

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE REGARDING COORDINATION AND COMMUNICATION WITH SAN JOSE UNIFIED SCHOOL DISTRICT**

**WHEREAS**, California Constitution Article XI confers on municipalities the power to promote the general welfare of its residents in accordance with its “police power” over municipal affairs; and

**WHEREAS**, the California Legislature, pursuant to California Constitution Article IX, has assumed responsibility for statewide public education and has vested exclusively in local school districts and county offices of education the responsibility to maintain a unified, common and free system of public schools, and further prohibits control of public schools from being transferred to or placed under the jurisdiction of any other authority; and

**WHEREAS**, the San José Unified School District (“School District”) is located in the City of San José (“City”) and is the public agency that provides educational services in grades Kindergarten through 12 to all public education students residing within the School District’s boundaries, as well as preschool and adult education services; and

**WHEREAS**, in the course of its exercise of municipal authority, particularly with regard to the regulation of land use and planning, City decisions may be made that impact the needs or interests of the School District; and

**WHEREAS**, for the benefit of City residents and in the interest of protection of student health, safety and welfare, the Council wishes to ensure that its decisions are informed by the School District’s needs and interests;

**NOW, THEREFORE,** BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The above recitals are true and correct.
2. The Mayor and Council recognize and respect that the School District is the public entity legally vested with the delivery of public education services within its boundaries located within the City. The Council and City share with the School District a desire to make decisions that provide the best outcomes for the San José community, which includes ensuring a strong local public school system that maximizes educational opportunities for local residents.
3. The Council acknowledges that in the exercise of the City's powers to provide for the general welfare of the San José community, decisions made by the City may affect public schools and programs, including, but not limited to, the School District's duties, facilities needs, funding, and programs, and these impacts are particularly acute when the City makes land use and entitlement decisions for residential, commercial and institutional development within the School District's boundaries.
4. While viewpoints on particular decisions may differ, in the interest of making well-informed and coordinated decisions for residents within the City and School District, the Council will ensure that the views and perspectives of the School District on issues affecting public education, schools and programs have been fully and fairly considered by the Mayor and Council before such actions are taken.

In addition to the foregoing, and in support of these objectives, the Council further agrees and directs as follows:

- (a) Land Use and Development – When coordination, consultation and collaboration with the School District is required or recommended pursuant to Government Code Section 65350 et seq. (amendment of General Plans and school siting); Government Code Section 53090 et seq. (application of zoning regulations); Education Code Section 17620 et seq. (development impact fees); Public Resources Code Section 21000 et seq. (California Environmental Quality Act); or any other requirement of law or the City of San José Municipal Code, regulation or ordinance, the City shall fulfill any statutory duties.
- (b) Educational Services – When a decision of the Council may directly impact the School District, and where that decision is discretionary rather than mandatory, the City Manager or designee will seek the input of the School District’s Superintendent or designee before any Council action. If the School District has not had an opportunity to consider the proposal, Council will defer an action up to thirty (30) days to allow for School District consideration and input, unless there is a finding by the Council that there is an overriding public interest in taking action more promptly, in which case the basis for such conclusion shall be provided to the School District. At any public hearing on such a proposal, Council will permit a School District representative to present the School District’s views.
- (c) Communication – In order to establish communication channels needed to fulfill the foregoing agreements and to promote the successful collaboration and coordination of the City and the School District consistent with this Resolution, the City shall notify the School District

regarding upcoming or anticipated actions, and include the School District on all mailing lists to receive legal notices of planned land use and development decisions as well as decisions that may directly impact the School District.

5. Effective Date – This resolution shall take effect upon the date of execution by the San José Unified School District of the January 1, 2018 agreement entitled “Compensation Agreement Pursuant to Health and Safety Code Section 34180(f) Regarding the Transfer of Property for Future Development” relating to the five former San José Redevelopment Agency properties in the Diridon Station Area.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk