

Level I Developer Fee Study
for
Mother Lode
Union Elementary
School District

February 25, 2008

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EXECUTIVE SUMMARY

- Education Code Section 17620 authorizes school districts to levy a fee, charge, dedication or other form of requirement against any development project for the construction or reconstruction of school facilities provided the district can show justification for levying of fees.
- In January 2008, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.97 per square foot for residential construction and \$0.47 per square foot for commercial/industrial construction.
- The Mother Lode Union Elementary School District currently splits developer fees with the El Dorado Union High School district. The developer fee split arrangement between the two school districts is currently 61 percent for the elementary school district and 39 percent to the high school district.
- The District is justified in collecting \$1.81 (61% of \$2.97) per square foot for residential construction and \$0.29 (61% of \$0.47) per square foot of commercial/industrial construction except for mini-storage construction that should be collected at a rate of \$0.05 per square foot.
- The study finds that the amount of developer fees to be collected will not exceed the cost to provide reconstructed school facilities. In general, it is fiscally more prudent to extend the useful life of an existing facility than to construct new facilities when possible.
- The justification is based on the Mother Lode Union Elementary School District's current reconstruction need of approximately \$4,940,000. The District currently has \$814,334 to contribute, leaving an unfunded reconstruction need in the amount of \$4,125,666.
- Residential development projections show that approximately \$1,462,480 will be collected in residential fees in the Mother Lode Union Elementary School District in the next five years.

- Commercial and industrial development projections show that approximately \$11,716 will be collected in commercial/industrial fees in the District over the next five years.
- When the total fees to be collected (\$1,462,480) are compared to the estimated unfunded reconstruction need of \$4,125,666 a fee shortfall of \$2,663,186 is shown.

INTRODUCTION

In September 1986, the Governor signed into law Assembly Bill 2926 (Chapter 887/Statutes of 1986), which granted school district governing boards the authority to impose developer fees. This authority is codified in Education Code Section 17620 which states in part "...the governing board of any school district is authorized to levy a fee, charge, dedication or other form of requirement against any development project for the construction or reconstruction of school facilities."

The maximum fee that can be levied is adjusted every two years according to the inflation rate, as listed by the state-wide index for Class B construction set by the State Allocation Board. In January of 1992, the State Allocation Board increased the maximum fee to \$1.65 per square foot for residential construction and \$.27 per square foot for commercial and industrial construction.

Senate Bill 1287 (Chapter 1354/Statutes of 1992) effective January 1, 1993, affected the facility mitigation requirements a school district could impose on developers. Senate Bill 1287 allowed school districts to levy an additional \$1.00 per square foot of residential construction (Government Code Section 65995.3). The authority to levy the additional \$1.00 was rescinded by the failure of Proposition 170 on the November 1993 ballot.

In January 1994, the State Allocation Board's biennial inflation adjustment changed the fee to \$1.72 per square foot for residential construction and \$.28 per square foot for commercial/industrial construction.

In January 1996, the State Allocation Board's biennial inflation adjustment changed the fee to \$1.84 per square foot for residential construction and \$.30 per square foot for commercial/industrial construction.

In January 1998, the State Allocation Board's biennial inflation adjustment changed the fee to \$1.93 per square foot for residential construction and \$.31 per square foot for commercial/industrial construction.

In January 2000, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.05 per square foot for residential construction and \$0.33 per square foot for commercial/industrial construction.

In January 2002, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.14 per square foot for residential construction and \$0.34 per square foot for commercial/industrial construction.

In January 2004, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.24 per square foot for residential construction and \$0.36 per square foot for commercial/industrial construction.

In January 2006, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.63 per square foot for residential construction and \$0.43 per square foot for commercial/industrial construction.

In January 2008, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.97 per square foot for residential construction and \$0.47 per square foot for commercial/industrial construction.

The next adjustment to the fee will occur at the January 2010 State Allocation Board meeting.

In order to levy a fee, a district must make a finding that the fee to be paid bears a reasonable relationship and be limited to the needs of the community for elementary or high school facilities and be reasonably related to the need for schools caused by the development. Fees are different from taxes and do not require a vote of the electorate. Fees may be used only for specific purposes and there must be a reasonable relationship between the levying of fees and the impact created by development.

Purpose of Study

This study will demonstrate the relationship between residential, commercial and industrial growth and the need for the reconstruction of school facilities in the Mother Lode Union Elementary School District.

