

**MORGAN HILL UNIFIED SCHOOL DISTRICT
MORGAN HILL, CALIFORNIA**

RESOLUTION

**FINDINGS AND ADOPTION OF MITIGATED NEGATIVE DECLARATION,
COMMENTS AND RESPONSES, AND MITIGATION MONITORING AND
REPORTING PROGRAM, AND APPROVAL OF THE BORELLO ELEMENTARY
SCHOOL PROJECT OR THE CITY SUGGESTED ALTERNATIVE**

WHEREAS, the Morgan Hill Unified School District (“District”) developed the Borello Elementary School Project (“Project”) to construct a new, K-5 elementary school at the northeast intersection of Peet Road and Mission Avenida, in the City of Morgan Hill, CA;

WHEREAS, the Borello Elementary School would serve approximately 600 students in 25 classrooms and include an administration building, multi-use building, library/media building, grass playfield, three playgrounds, two parking lots, drop-off and pick-up areas, and landscaping;

WHEREAS, the Proposed Project would also include remediation of approximately 19,593 cubic yards of soil contaminated with pesticides from prior agricultural use conducted under a Removal Action Work Plan under the oversight of the Department of Toxic Substances Control (“DTSC”) as the responsible agency;

WHEREAS, the California Environmental Quality Act (“CEQA”) requires the District to evaluate and determine whether the Project could create significant environmental impacts and develop and adopt feasible mitigation measures to reduce such impacts to less than significant;

WHEREAS, the District engaged School Site Solutions, Inc. (“Solutions”) to conduct CEQA review of the Project;

WHEREAS, Solutions conducted an Initial Study of the Project and determined that it could potentially create significant environmental impacts to aesthetics, air quality, biological resources, cultural resources, hazards, hazardous materials, hydrology/water quality, noise, traffic, and parking but that implementation of certain mitigation measures would reduce such impacts to less than significant and that a Mitigated Negative Declaration (“MND”) is the appropriate environmental document;

WHEREAS, Solutions prepared a proposed MND that describes the Project, analyzes the potential environmental impacts, and identifies mitigation measures to reduce those significant environmental impacts to less than significant;

WHEREAS, the proposed MND was noticed and circulated for public comment according to CEQA’s procedures, and additionally, the District held a public hearing on the Proposed Project and proposed MND;

WHEREAS, the District received 20 comment letters and emails during the comment period and verbal comments at the special meeting held June 27, 2017 and a public hearing held August 1, 2017;

WHEREAS, the City of Morgan Hill (“City”) suggested an alternative site layout for the drop-off and pick-up areas and parking lots (“City Suggested Alternative”), which has been added in response and additional impact studies confirmed that no new significant environmental impact would occur and no new mitigation measures would be required; and

WHEREAS, Solutions prepared responses to the comments and revised the MND and determined that the revisions to the MND do not create new significant environmental impacts, no new mitigation measures are necessary to mitigate significant environmental impacts, and the comments do not provide a fair argument or substantial evidence that a potentially significant environmental impact would result from the mitigated Project or require substantial revision of the MND, and thus, the MND need not be recirculated for additional public comments.

NOW, THEREFORE, BE IT RESOLVED, that the Morgan Hill Unified School District Board of Education (“Board”) hereby finds, based upon the Project Description, proposed MND, final MND, comments and responses, Mitigation Monitoring and Reporting Program, Board Item, all referenced and relied upon documents, and the whole of the record of proceedings, as follows:

- Section 1. The District has considered the comments received on the proposed MND.
- Section 2. No potentially new significant environmental impact has been identified by the comments and no further mitigation measures or Project revisions are required to reduce an environmental impact to less than significant.
- Section 3. The City Suggested Alternative would not cause a potentially significant environmental impact and not require new mitigation measures, as confirmed by additional impact studies.
- Section 4. Except for the City Suggested Alternative, the responses to comments and revisions included in the final MND merely clarify or amplify the environmental information in the proposed MND.
- Section 5. Recirculation of the MND is not required.
- Section 6. There is no fair argument or substantial evidence that the mitigated Project or the City Suggested Alternative will have a potentially significant effect on the environment and an environmental impact report is not required.
- Section 7. This Resolution wholly reflects the District’s independent judgment and analysis.

BE IT FURTHER RESOLVED that the Board hereby adopts:

Section 1. The final MND prepared by Solutions dated August 2017; and

Section 2. The Project's Mitigation Monitoring and Reporting Program.

BE IT FURTHER RESOLVED that

_____ the Board hereby approves the Project

– OR –

_____ the Board hereby approves the City Suggested Alternative.

BE IT FURTHER RESOLVED that the Board directs the District Superintendent or his designee to serve as the custodian of the documents and other materials that constitute the record of proceedings upon which the Board's decision is based. The record of proceedings shall be maintained at the District's offices at 15600 Concord Circle, Morgan Hill, CA 95037.

BE IT FURTHER RESOLVED that the Board directs the District Superintendent or his designee to file with the County Clerk a Notice of Determination for the approval of the Project or the City Suggested Alternative.

PASSED AND ADOPTED by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at a special meeting held on August 18, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED _____

SIGNED: _____

Donna Ruebusch, President
Board of Education

I, Steve Betando, Secretary of the Board of Education, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at its special meeting on August 18, 2017 which resolution is on file in the office of said Board.

DATED: _____

SIGNED: _____

Steve Betando, Secretary
Board of Education