

**MELLO ROOS DISTRICTS**

The Governing Board desires to provide adequate facilities in order to enhance student learning and to help the district achieve its vision for educating district students. To that end, the Board may order the formation of a community facilities/Mello-Roos district for the acquisition or improvement of school facilities.

The Mello-Roos Community Facilities Act (Government Code 53311-53368.3) authorizes school districts to establish a community facilities/Mello-Roos district for school facility purposes. The boundaries of the community facilities/Mello-Roos district usually include only a portion of the school district, such as an area with new housing developments, but it may include the entire school district.

In order to form a Mello-Roos community facilities district which may issue bonds and/or levy a special tax to finance school construction, the Superintendent or designee shall recommend to the Governing Board related goals and policies addressing the following six items which are described in Attachment A, "Mello-Roos Districts – Capistrano Unified School District Statement of Local Goals and Policies Concerning the Use of the Mello-Roos Community Facilities Act of 1982, as Amended." (Government Code 53312.7) The bonds sold by the community facilities district are paid for by a parcel tax or assessment on the properties within that community facilities/Mello-Roos district's boundaries.

1. The priority that various facilities shall have for financing through the use of the Act includes public facilities to be owned and operated by other public agencies and services to be provided by other public agencies
2. The credit quality to be required of bond issues, including criteria to be used in evaluating the credit quality
3. Steps to be taken to ensure prospective property purchasers are fully informed about their taxpaying obligations
4. Criteria for evaluating the equity of tax allocation formulas, and concerning desirable and maximum amount of special tax to be levied against any parcel
5. Definitions, standards and assumptions to be used in appraisals required by Government Code 53345.8
6. Students residing in a community facilities district shall have priority, to the extent provided by law, for attendance at schools financed in whole or in part by the community facilities district. The degree of priority must reflect the proportion of each school's financing provided through the community facilities district.  
(Government Code 53312.7).

**MELLO ROOS DISTRICTS (Continued)**

The Board may initiate the proceedings to establish a community facilities/Mello-Roos district. In addition, the Board shall initiate such proceedings when any two Board members have filed a written request or a specified percentage of voters or landowners have filed a petition requesting such a district be formed. (Government Code 53317)

Upon Board action to form a community facilities/Mello-Roos district or receipt of a petition or request, the Board shall adopt a resolution of intention and conduct a hearing in accordance with law. The resolution shall fix the time and place for holding a public hearing on the establishment of the community facilities district which shall be within 30-60 days after the adoption of the resolution. Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation pursuant to Government Code 6061, starting at least seven days before the hearing, and shall include the requirements specified in Government Code 53322 and 53322.4. (Government Code 53321, 53322, 53322.4)

If, after the hearing, the Board determines to establish a community facilities district, the Board shall adopt a resolution of formation in accordance with law. (Government Code 53325, 53325.1)

Upon approval by two-thirds of the voters in the proposed community facilities district, the tax may be levied. The proceeds of any bonds, notes, or other securities issued pursuant to the Mello-Roos Community Facilities Act shall be deposited or invested in accordance with Government Code 53356.03.

*Legal Reference:**EDUCATION CODE**15300-15425 School facilities improvement district**17060-17066 Joint venture school facilities construction projects**GOVERNMENT CODE**6061 One time notice**53311-53368.3 Mello-Roos Community Facilities Act of 1982**53753 Assessment notice and hearing requirements**53753.5 Exemptions**54954.1 Mailed notice to property owners**54954.6 New or increased tax or assessment; public meetings and hearings; notice meetings and hearings; notice**65970-65981 School facilities development project**65995 Levies against development projects**CODE OF REGULATIONS, TITLE 2**1859-1859.106 School facility program**Management Resources:**CSBA PUBLICATIONS**Maximizing School Board Governance: School Facilities Management, 2006**WEB SITES**CSBA: <http://www.csba.org>**California Department of Education: <http://www.cde.ca.gov>**California Office of Public School Construction: <http://www.opsc.dgs.ca.gov>**Coalition for Adequate School Housing: <http://www.cashnet.org>*

Policy

adopted: May 12, 2008

**CAPISTRANO UNIFIED SCHOOL DISTRICT**

San Juan Capistrano, California