

**FACILITIES FINANCING**

When it is determined that school facilities must be built or expanded to accommodate an increased or projected increased enrollment, the Governing Board shall consider appropriate methods of financing for the purchase of school sites and the construction of buildings. In addition, financing may be needed when safety considerations and educational program improvements require the replacement, reconstruction or modernization of existing facilities.

The Superintendent or designee shall research funding alternatives and recommend to the Board the method that would best serve district needs as identified in the district's master plan for school facilities. The purchase of school sites, the construction of buildings and the expansion of current facilities that may be financed by any legally provided means which the District is qualified to employ.

The District will seek funding for required additional facilities through its continued aggressive pursuit of state funds; the ongoing use of Mello-Roos Community Facilities Districts; the collection of developer fees; and the utilization of other capital facilities funding mechanisms.

These funding alternatives may include, but not be limited to:

1. Levying developer fees pursuant to Education Code 17620 and Government Code 65995-65998
2. Forming a community facilities district pursuant to Government Code 53311-53368.3, the Mello-Roos Community Facilities Act
3. Forming a school facilities improvement district pursuant to Education Code 15300-15425
4. Issuing voter-approved general obligation bonds
5. Imposing a qualified parcel tax pursuant to Government Code 50079
6. Using lease revenues for capital outlay purposes from surplus school property

*Legal Reference:*

EDUCATION CODE

*15100-17059.2 School bonds, especially:*

*15122.5 Ballot statement*

*15300-15425 School facilities improvement districts*

*17000-17059.2 State School Building Lease-Purchase Law of 1976*

*17060-17066 Joint venture school facilities construction projects*

*17070.10-17076.10 Leroy F. Greene School Facilities Act of 1998*

## **FACILITIES FINANCING**

*Legal Reference: Continued*

*17085-17095 State Relocatable Classroom Law of 1979*

*17582 District deferred maintenance fund*

*17620-17626 Levies against development projects by school districts*

*17621 Procedures for levying fees*

### GOVERNMENT CODE

*6061 One time notice*

*6066 Two weeks' notice*

*50075-50077 Voter-approved special taxes*

*50079 School districts; qualified special taxes*

*53175-53187 Integrated Financing District Act*

*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*

*65864-65867 Development agreements*

*65970-65980.1 School facilities development project*

*65995-65998 Payment of fees against a development project*

*66000-66008 Fees for development projects*

*66016-66018.5 Development project fees*

*66020-66025 Protests and audits*

### HEALTH AND SAFETY CODE

*33445.5 Overcrowding of schools resulting from redevelopment*

*33446 School construction by redevelopment agency*

### CALIFORNIA CONSTITUTION

*Article 13D, Sections 1-6 Assessment and property related fee reform*

### UNCODIFIED STATUTES

*17696-17696.98 Greene-Hughes School Building Lease-Purchase Bond Law of 1986*

### CODE OF REGULATIONS, TITLE 2

*1859-1859.106 School facility program*

### COURT DECISIONS

*Loyola Marymount University v. Los Angeles Unified School District (1996) 45 Cal.App.4th 1256*

*Ehrlich v. City of Culver City (1996) 12 Cal.4th 854*

*Dolan v. City of Tigard (1994) 114 S.Ct. 2309*

*Canyon North Co. v. Conejo Valley Unified School District (1993) 19 Cal.App.4th 243, 23 Cal.Rptr.2d 495*

*Garlic Development Co. v. Hayward Unified School District (1992) 3 Cal.App.4th 320, 4 Cal.Rptr.2d 897*

*Nollan v. California Coastal Commission (1987) 107 S.Ct. 3141*

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*Legal Reference: Continued*

ATTORNEY GENERAL OPINIONS

*79 Ops.Cal.Atty.Gen. 149 (1996)*

WEB SITES

*Department of General Services, Office of Public School Construction:*

*<http://www.dgs.ca.gov/opsc/>*

Policy  
(Previously, in part, BP 7310)  
Adopted: January 8, 1996  
Revised: March 10, 2008

**CAPISTRANO UNIFIED SCHOOL DISTRICT**  
San Juan Capistrano, California