SECTION I: DEVELOPER FEE JUSTIFICATION

Developer fee law requires that before fees can be levied a district must find that justification exists for the fee. Justification for the fee can be shown if anticipated residential, commercial and industrial development within a district will impact it with additional students and the district either does not have the facility capacity to house these students and/or the students would have to be housed in existing facilities that are not educationally adequate (i.e., antiquated facilities). In addition, it must also be shown that the amount of developer fees to be collected will not exceed the district's cost for housing students generated by new development. This section of the study will show that justification does exist for levying developer fees in the Mother Lode Union Elementary School District.

Modernization and Reconstruction

Extending the useful life of a school is a cost effective and prudent way to house students generated from future development. The state of California recognizes the need to extend the life of existing schools and provides funding on a 60/40 basis (60% state and 40% local) through the State School Facility Program. For the purpose of this report, modernization and reconstruction are used interchangeably since many of the improvements are common to both programs, i.e. roofing, plumbing, heating, cooling, dry rot repair, infrastructure improvement, etc. Developer fees may not be used for regular maintenance, routine repair of school buildings and facilities or deferred maintenance. The authorization to justify modernization and reconstruction of school facilities and extend the useful life of existing schools is contained in Education Code Section 17620.

Reconstruction Needs

The Mother Lode Union Elementary School District has a reconstruction need of approximately \$4,940,000. The projects included in this cost estimate are necessary to maintain safe and educationally effective schools in the District. Appendix A contains a list of the reconstruction needs of the District. The District currently has \$814,334 to contribute, leaving an unfunded reconstruction need in the amount of \$4,125,666.

Residential Development and Fee Projections

To show a reasonable relationship exists between the construction of new housing units and the need for reconstructed school facilities, it will be shown that residential construction will create a school facility cost impact on the Mother Lode Union Elementary School District greater than the amount of developer fees to be collected.

According to the developer fee collection records, an average of 80 new residential units have been constructed each year over the past five years. The average square footage of the residential units is 2,020 square feet. Based on the average number of homes built per year and the average square footage, approximately 400 housing units, totaling 808,000 square feet, will be constructed in the District over the next five years. The amount of residential fees to be collected can be estimated based on the housing unit projections.

Table 1 shows the annual and cumulative residential fees to be generated by new residential construction in the District. The table shows that the District can expect to collect \$1,462,480 in residential fees between the 2008/2009 and 2012/2013 school years.

Table 1:
Projected Residential Fee Revenues
Based on
\$1.81 (61% of \$2.97 per Square Foot)

<u>School Year</u>	<u>Projected Units</u>	<u>Square Feet</u>	<u>Annual Fees</u>	<u>Cumulative Fees</u>
2008/2009	80	161,600	\$292,496	\$292,496
2009/2010	80	161,600	\$292,496	\$584,992
2010/2011	80	161,600	\$292,496	\$877,488
2011/2012	80	161,600	\$292,496	\$1,169,984
2012/2013	80	161,600	\$292,496	\$1,462,480

Source: El Dorado County Office of Education, 2008.

When the projected residential fees of \$1,462,480, are compared to the estimated unfunded reconstruction costs of \$4,125,666, a shortfall of \$2,663,186 is identified. Because there is a shortfall in fees, the levying of residential developer fees at \$1.81 (61% of \$2.97) per square foot is justified.

Commercial/Industrial Development and Fee Projections

In order to levy developer fees on commercial and industrial development, Assembly Bill 181 provides that a district "... must determine the impact of the increased number of employees anticipated to result from commercial and industrial development upon the cost of providing school facilities within the district. For the purposes of making this determination, the [developer fee justification] study shall utilize employee generation estimates that are based on commercial and industrial factors within the district, as calculated on either an individual project or categorical basis". The passage of Assembly Bill AB 530 (Chapter 633/Statutes 1990) modified the requirements of AB 181 by allowing the use of a set of state-wide employee generation factors. Assembly Bill 530 allows the use of the employee generation factors identified in the San Diego Association of Governments report entitled, San Diego Traffic Generators. This study, which was completed in January of 1990, identifies the number of employees generated for every 1,000 square feet of floor area for several development categories. These generation factors are shown in Table 2.

Table 2 indicates the number of employees generated for every 1,000 square feet of development and the number of district households generated for every employee in 11 categories of commercial and industrial development. The number of district households is calculated by adjusting the number of employees for the percentage of employees that live in the district and are heads of households. These adjustment factors are based on surveys of commercial and industrial employees in school districts similar to Mother Lode Union Elementary School District.

Table 2:
Commercial and Industrial Generation Factors

Type of Development	Employees Per 1,000 Sq. Ft.*	District Households Per Employee**
Medical Offices	4.27	.2
Corporate Offices	2.68	.2
Commercial Offices	4.78	.2
Lodging	1.55	.3
Scientific R&D	3.04	.2
Industrial Parks	1.68	.2
Industrial/Business Parks	2.21	.2
Neighborhood Shopping Centers	3.62	.3
Community Shopping Centers	1.09	.3
Banks	2.82	.3
Agriculture	.31	.51
Average	2.55	.27

* Source: San Diego Association of Governments.

** Source: Jack Schreder and Associates.

Based on data available for the purpose of determining the impact of mini-storage construction on the Mother Lode Union Elementary School District, it has been determined that mini storage construction has significantly less impact than other commercial/industrial construction. Mini storage construction generates .06 employees per 1,000 square feet of school construction. This information was provided by the San Diego Association of Governments, Traffic Generators, January 1990, and is cited for use in Ed Code Section 17621 (e) (B).

The generation of .06 employees per 1,000 square feet and the utilization of the student generation rate per household, yields an impact of \$0.03 per square foot of mini-storage construction. It is recommended that the Mother Lode Union Elementary School District levy a fee for mini-storage not to exceed \$0.02 (61% of \$0.03) per square foot.

To show that the amount of commercial and industrial fees to be collected will not exceed the cost to provide reconstructed school facilities, a projection of the amount of commercial and industrial development to be constructed between 2008/2009 and 2012/2013 school years was made. According to school districts currently collecting developer fees, commercial and industrial square footage represents approximately five percent of the residential square footage built in the same period. The residential projections indicate that 808,000 square feet of residential space will be constructed in the next five years (Table 1). The five percent ratio represents 40,400 square feet of commercial and industrial development. Table 3 illustrates this calculation.

Table 3: <u>Projected Commercial/Industrial Fee Square Footage</u>				
<u>Ratio</u>		<u>Residential SF</u>		<u>Commercial SF</u>
.05	x	808,000 sf	=	40,400 sf

Source: El Dorado County Office of Education, 2008

According to the average employee generation factors in Table 2, commercial and industrial development will yield 103 new employees and 28 new district households over the next five years. Table 4 illustrates this calculation. The addition of 28 new households created by commercial and industrial development will impact Mother Lode Union Elementary School District with additional students.

Table 4:
Projected Employees/District Households
from
Commercial/Industrial Development

<u>Commercial/ Industrial SF</u>	<u>Average Employees Per 1,000 SF</u>	<u>New Employees</u>	<u>New Households</u>
40,400 sf/1,000	x 2.55	= 103	x .27 =
Number of Households = 28			

Source : San Diego Association of Governments, Mother Lode Union Elementary School District.

When the maximum commercial and industrial fee the District can collect, \$0.29 (61% of \$0.47) per square foot is multiplied by the projection of 40,400 square feet, a five-year fee income of \$11,716 is identified.

Summary

A reasonable relationship exists between new residential and commercial development in the Mother Lode Union Elementary School District and the need for reconstructed school facilities. This relationship is based on the finding that the District currently has an unfunded reconstruction need of approximately \$4,125,666, but will only collect an estimated 1,474,196 in fees (\$1,462,480 residential and \$11,716 commercial/industrial) over the next five years, according to estimated development projections. This represents a fee shortfall of \$2,651,470 between the 2008/2009 and 2012/2013 school years.

Based on the shortfall, the District is justified in collecting \$1.81 (61% of \$2.97) per square foot for residential construction and \$0.29 (61% of \$0.47) per square foot of commercial/industrial construction except for mini-storage construction that should be collected at \$0.05 per square foot.

SECTION II: BACKGROUND OF DEVELOPER FEE LEGISLATION

Initially, the maximum allowable developer fee was limited by Government Code Section 65995 to \$1.50 per square foot of covered or enclosed space for residential development and \$.25 per square foot of covered or enclosed space of commercial or industrial development. The maximum fee that can be levied is adjusted every two years, according to the inflation rate as listed by the state-wide index for Class B construction set by the State Allocation Board. In January of 2008, the State Allocation Board increased the maximum fee to \$2.97 per square foot for residential construction and \$0.47 per square foot for commercial and industrial construction.

The fees collected are to be used by the school district for the construction or reconstruction of school facilities and may be used by the district to pay bonds, notes, loans, leases or other installment agreements for temporary as well as permanent facilities.

