

**SILVER VALLEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 21-22-07**

**APPROVING FIRST AMENDED AND RESTATED AGREEMENT BETWEEN THE
SILVER VALLEY UNIFIED SCHOOL DISTRICT AND NEWBERRY COMMUNITY
SERVICES DISTRICT**

WHEREAS, the Silver Valley Unified School District (“District”) is the owner of certain real property located at 33713 Newberry Rd, Newberry Springs, CA 92365 (“Premises”);

WHEREAS, the District and the Newberry Community Services District (“NCSD”) previously entered into an agreement, approved by this Board on January 10, 1985, through which the District granted NCSD use of the Premises for NCSD to operate a fire station and for other related uses. The term of the existing agreement is set to expire in 2025;

WHEREAS, the District and NCSD desire to extend the term of the existing agreement and to amend certain terms and conditions in the existing agreement, as further set forth in the First Amended and Restated Agreement attached hereto as Exhibit A;

WHEREAS, pursuant to California Education Code sections 38130 *et seq.*, also known as the Civic Center Act, the governing board of a school district may grant the use of, and improvement to, school facilities or grounds upon terms and conditions the board deems proper, subject to the limits set forth in the Civic Center Act;

WHEREAS, in accordance with the Civic Center Act, the District is authorized to grant NCSD the use of Premises for the purpose of operating a fire station and for other related uses;

WHEREAS, California Education Code sections 10900 *et seq.* authorize and empower public school districts to organize, promote, and conduct such programs of community recreation, as well as contribute to the attainment of general education, and authorizes school districts to make their facilities available to certain non-profit groups;

WHEREAS, in accordance with Education Code sections 10900 *et seq.*, the District is authorized to make its facility available to NCSD for the purpose of operating a fire station, which will benefit the community and allow for safe community recreation to occur; and

WHEREAS, in light of the foregoing, it is in the District’s best interest to execute the First Amended and Restated Agreement attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Silver Valley Unified School District Governing Board hereby finds and determines as follows:

1. The above recitals are true and correct.
2. The First Amended and Restated Agreement presented with this Resolution is in the District’s best interest.

3. The Superintendent is hereby directed and authorized to execute the First Amended and Restated Agreement in a form substantially similar to that attached hereto as Exhibit A and to take any and all action necessary to effectuate the intent of this Resolution.

PASSED AND ADOPTED this 14th day of September, 2021 at a meeting by the following vote:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

Attest:

Board President

Date