

**FIRST AMENDMENT TO THE
DEVELOPER FEE REVENUE ALLOCATION AGREEMENT
BETWEEN
TAMALPAIS UNION HIGH SCHOOL DISTRICT AND
MILL VALLEY SCHOOL DISTRICT**

This First Amendment to the Developer Fee Revenue Allocation Agreement (hereinafter referred to as "Amendment No. 1"), is made, entered into, and effective this January 23, 2020 ("Effective Date"), by and between the Tamalpais Union High School District, a California high school district ("TUHSD") and Mill Valley School District, a California elementary school district ("MVSD") (each, a "Party" and collectively, the "Parties").

RECITALS

WHEREAS, the Parties entered into that certain Developer Fee Revenue Allocation Agreement effective November 1, 2016 ("Agreement") relative to the allocation and sharing of Level 1 Fees (as defined in the Agreement) imposed on residential, commercial, and industrial developments within the Parties' common territorial jurisdiction, which Agreement was entered into pursuant to Education code 17620 et seq., and Government Code section 65995 et seq.; and

WHEREAS, the Agreement provides that it may be amended by mutual consent of both Parties, in writing, and approved by the governing board of each Party; and

WHEREAS, the term of the Agreement was for three years, through October 31, 2019; and

WHEREAS, at this time, the Parties desire to amend and extend the Agreement to provide for a term that will automatically renew, in order for the Agreement to align with the term of other similar developer fee allocation agreements entered into by TUHSD with the other elementary school districts located within its territorial jurisdiction.

NOW, THEREFORE, the parties agree as follows:

AGREEMENT

Section 1. Amendment of Agreement.

The Parties agree that the Agreement is hereby amended and supplemented to extend the term of the Agreement from the Effective Date. Thereafter, the term of the Agreement shall renew automatically for additional one (1) year terms, unless earlier terminated by a Party as provided in the Agreement.

Section 2. Other Provisions Reaffirmed; Ratification.

All other provisions of the Agreement shall remain in full force and effect and are hereby reaffirmed. If there is any conflict between this Amendment No. 1 and any provision of the Agreement (as previously amended) relating to the subject matter hereof only, the provisions of this Amendment No. 1 shall control. Any actions heretofore taken by the Parties under the Agreement, and in accordance with this Amendment No. 1 prior to ratification or approval hereof by either Party's governing board are hereby ratified and approved.

Section 3. Miscellaneous.

Each Party represents that the person executing and delivering this Amendment No. 1 is duly authorized to do so. This Amendment No. 1 shall be effective as of the Effective Date, subject to the ratification or approval of each Party's governing board. This Amendment No. 1 may be executed in counterparts, each of which shall be deemed an original and, taken together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Amendment No. 1 to the Agreement to be executed by their respective officers as of the Effective Date.

TAMALPAIS UNION HIGH SCHOOL DISTRICT

By: _____

Print Name: _____

Print Title: _____

MILL VALLEY SCHOOL DISTRICT

By: _____

Print Name: _____

Print Title: _____