Assembly Bill 3228 (Chapter 1602/Statutes of 1990) added Government Code Section 66016 requiring districts adopting or increasing any fee to first hold a public hearing as part of a regularly scheduled meeting and publish notice of this meeting twice, with the first notice published at least ten days prior to the meeting.

Assembly Bill 3980 (Chapter 418/Statutes of 1988) added Government Code Section 66006 to require segregation of school facilities fees into a separate capital facilities account or fund and specifies that those fees and the interest earned on those fees can only be expended for the purposes for which they were collected.

Senate Bill 519 (Chapter 1346/Statutes of 1987) added Section 17625 to the Education Code. It provides that a school district can charge a fee on manufactured or mobile homes only in compliance with all of the following:

1. The fee may be imposed only as to the initial installation of the manufactured or mobile home in the school district.
2. A manufactured or mobile home must not have been located previously on the pad where the manufactured or mobile home is to be installed.
3. The construction of the pad where the manufactured or mobile home is to be located must have commenced after September 1, 1986.

Senate Bill 1151 (Chapter 1037/Statutes of 1987) concerns agricultural buildings and adds Section 17622 to the Education Code. It provides that no school fee may be imposed and collected on a greenhouse or other space covered or enclosed for agricultural purposes unless the school district has made findings supported by substantial evidence as follows:

1. The amount of the fees bears a reasonable relationship and is limited to the needs for school facilities created by the greenhouse or other space covered or enclosed for agricultural purposes.
2. The amount of the fee does not exceed the estimated reasonable costs of the school facilities necessitated by the structures as to which the fees are to be collected.
3. In determining the amount of the fees, the school district shall consider the relationship between the proposed increase in the number of employees, if any, the size and specific use of the structure, as well as the cost of construction.

In order to levy developer fees, a study is required to assess the impact of new growth and the ability of the local school district to accommodate that growth. The need for new school construction and reconstruction must be determined along with the costs involved. The sources of revenue need to be evaluated to determine if the district can fund the new construction and reconstruction. Finally, a relationship between needs and funding raised by the fee must be quantified.

Assembly Bill 181 (Chapter 1109/Statutes of 1989) which became effective October 2, 1989, was enacted to clarify several areas of developer fee law. Assembly Bill 181 provisions include the following:

1. Exempts residential remodels of less than 500 square feet from fees.
2. Prohibits the use of developer fee revenue for routine maintenance and repair, most asbestos work, and deferred maintenance.
3. Allows the fees to be used to pay for the cost of performing developer fee justification studies.
4. States that fees are to be collected at the time of occupancy, unless the district can justify earlier collection. The fees can be collected at the time the building permit is issued if the district has established a developer fee account and funds have been appropriated for which the district has adopted a proposed construction schedule or plan prior to the issuance of the certificate of occupancy.
5. Clarifies that the establishment or increase of fees is not subject to the California Environmental Quality Act.
6. Clarifies that the impact of commercial and industrial development may be analyzed by categories of development as well as an individual project-by-project basis. An appeal process for individual projects would be required if analysis was done by categories.
7. Changes the frequency of the annual inflation adjustment on the maximum fee to every two years.
8. Exempts from fees - development used exclusively for religious purposes, private schools, and government-owned development.
9. Expands the definition of senior housing, which is limited to the commercial/industrial fee cap and requires the conversion from senior

housing to be approved by the city/county after notification of the school district.

10. Extends the commercial/industrial fee cap to mobile-home parks limited to older persons.

SECTION III: REQUIREMENTS OF AB 1600

Assembly Bill 1600 (Chapter 927/Statutes 1987) adds Section 66000 through 66003 to the Government Code:

Section 66000 defines various terms used in AB 1600:

"Fee" is defined as monetary exaction (except a tax or a special assessment) which is charged by a local agency to the applicant in connection with the approval of a development project for the purpose of defraying all or a portion of the costs of public facilities related to the development project.

"Development project" is defined broadly to mean any project undertaken for purposes of development. This would include residential, commercial, or industrial projects.

"Public facilities" is defined to include public improvements, public services, and community amenities.

Section 66001(a) sets forth the requirements for establishing, increasing or imposing fees. Local agencies are required to do the following:

1. Identify the purpose of the fee.
2. Identify the use to which the fee is to be put.
3. Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

Section 66001(c) requires that any fee subject to AB 1600 be deposited in an account established pursuant to Government Code Section 66006. Section 66006 requires that development fees be deposited in a capital facilities account or fund. To avoid any commingling of the fees with other revenues and funds of the local agency the fees can only be expended for the purpose for which they were collected. Any income earned on the fees should be deposited in the account and expended only for the purposes for which the fee was collected.

