



Santa Barbara SCHOOL DISTRICTS

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Date: Tuesday, September 15, 2009
To: Dr. J. Brian Sarvis, Superintendent
From: Eric D. Smith, Deputy Superintendent
Subject: Waiver of Unused School Site Fees

Conference Item (*Time Required: 10 min.*)

Background

The Santa Barbara School Districts are currently assessed unused school site fees totaling approximately \$125,000 per year. The current charge to the Elementary District for the Hidden Valley Site is \$44,798, and the fee to the High School District for the Tatum site is \$79,000. Both these assessments will increase this year. The fees are imposed by the Office of Public School Construction for the State Allocation Board pursuant to the provisions of Education Code Section 17219 and implementing regulations

Issue

Section 17219 provides that nonuse payments shall not be required for any year in which the school site is used for half of the year or more for any of the following purposes: "by the school district, or by any other governmental entity pursuant to agreement with the school district, for school purposes, for use as a Civic Center, or for community playground, playing field, or other outdoor recreational purposes."

Currently, the Tatum site is available and used by the public for various types of informal outdoor recreation uses, including walking, jogging, bicycling and outdoor nature. The Hidden Valley site, although presently fenced, offers similar recreational opportunities. Although we feel that it may be worthwhile to apply for a waiver for unused site fees based on this use, it may be in our best interest to take measures at the Hidden Valley school site, such as the installation of appropriate signage and trash receptacles, delineating ingress and egress from the site and reviewing the associated liability of such, before applying for a waiver of unused school site fees.

Adams Elementary School
Cesar Chavez Charter School
Cleveland Elementary School
Franklin Elementary School

Harding Elementary School
McKinley Elementary School
Monroe Elementary School
Open Alternative School

Peabody Charter School
Roosevelt Elementary School
Santa Barbara Charter School
Santa Barbara Community Academy
Washington Elementary School

Goleta Valley Junior High School
La Colina Junior High School
La Cumbre Junior High School
Santa Barbara Junior High School

Dos Pueblos High School
La Cuesta Continuation High School
San Marcos High School
Santa Barbara High School

Waiver of the Fee

Once an unused site is subject to the fee, there are provisions in the law to waive the fee for the following specific reasons and time periods:

- » The district submits documented evidence that the site will be used within a reasonable period of time for one of the exclusions as outlined in Section 2, Unused Site. A reasonable period of time is generally deemed to be no more than three years unless the SAB determines a longer period of time is justified. If a waiver of a site is approved by the SAB, the waiver will begin in the fiscal year the waiver is approved. For example, if the SAB approves a waiver in the 2004–05 Fiscal Year, no fee will be required for that fiscal year.
- » The district may qualify for a one-year waiver if a good faith effort has been made to sell the site at fair market value, but no acceptable bid value was received. The waiver of the fee will apply in the fiscal year the waiver is approved by the SAB.
- » A waiver of the fee is automatically granted when the adjusted value of the site is less than \$33,870 as of the 2004–05 Fiscal Year. This amount is adjusted for inflation each year based on information contained in EC Section 42238.1.
- » The district submits documented evidence that the site is being used for at least ½ of the fiscal year to a tenant who is paying possessory taxes for that fiscal year equal to or greater than one percent (1%) of the current estimated value of the site, and a one-year waiver will be granted.

Reduction of the Fee

The fee may be reduced for a given fiscal year, if a district utilizes the site for at least one-half of that year for one of the following purposes:

ENTITY USING SITE	PURPOSE
District or any governmental agency, pursuant to an agreement with the district:	<ul style="list-style-type: none"> • for public school purposes (see Section 2, Unused Site, Definition) • as a civic center used for the purpose outlined in the EC Section 38131 • community playground • playing field • outdoor recreational purposes
SAB pursuant to agreement with the district:	<ul style="list-style-type: none"> • to store State Relocatable classrooms
District, or any public or private agency, pursuant to agreement with the district:	<ul style="list-style-type: none"> • child care program

Note: Reduction of the fee is based on the acreage or percentage of the site used.

