

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY

The Governing Board ~~of Trustees~~ believes that ~~the~~ district ~~should utilize its~~ facilities and resources ~~should be utilized~~ in ~~the most~~ an economical and practical manner.- The Superintendent or designee shall periodically study the current and projected use of all district facilities to ensure the efficient utilization of space for the effective delivery of instruction.

(cf. 1330 - Use of School Facilities)

(cf. 7110 - Facilities Master Plan)

(cf. 7111 - Evaluating Existing Buildings)

(cf. 7160 - Charter School Facilities)

~~Prior~~The Board shall appoint a district advisory committee prior to the sale or lease of any surplus real property, ~~the Board shall appoint a district advisory committee~~ to advise the Board regarding the use or disposition of schools or school building space which is not needed for school purposes. ~~(Education Code 17388-17389)~~ Rentals of surplus property not exceeding 30 days are exempted from this requirement. When the sale, lease, or rental of surplus property is for the purpose of teacher or other employee housing or for the offering of summer school by a private educational institution, the Board may elect not to appoint a district advisory committee. (Education Code 17387-17391)

(cf. 1220 - Citizen Advisory Committees)

~~Upon determination~~If the local planning agency has adopted a general plan that ~~district affects or includes the area where the surplus property is no longer needed, or may not be needed until some future time~~located, the Board shall ~~first~~ submit a report to the local planning agency ~~as to what real property the district intends to offer for~~describing the location of the surplus property and the purpose and extent of the proposed sale or lease. ~~Not less than 40 days after issuance of the report to the local planning agency, and prior to entering into any agreement for~~ (Government Code 65402)

The Board shall determine whether the sale or lease of ~~district real~~the surplus property, ~~the Board shall offer to sell~~ is subject to review under the California Environmental Quality Act. (Public Resources Code 21000-21177; 14 CCR 15061-15062)

When selling or leaseleasing district-owned real property ~~in accordance, the Board shall comply with the priorities and procedures specified in applicable law. (Education Code 17230, 17387-17391, 17457.5, 17464, 17485-17500)17499; Government Code 54222, ~~65402~~)~~

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

In addition, when selling real property purchased, constructed, or modernized with funds received within the past 10 years from a state school facilities funding program, the Board shall consider

whether any of the proceeds from the sale will need to be returned to the State Allocation Board (SAB) pursuant to Education Code 17462.3.

BP 3280(b)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

Resolution of Intention to Sell or Lease

Before ordering the sale or lease of any real property, the Board shall adopt a resolution by a two-thirds vote of all of its members at a regularly scheduled open meeting. -The resolution shall describe the property proposed to be sold or leased in such a manner as to identify it, specify the minimum price or rent, describe the terms upon which it will be sold or leased,

~~BP 3280(b)~~

~~SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)~~

and specify the commission or rate, if any, which the Board will pay to a licensed real estate broker out of the minimum price or rent. -The resolution shall fix a time, not less than three weeks thereafter, for a public meeting, held at the Board's regular meeting place, at which sealed proposals to purchase or lease will be received and considered. (Education Code 17466)

(cf. 9320 - Meetings and Notices)
(cf. 9323.2 - Actions by the Board)

The Superintendent or designee shall provide notice of the adoption of the resolution and of the time and place of the meeting that will be held to consider bids by posting copies of the resolution, signed by the Board, in three public places not less than 15 days before the date of the meeting. In addition, the notice shall be published at least once a week for three successive weeks before the meeting, in a newspaper of general circulation published in the county in which the district is located, if such a newspaper exists. -(Education Code 17469)

In accordance with Education Code 17470, the Superintendent or designee shall take reasonable steps to provide notification to the former owners of the property of the district's intent to sell it.

