

BOARD OF TRUSTEES
Minutes - Special Meeting
Thursday, January 22, 2009

1. CALL TO ORDER – ROLL CALL

President Katherine H. Smith called the special meeting of the Anaheim Union High School District Board of Trustees to order at 3:01 p.m.

Present: Katherine H. Smith, president; Thomas “Hoagy” Holguin, clerk; Brian O’Neal, assistant clerk; Anna L. Piercy and Jordan Brandman, members; Joseph M. Farley, superintendent; Tim Holcomb, deputy superintendent; Dave Cowen, Russell Lee-Sung, and Dianne Poore, assistant superintendents.

Absent: Fred Navarro, assistant superintendent.

2. ADOPTION OF AGENDA

On the motion of Mr. Holguin, duly seconded and unanimously carried, the Board of Trustees adopted the agenda.

3. PLEDGE OF ALLEGIANCE

President Katherine H. Smith led the Pledge of Allegiance to the Flag of the United States of America.

4. PUBLIC COMMENTS, OPEN SESSION ITEM

- 4.1 Esther Wallace, Magnolia School District board member, expressed her concerns over the proposal to defer school facilities impact fees, noting the effects it will have on schools and community.
- 4.2 Reed Royalty, Orange County Tax Payers Association, spoke in favor of deferring the school facilities impact fees.
- 4.3 Christine Thalman, chief executive officer, Building Industry Association, explained that there are ongoing construction projects in the cities of Orange, Irvine, and Anaheim. She thanked the Board of Trustees for considering the proposal.
- 4.4 Barbara Quintana, Magnolia School District board member, stated that the current construction projects remain unoccupied. She said it is vitally important to have school facilities impact fees available to the school districts, and she requested that the board not approve the proposal.

5. ITEMS OF BUSINESS

5.1 Developer Fee Deferral Request

The Board of Trustees received the proposal regarding the possible deferral of school facilities impact fees on residential development, to support local economic stimulus efforts. School

fees are typically paid to the district prior to issuance of building permits. A proposal from the Orange County Chapter of the Building Industry Association (BIA), was discussed at the board meeting of November 20, 2008. The proposal called for the deferral of collection of certain school fees until certificates of occupancy, or final inspections, are approved by the local municipality, mirroring recent action taken by the city of Anaheim. District staff members, working with attorneys with expertise on this topic, have developed the procedures, policies, agreements, and supportive resolution that would be required to implement such a change, all of which are included in the exhibit to this item and the one that follows. This agenda item permitted the board to discuss the possible deferral of developer fees prior to considering action on a formal resolution on the matter.

Mr. Holguin exited the meeting at 3:31 p.m. and returned to the meeting at 3:35 p.m.

Attorney Deena Harris from Best Best and Krieger responded to questions from the Board of Trustees.

5.2 **Resolution No. 2008/09-F-01, Developer Fee Deferral**

The consensus of the Board of Trustees was to make the following changes to the resolution:

- Add the phrase, "subject to final approval by the Board of Trustees", to all sections on page 2 of the resolution.
- Section 3: Remove the phrase "and finalize", add the phrase "within district boundaries" after "elementary school districts", and replace the phrase, "cities within district boundaries" with the phrase "the city of Anaheim".
- Section 6: Replace the phrase, "cities that enter" with the phrase "the city of Anaheim, provided it enters".
- Remove the phrase "and other cities" in the last sentence on page 1.

Ms. Harris acknowledged the recommended changes and said they would be incorporated into the resolution.

On the motion of Mr. Holguin and duly seconded, following discussion, the Board of Trustees adopted Resolution No. 2008/09-F-01, for the deferral of developer fees, with the changes listed above. The vote follows:

Ayes: Trustees Piercy, Brandman, O'Neal, and Holguin

Noes: Trustee Smith

6. **ADJOURNMENT**

On the motion of Mrs. Piercy, duly seconded and unanimously carried, the Board of Trustees adjourned the meeting at 4:51 p.m.

Approved _____
Clerk, Board of Trustees