Section 66001(d) as amended by Senate Bill 1693 (Monteith 1996 Chapter 569), requires that for the 5th year following the first deposit into a developer fee fund, and for every 5 years thereafter, a school district must make certain findings as to such funds. These findings are required regardless of whether the funds are committed or uncommitted. Formerly only remaining unexpended or uncommitted fees were subject to the mandatory findings and potential refund process. Under this section as amended, relating to unexpended fee revenue, two specific findings must be made as a part of the public information required to be formulated and made available to the public. These findings are:

1. Identification of all sources and amounts of funding anticipated to provide adequate revenue to complete any incomplete improvements identified pursuant to the requirements of Section 66001 (a)(2).
2. A designation of the approximate date upon which the anticipated funding will be received by the school district to complete the identified but as yet, incomplete improvements.

If the two findings are not made, a school district must refund the developer fee revenue on account in the manner provided in Section 66001 (e).

Section 66001(e) provides that the local agency shall refund to the current record owners of the development project or projects on a prorated basis the unexpended or uncommitted portion of the fees and any accrued interest for which the local agency is unable to make the findings required by Section 66001(d) that it still needs the fees.

Section 66002 provides that any local agency which levies a development fee subject to Section 66001 may adopt a capital improvement plan which shall be updated

annually and which shall indicate the approximate location, size, time of availability and estimates of cost for all facilities or improvements to be financed by the fees.

Assembly Bill 1600 and the Justification for Levying Developer Fees

Effective January 1, 1989, Assembly Bill 1600 requires that any school district which establishes, increases or imposes a fee as a condition of approval of development shall make specific findings as follows:

1. A cost nexus must be established. A cost nexus means that the amount of the fee cannot exceed the cost of providing adequate school facilities for students generated by development. Essentially, it prohibits a school district from charging a fee greater than their cost to construct or modernize facilities for use by students generated by development.
2. A benefit nexus must be established. A benefit nexus is established if the fee is used to construct or modernize school facilities benefiting students to be generated from development projects.
3. A burden nexus must be established. A burden nexus is established if a project, by the generation of students, creates a need for additional facilities or a need to modernize existing facilities.

SECTION IV: REVENUE SOURCES FOR FUNDING FACILITIES

Two general sources exist for funding facility construction and reconstruction - state sources and local sources. The District has considered the following available sources:

State Sources

State School Facility Program

Senate Bill 50 reformed the State School Building Lease-Purchase Program in August of 1998. The new program, entitled the School Facility Program, provides funding under a "grant" program once a school district establishes eligibility. Funding required from districts will be a 50/50 match for construction projects and 60/40 (District/State) match for reconstruction projects. Districts may levy the current statutory developer fee as long as a district can justify collecting that fee. If a district desires to collect more than the statutory fee (Level 2 or Level 3), that district must meet certain requirements outlined in the law, as well as conduct a needs assessment to enable a higher fee to be calculated.

Local Sources

Mello-Roos Community Facilities Act

The Mello-Roos Community Facilities Act of 1982 allows school districts to establish a community facilities district in order to impose a special tax to raise funds to finance the construction of school facilities. At the present time, this alternative does not seem to be workable for the following reasons:

1. The voter approved tax levy requires a two-thirds vote by the voters of the proposed Mello-Roos district. It is not likely that two-thirds of the district would vote to impose such a special tax.
2. If a Mello-Roos district is established in an area in which fewer than twelve registered voters reside, the property owners may elect to establish a Mello-Roos district. Currently the owners of major developments have not elected to establish a Mello-Roos district.

3. Should a Mello-Roos district be formed subsequent to the levying of developer fees, the Mello-Roos district may be exempt from such fees.

The Board may levy developer fees and provide flexibility for establishment of a Mello-Roos district in the future.

General Obligation Bonds

General Obligation (GO) bonds may be issued by any school district for the purposes of purchasing real property or constructing or purchasing buildings or equipment "of a permanent nature." Because GO bonds are secured by an ad valorem tax levied on all taxable property in the district, their issuance is subject to two-thirds voter approval or 55% majority vote under Proposition 39 in an election. School districts are obligated, in the event of delinquent payments on the part of the property owners, to raise the amount of tax levied against the non-delinquent properties to a level sufficient to pay the principal and interest coming due on the bonds.

School District General Funds

The District's general funds are needed by the District to provide for the operation of its instructional program. The District currently has \$814,334 available in its capital facilities funds that could be used to construct new facilities or modernize existing facilities.