SCHOOL DISTRICT	COUNTY
SITE NAME	DATE

SECTION I—ADD THIS SITE – Refer to EC 17219(a)

Check one

- Site newly acquired.
- Site received through donation.
- Site not previously reported.
- Site no longer qualifies as a used site.
 (Refer to General Information, "Type of Use," items 1–6)
 » Enter date last used: _____

Date Site was Acquired: _____
 Acquisition Price/Site Value: _____
 Number of Acres: _____
 Grade Level: _____
 County Assessor's Parcel Number: _____

SECTION II—DELETE THIS SITE – Refer to EC 17223

Check one

- Site was sold.
 » Enter date escrow closed: _____
- Site is being used for school purposes.
 » Enter date site began to be used: _____
 » Enter the type of use, 1–6: _____
 (Refer to General Information, "Type of Use")
- Site is being used for the construction of school facilities.
 » Enter date construction contract signed: _____

SECTION III—BASIC AID DISTRICT – Refer to EC 17222

- The fee will not be withheld if it causes the district to receive less than \$120 per pupil of average daily attendance in apportionments during the fiscal year the fees are being withheld.

SECTION IV—WAIVE THE FEE FOR THIS SITE – Refer to EC 17219(a)

Check one

- Site will be used within _____ years (no more than three).
 District board resolution must be attached which included one of the uses outlined in "Type of Use."
 » Enter the type of use, 1–6: _____
 (Refer to General Information, "Type of Use")
- The district attempted to sell this site but received no acceptable bids. Refer to EC 17219(d).
 » Attempted sale date: _____
- The district is leasing this site for at least one-half of the fiscal year to a tenant who is paying possessory taxes for that year equal to or greater than one percent of the adjusted value of the site. Refer to EC 17219(f).
- The district is utilizing this site for at least one-half of the year for one of the purposes outlined on previous page. Refer to EC 17219(e).
 » Enter the type of waiver, 1–3: _____
 (Refer to General Information, "Waiver of Fee")

SECTION V—REDUCE THE FEE FOR THIS SITE

Check one

- The district is requesting a reduction in the fee for this site for debt service on local bonds used to directly pay for the construction of school facilities. Refer to EC 17224.
 (Refer to the *Unused Site Program Handbook*, "Reduction of the Fee")
 » Enter amount of reduction requested: _____
 (Amount cannot exceed bond debt service for that fiscal year assessed fee)
 » Enter date debt service payment was made: _____
- The district is requesting modification of the adjusted value for this site. (Refer to the *Unused Site Program Handbook*, "How to Determine the Value of a Site")
 » New Value: _____
 » Obtained by:
 Appraiser Date of Value: _____
 County Assessor

MISCELLANEOUS CORRECTIONS

CERTIFICATION

I certify that I am authorized to represent the Governing Board of the District, and that the above information is true and correct.

SIGNATURE OF AUTHORIZED AGENT	NAME OF AUTHORIZED AGENT (PRINTED OR TYPED)	DATE
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INSTRUCTIONS

This form is used for each site requiring attention and must be returned by July 1, of each year. Complete only those sections that are relevant to the district's needs. Refer to Education Code (EC) Sections 17219 and 17224.

GENERAL INFORMATION

The following are definitions and criteria used for unused sites.

Type of Use (for Sections I, II and IV)

1. The site is currently used for the specific purpose for which it was acquired. This is deemed to mean used as an active K–12 school. A site acquired for use at one grade level may be used at another grade level.
2. The site is currently used to house students for any California Department of Education program (including Adult Education) authorized by the Legislature, and operated by public school districts for which the district is receiving State School Fund apportionments.
3. The site is currently used to house special education students.
4. The site is currently used for district administration purposes including such support services as warehousing and maintenance facilities.
5. The site is currently used for preschool or child care centers when operated by or under contract with a public school district or a county superintendent of schools.
6. The site is currently used for a community college if attendance is allowed for high school students who have been recommended by the district, accepted by the college and are in the 11th and 12th grade (or in a lower grade and have received special approval). None of the class work may be used to supplant high school graduation required course work without special approval by both the district and the college.

Waiver of Fee

A district may have the unused site assessment fees waived for a site which is being utilized more than one-half the fiscal year for the following purposes:

1. The district or any governmental agency, pursuant to an agreement with the district uses the site for one of the following purposes:
 - for public school purposes as outline under Type of Use listed above.
 - as a civic center used for the purposes as outlined in the Education Code Section 38131.
 - as a community playground.
 - as a playing field.
 - for outdoor recreational purposes.
2. The State Allocation Board, pursuant to agreement with the district utilizes the site to store emergency portable classrooms.
3. The district, or any public or private agency pursuant to agreement with the district utilizes the site for operation of a child care program.