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## SCHOOLS LEGAL SERVICE

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May 7, 2008

To: Chief Business Officials

From: Wendy Benkert, Ed.D.  
Assistant Superintendent  
Business Services

Re: Orange County Sanitation District Fees

As you are aware, the Orange County Sanitation District has sent invoices to school districts for capital facilities fees. In addition, the Orange County Sanitation District has requested information on additional facilities that districts may have constructed for the purpose of assessing additional fees.

Questions have arisen as to whether the fees comply with legal requirements. The Government Code contains limitations on capital facilities fees and contains a requirement to negotiate with school districts.

The law firm of Bergman and Dacey has been retained to review the ordinance adopted by the Orange County Sanitation District to determine legal compliance. The costs will be shared by school districts in Orange County. The initial fees to make an initial determination of the likelihood of success in bringing a legal action will not exceed \$2,500.00.

Board approval is needed for this expenditure. We would recommend the following motion:

“I move that the \_\_\_\_\_ school district/community college district contribute its proportionate share (based on 2006-07 Annual ADA/FTE) of \$2,500.00 to pay for the cost of an initial determination of the legality of fees charged to the school district by the Orange County Sanitation District.”

If districts prefer that a contract be drafted for approval by their board, please let us know and we will ask Legal Services to prepare an agreement for district governing boards to approve.

If you have any questions, please do not hesitate to contact me.

