Facilities

MELLO-ROOS DISTRICTS BP 7212 (a)

The Board of Trustees desires to provide adequate facilities in order to enhance student learning and to help the district achieve its vision for educating district students. Toward that end, the Board may order the formation of a community facilities district (CFD) (Mello-Roos district) for the acquisition or improvement of school facilities when, in the Board's judgment, it is in the best interest of district students and the community. The issuance of debt through the CFD shall be consistent with law and the district's debt management policy.

(cf. 3470 - Debt Issuance and Management)
(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)
(cf. 7210 - Facilities Financing)
(cf. 7211 - Developer Fees)
(cf. 7213 - School Facilities Improvement Districts)

Proceedings to establish a CFD may be instituted at the Board's discretion. In addition, such proceedings shall be instituted when a written request to establish a CFD has been filed by any two Board members, or a petition has been submitted by at least 10 percent of registered voters residing within the territory of the proposed CFD or by the owners of at least 10 percent of the area of land to be included within the proposed CFD. (Government Code 53318)

Prior to initiating proceedings to form a CFD, the Board shall consider and adopt local goals and policies that include the following elements: (Government Code 53312.7)

1. The priority that various facilities shall have for financing through the Mello-Roos Community Facilities Act, including 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 and criteria to be used in evaluating the credit quality

3. Steps by which prospective property purchasers will be fully informed about their related taxpaying obligations

4. Criteria for evaluating the equity of tax allocation formulas, including desirable and maximum amounts 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. To the extent authorized by law, priority for students residing within the CFD to attend schools financed in whole or in part by the CFD, in a manner that reflects the proportion of each school's financing provided through the CFD

(cf. 5116 - School Attendance Boundaries)

Within 45 days of receiving a written request or petition to establish a CFD, the Board shall determine a fee to be paid by the requesters or petitioners which shall be sufficient to compensate the district for the costs incurred in conducting proceedings to create the CFD. Proceedings for establishing the CFD shall only be initiated after payment of the fee. (Government Code 53318)

Upon Board action to form a CFD, or within 90 days after the receipt of a petition or request to form a CFD and the payment of any applicable fee, 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 CFD, which shall be within 30-60 days after the adoption of the resolution. Notice of the hearing shall be given by publishing the text or a summary of the resolution of intention once, in a newspaper of general circulation published in the area of the proposed CFD, at least seven days before the hearing, and shall include other requirements specified in Government Code 53322. Notice of the hearing may also be sent by first-class mail to each registered voter and to each landowner within the proposed CFD. (Government Code 53320, 53321, 53322, 53322.4)

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

If a special tax is proposed to be levied in the CFD, the Board shall submit the resolution of formation and other information specified in Government Code 53326 to the elections official within three business days after the adoption of the resolution of formation, and the question of levying the special tax shall be submitted to the qualified electors of the proposed CFD in accordance with law. (Government Code 53326)

Upon approval by two-thirds of the voters in the proposed CFD, the tax may be levied in accordance with Government Code 53340. (Government Code 53328)

Whenever the Board deems it necessary for the CFD to incur a bonded indebtedness, it shall follow the procedures specified in Government Code 53345-53365.7, as applicable.

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.

The Superintendent or designee shall, within seven months after the last day of each fiscal year, prominently display the following reports on the district's web site: (Government Code 53343.2)

1. A copy of an annual report for that fiscal year, if requested pursuant to Government Code 53343.1

2. A copy of the report provided to the California Debt and Investment Advisory Commission pursuant to Government Code 53359.5

3. A copy of the report provided to the State Controller's Office pursuant to Government Code 12463.2

(cf. 3460 - Financial Reports and Accountability)

Legal Reference:
EDUCATION CODE
15300-15425 School facilities improvement districts
17060-17066 Joint venture school facilities construction projects
GOVERNMENT CODE
6061 One time notice
12463.2 Reports
17556 Payment of costs mandated by the state
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
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
Bond Sales - Questions and Considerations for Districts, 2012
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