

RESOLUTION NO. 11/12-41

**RESOLUTION OF THE GOVERNING BOARD OF THE MOUNT DIABLO UNIFIED SCHOOL DISTRICT
RENDERING LOCAL ZONING ORDINANCES INAPPLICABLE TO THE
PROPOSED CONCORD HIGH SCHOOL DIGITAL MARQUEE PROJECT**

WHEREAS, the Mount Diablo Unified School District (District) owns and operates school facilities located at 4200 Concord Boulevard, in the City of Concord and formally known as Concord High School (School Site); and

WHEREAS, the District proposes to construct a digital marquee upon the School Site (Project); and

WHEREAS, Government Code section 53094(b) provides that a school district, by a vote of two-thirds of its members, may render city or county zoning ordinances inapplicable to a proposed use of property when such use is not for non-classroom facilities; and

WHEREAS, the purpose of the Project is provide a forum to provide notifications, instruction, alerts and other information to students, staff, parents and the community as part of the District's educational purpose and mission; and

WHEREAS, the District has balanced the interests of the public, including those of the District and those of the City of Concord, and has determined that the interests of the public are best served by rendering the City's zoning ordinances inapplicable to the Project; and

WHEREAS, the California Division of the State Architect will review and approve the plans and specifications for the Project and oversee the construction of the Project; and

WHEREAS, the City of Concord's zoning ordinances would potentially unduly hamper, interfere with, or prohibit the Project;

NOW, THEREFORE, BE IT RESOLVED, the Governing Board of the Mount Diablo Unified School District hereby finds, declares, orders and resolves as follows:

1. That all of the recitals set forth above are true and correct;
2. That the Mount Diablo Unified School District hereby renders inapplicable any and all of the City of Concord zoning ordinances which would otherwise be applicable to the Project and the School Site, to the extent the Project does not pertain to non-classroom facilities;
3. That District's Superintendent, or the Superintendent's designee, is directed to give written notice of the adoption of this Resolution to the City of Concord as required by Government Code section 53094, within ten (10) days of the Board's action; and

4. That this Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED at the regular meeting of the Mount Diablo Unified School District Board of Trustees duly held on _____, 2012, by the following vote:

AYES	_____

NOES	_____

ABSENT	_____

Attest:

_____,
Superintendent and Secretary to the Board