL DISTRICT
REGARDING ACCOUNTING OF DEVELOPMENT FEES
(ANNUAL SCHOOL IMPACT FEE REPORT & FIVE-YEAR FINDINGS)
FOR 2023-2024 FISCAL YEAR
IN THE FOLLOWING FUND OR ACCOUNT:**

Fund 25, Capital Facilities Fund
(Government Code sections 66001(d) & 66006(b))

1. Authority and Reasons for Adopting this Resolution.

- A. Pursuant to Government Code section 65995(b)(3), the State Allocation Board, at its meeting in January 2022, and subsequently at its meeting in January 2024, adjusted the maximum amount of statutory school impact fees that may be imposed on new development based on the RS Means Construction Cost Index, which is independently published and referenced in the statute establishing school impact fees.
- B. Berkeley Unified School District (“District”) has levied statutory and/or other fees imposed on new development (“School Impact Fees”) pursuant to various resolutions, including, without limitation, Resolution No. 17-051, dated February 8, 2017, and Resolution No. 24-045, dated June 12, 2024, which are collectively referred to herein as the “School Facilities Fee Resolutions” and are hereby incorporated by reference into this Resolution. These resolutions were adopted under the authority of Education Code section 17620, *et seq.* and Government Code section 65995, *et seq.*
- C. The School Facilities Fee Resolutions approved and adopted the District’s current and past Justification Studies, and the findings contained therein (collectively, the “Fee Studies”), which are incorporated herein by reference. The Fee Studies and adopting School Facilities Fee Resolutions establish the requisite reasonable relationship (essential nexus) and rough proportionality between the purpose, need for, and use of the School Impact Fees and the impact of development constructed within the District’s boundaries in accordance with applicable law.
- D. The collection of School Impact Fees is essential to provide necessary public school facilities to serve residential and commercial/industrial development projects, and is necessary to avoid, substantially lessen, or otherwise mitigate impacts of such projects on school facilities under the California Environmental Quality Act (Public Resources Code, §§21000, *et seq.*). As recognized in the City of Berkeley General Plan

refurbishment of school facilities (“School Facilities”) of the District necessary to accommodate student population growth resulting from development, to cover costs attributable to the increased demand for School Facilities reasonably related to new development and necessary to maintain existing levels of service, to reduce overcrowding caused by the development on which fees were imposed, to cover costs of interim housing, to reimburse the District for expenditures previously made on School Facilities necessitated by development, and/or for indirect and support services and other school-related considerations relating to the District’s ability to accommodate enrollment growth generated from new development as permitted by law, including administrative costs in connection with the collection of fees, and legal fees and other costs connected with the establishment of the fee and the required reportings and findings. Such School Facilities projects (and other school-

- (vii) An identification of each Project identified in a previous Annual School Impact Fee Report, and whether construction began on the approximate date noted in the previous Report. If construction did not commence by the approximate date provided in the previous Report, the reason for the delay and a revised approximate date that construction will commence.
- (viii) A description of each interfund transfer or loan made from the Fund, including the Project on which the transferred or loaned School Impact Fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the Fund will receive on the loan; and
- (ix) The amount of refunds made pursuant to Government Code section 66001(e), the number of persons or entities identified to receive those refunds, and any allocations made pursuant to Government Code section 66001(f).

E. Furthermore, Government Code section 66001(d) provides that for the fifth fiscal year following the first deposit of School Impact Fees into the Fund, and every five years thereafter, the District shall make all of the following “Findings” with respect to that portion of the Fund remaining unexpended, whether committed or uncommitted, if there are any funds remaining in the Fund at the end of the **2023-2024** fiscal year:¹

- (i) Identification of the purposes to which the School Impact Fees are to be put;
- (ii) Demonstration of a reasonable relationship between the School Impact Fees and the purposes for which they are charged;
- (iii) Identification of all sources and amounts of funding anticipated to complete financing of the District’s incomplete Projects (“Anticipated Funding”); and
- (iv) Designation of the approximate dates on which the Anticipated Funding is expected to be deposited into the Fund.

When the Findings are required by Government Code section 66001(d), they shall be made in connection with the Annual School Impact Fee Report required by Government Code section 66006.

F. Government Code sections 66001(d) and 66006(b)(2) further require that the Annual School Impact Fee Report and the proposed Five-Year School Impact Fee

days after such information becomes available to the public, and that notice of the time and place of this meeting (as well as the address and website where the Annual School Impact Fee Report and proposed Findings may be reviewed) be mailed at least 15 days prior to this meeting to anyone who has requested it. Any person may file a written request for mailed notice of the District's Board meeting to review the Annual School Impact Fee Report pursuant to Government Code section 66006(b).

- G. The Annual School Impact Fee Report for the 2023-2024 fiscal year and proposed Five-Year School Impact Fee Findings are attached hereto as Exhibit "A" and incorporated herein. The Superintendent has informed this Board that the Annual School Impact Fee Report and proposed Findings, along with a draft copy of this Resolution, were made available to the public on November 19, 2024, and may be found on the District's website at the following link: <https://www.berkeleyschools.net/developer-fee-posting-2024-11-19/>. The Superintendent has further informed this Board that notice of the time and place of this meeting (as well as the address and website at which this information has been available for review) was mailed and posted on the District's website at least 15 days prior to this meeting to anyone who had requested it.

H.

Section 3: That, pursuant to Government Code sections 66001(d) and 66006(b)(1) and (2), the District has made available to the public the requisite information and proposed findings concerning collection and expenditure of School Impact Fees related to School Facilities for

Section 10: The Board further directs and authorizes the Superintendent to take on its behalf such further action as may be necessary and appropriate to effectuate this Resolution.

Certificate of Resolution.

I, _____, _____ of the Governing Board of the Berkeley Unified School District of Alameda County, State of California, certify that this

**BERKELEY UNIFIED SCHOOL DISTRICT'S 2023-2024
ANNUAL SCHOOL IMPACT FEE REPORT AND FIVE –YEAR
SCHOOL IMPACT FEE FINDINGS
(Government Code §§ 66001 & 66006)
2023-2024 FISCAL YEAR**

J. Annual School Impact Fee Report

The fee amounts reported were authorized by the District's Board of Education.² The fees partially mitigate the impact caused by residential and commercial/industrial development and do not adequately fund the school facilities necessary to accommodate student growth.

Each of the capitalized letters A-H below, correspond to the specific letter and portion of Government Code section 66006(b)(1):

A.

Sylvia Mendez Interim Housing
(temporary classrooms and
support space)

<u>Project</u>	<u>Estimated Cost</u>
1. Sylvia Mendez Project	\$ 49,349,440__
2. Sylvia Mendez Interim Housing	\$846,689
3. 2026 Justification Study	\$20,000
4.	

Anticipated Source of Funding	Anticipated Amount of Funding
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1. Measure G General Obligation Bond