Expenditure of Lottery Funds

Government Code Section 8880.5 states: "It is the intent of this chapter that all funds allocated from the California State Lottery Education Fund shall be used exclusively for the education of pupils and students and no funds shall be spent for acquisition of real property, construction of facilities, financing research, or any other non-instructional purpose."

SECTION V: ESTABLISHING THE COST, BENEFIT AND BURDEN NEXUS

Establishment of a Cost Nexus

The Mother Lode Union Elementary School District chooses to construct and/or reconstruct facilities for the additional students created by development in the district and the cost for providing new and/or reconstructed facilities exceeds the amount of developer fees to be collected. It is clear that when educational facilities are provided for students generated by new residential, commercial and industrial development that the cost of new facilities exceeds developer fee generation, thereby establishing a cost nexus.

Establishment of a Benefit Nexus

Students generated by new residential, commercial and industrial development will be attending district schools. Housing District students in new and/or modernized facilities will directly benefit those students from the new development projects upon which the fee is imposed, therefore, a benefit nexus is established.

Establishment of a Burden Nexus

The generation of new students by development will create a need for additional and/or reconstructed school facilities. The District must carry the burden of constructing new facilities required by the students generated by future developments and the need for facilities will be, in part, satisfied by the levying of developer fees, therefore, a burden nexus is established.

SECTION VI: FACILITY FUNDING ALTERNATIVES

The District currently has \$814,334 available; however, there continues to be a shortfall in funds for reconstruction costs. We suggest the District continue to consider the following possible funding alternatives:

1. Participate in the School Facility Program.
2. Explore voter approved General Obligation Bond election.

STATEMENT TO IDENTIFY PURPOSE OF FEE

It is a requirement of AB 1600 that the District identify the purpose of the fee. The purpose of fees being levied shall be used for the construction and/or reconstruction of school facilities. The District will provide for the construction and/or reconstruction of school facilities, in part, with developer fees.

ESTABLISHMENT OF A SPECIAL ACCOUNT

Pursuant to Government Code section 66006, the District has established a special account in which fees for capital facilities are deposited. The fees collected in this account will be expended only for the purpose for which they were collected. Any interest income earned on the fees that are deposited in such an account must remain with the principal. The school district must make specific information available to the public within 180 days of the end of each fiscal year pertaining to each developer fee fund. The information required to be made available to the public by Section 66006 (b) (1) was amended by SB 1693 and includes specific information on fees expended and refunds made during the year.

RECOMMENDATION

Based on the fee justification provided in this report, it is recommended that the Mother Lode Union Elementary School District levy residential development fees and commercial/industrial fees up to the statutory fee for which justification has been determined.

SOURCES

California Basic Educational Data System. California State Department of Education. October Enrollments, 2004-2006.

California State Department of Education. California Public School Directory, 2007.

Collard, Gary. Lead Housing Analyst for Southern California. California State Department of Housing and Community Development.

Hahn, Shanda. Superintendent, Mother Lode Union Elementary School District.

Office of Public School Construction. Leroy F. Greene School Facilities Act, 1998.

San Diego Association of Governments. Traffic Generators, January 1990.

Schreder, Jack and Associates. Original research.

Schmidt, Cathy. Chief Financial Officer, Mother Lode Union Elementary School District.

APPENDIX A:
RECONSTRUCTION NEEDS

Mother Lode Union School District	
Reconstruction Need 2008	
School Site	Amount of Need
<i>Indian Creek School</i>	\$800,000
Roofing, Gutters, Paving Handicap Accessibility, Heating Ventilation and Air Conditioning.	
<i>Charles Brown School</i>	\$2,120,000
Handicap Accessibility, Computer Wiring Upgrades, Paving, Kitchen Remodeling, Staff Room Expansion, Heating Ventilation and Air Conditioning, Exterior Facade Remodel, Daylight/Solar Tube Installation, Library Remodel, Roofing.	
<i>Herbert Green School</i>	\$2,020,000
Handicap Accessibility, Computer Wiring Upgrade, Paving, Kitchen Remodel, Heating Ventilation and Air Conditioning, Exterior Facade Remodel, Daylight/Solar Tube Installation, Library Improvements, Roofing, Reconstruct and Enlarge Office.	
Total Reconstruction Need	\$4,940,000
District Funds Available for Projects	\$814,334
Total Unfunded Reconstruction Need	\$4,125,666
<i>Source: Mother Lode Union School District</i>	