Acceptance/Rejection of Bids

At the public meeting specified in the resolution of intention to sell or lease property, the Board shall open, examine, and declare all sealed bids. Before accepting a written proposal, the Board shall call for oral bids in accordance with law. (Education Code 17472, 17473)

The Board may reject any and all bids, either written or oral, and withdraw the properties from sale when the Board determines that rejection is in the best public interest. If no proposals are submitted or the submitted proposals do not conform to all the terms and conditions specified in the resolution of intention to lease, the Board may lease the property in accordance with Education Code 17477. ~~-(Education Code 17476, 17477)~~

Of the proposals submitted by responsible bidders which conform to all terms and conditions specified in the resolution of intention to sell or lease, the Board shall finally accept the highest bid after deducting the commission, if any, to be paid to a licensed real estate broker, unless the Board accepts a higher oral bid or rejects all bids. (Education Code 17472)

BP 3280(c)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478)

BP 3280(e)

~~SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)~~

(cf. 1431 - Waivers)

Use of Proceeds

The Superintendent or designee shall ensure that the proceeds from the sale, or lease with an option to purchase, of surplus district ~~surplus~~ property are used in accordance with law for one-time expenditures and not for ongoing expenditures such as salaries and general operating expenses. (Education Code 17462; ~~2 CCR 1700~~)

Proceeds from a sale of surplus district property shall be used for capital outlay or maintenance costs that the Board determines will not recur within a five-year period. (Education Code 17462)

Proceeds from a lease of district property with an option to purchase may be deposited into a restricted fund for the routine repair of district facilities, as defined by the SAB, for up to a five-year period. (Education Code 17462)

If the Board and SAB determine that the district has no anticipated need for additional sites or building construction for the next 10 years and no major deferred maintenance requirements, the proceeds from the sale or lease with an option to purchase may be deposited in a special reserve fund for the future maintenance and renovation of school sites or in the district's general fund. Proceeds from the sale or lease with option to purchase of district property may also be deposited in a special reserve fund for capital outlay or maintenance costs of district property that the Board determines will not recur within a five-year period. (Education Code 17462)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

~~Pursuant to the authorization in Education Code 17463.7, the district may expend proceeds from the sale of surplus real property, along with the proceeds from any personal property located on that real property, for any one time general fund purpose(s). Before the district exercises this authority: (Education Code 17463.7)~~

~~1. The Board shall submit documents to the SAB certifying that:~~

~~a. The district has no major deferred maintenance requirements not covered by existing capital outlay resources.~~

~~b. The sale of real property pursuant to Education Code 17463.7 does not violate the provisions of a local bond act.~~

~~(cf. 7214 - General Obligation Bonds)~~

~~c. The real property is not suitable to meet projected school construction needs for the next 10 years.~~

~~2. The Superintendent or designee shall present to the Board, at a regularly scheduled meeting, a plan for expending these one-time resources. The plan shall identify the source and use of the funds and shall describe the reasons that the expenditure shall not result in ongoing fiscal obligations for the district.~~

Legal Reference: (see next page)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)*Legal Reference:***EDUCATION CODE***17219-17224 Acquisition of property not utilized as school site; nonuse payments; exemptions**17230-17234 Surplus property**17385 Conveyances to and from school districts**17387-17391 Advisory committees for use of excess school facilities**17400-17429 Leasing property**17430-17447 Leasing facilities**17453 Lease of surplus district property**17455-17484 Sale or lease of real property, especially:**~~17457.5 Offer to charter school~~**17462.3 State Allocation Board program to reclaim funds**~~17463.7 Proceeds for general fund purposes~~**17485-17500 Surplus school playground (Naylor Act)**17515-17526 Joint occupancy**17527-17535 Joint use of district facilities**33050 ~~Request for waiver~~ Requ**38130-38139 Civic Center Act***GOVERNMENT CODE***50001-50002 Definitions**54220-54232 Surplus land, especially:**54222 Offer to sell or lease property**54950-54963 Brown Act, especially:**54952 Legislative body, definition***PUBLIC RESOURCES CODE***21000-21177 California Environmental Quality Act***CODE OF REGULATIONS, TITLE 2***1700 Definitions related to surplus property***COURT DECISIONS***San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District, (2006) 139 Cal.App.-4th 1356**Management Resources:***CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS***Closing a School Best Practices Guide***OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS***Unused Site Program Handbook, ~~May 2008~~ December 2015***WEB SITES***CSBA: <http://www.csba.org>**California Department of Education, School Facilities Planning Division: <http://www.cde.ca.gov/ls/fa>**Coalition for Adequate School Housing: <http://www.cashnet.org>**Office of Public School Construction: <http://www.dgs.ca.gov/opsc>*

Policy

SCOTTS VALLEY UNIFIED SCHOOL DISTRICT

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Scotts Valley, California

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