

**NATOMAS UNIFIED SCHOOL DISTRICT**

**Resolution No. 21-22**

**IN THE MATTER OF: AUTHORIZING THE SUPERINTENDENT TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH SBH NATOMAS, LLC**

The following RESOLUTION was duly passed by the Board of Trustees of the Natomas Unified School District, at a regular meeting held on the 7<sup>th</sup> of June 2021, by the following roll call vote:

Jag Bains	_____
Micah Grant	_____
Ericka Harden	_____
Susan Heredia	_____
Lisa Kaplan	_____

Signed and approved by me after its passage:

\_\_\_\_\_  
Susan Heredia, President

Attest:

\_\_\_\_\_  
Chris Evans, Superintendent / Board Secretary

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**WHEREAS**, the Natomas Unified School District (“District”) desires to construct and operate a school site focused on its Science, Technology, Engineering, and Math (STEM) program (“STEM School”); and

**WHEREAS**, the SBH Natomas, LLC (“SBH Natomas, LLC”) own a 183-acre parcel of property within the District boundaries; and

**WHEREAS**, the SBH Natomas, LLC may desire to sell and the District desires to purchase a 11–20-acre portion of the 183-acre parcel for the purpose of constructing the STEM School (“Property”); and

**WHEREAS**, the Board of Trustees (“Board”) of the District is authorized to enter into contracts, including purchase and sale agreements, on behalf of the District; and

**WHEREAS**, in order to acquire and use the Property as a school site the District is required to comply with various legal requirements found in Education Code § 17211, the California Environmental Quality Act (“CEQA”), and Title 5 of California Code of Regulations; and

**WHEREAS**, in order to use the Property as a school site, the District must also receive the necessary approvals from the California Department of Education and the Department of Toxic Substances Control; and

**WHEREAS**, in furtherance of the desire to construct and deliver the STEM School, the Superintendent and District staff must conduct the necessary review and approvals to ensure the Property is suitable for use as a school site; and

**WHEREAS**, effective administration of a school district is dependent upon assignment of functional responsibilities; and

**WHEREAS**, Education Code section 35161 provides that the District's Board may delegate to an officer or employee any power or duty granted to the Board by law, provided that the Board retains ultimate responsibility over the performance of the delegated powers or duties; and

**WHEREAS**, Education Code section 17604 authorizes the District's Board, by a majority vote, to delegate to the District's Superintendent, or to any persons as the Superintendent may designate, the power to contract, subject to limits as to time, money and/or subject matter as specified by the Board; and

**WHEREAS**, the Board believes it is in the public's best interest to provide for the efficient management of the District's educational and recreational programs by the District and its employees through delegation of authority and purchase of property, as herein specified.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Natomas Unified School District that:

Section 1. The above recitals are true and correct.

Section 2. In accordance with Education Code section 17604, the Board hereby authorizes the Superintendent to (i) negotiate the terms of the purchase and sale agreement, (ii) conduct the necessary studies and reviews to determine the suitability of the Property for use as a school site, and (iii) include additional value other than cash as deal points to negotiate and enter into an agreement with SBH Natomas, LLC and provided that no such agreements made pursuant to this delegation shall be valid or constitute an enforceable obligation against the District unless and until the contract is approved or ratified by the Board, evidence by a motion of the Board duly passed and adopted.

Section 3. The authority delegated herein shall be exercised in a manner consistent with the District's adopted budget, policies, and applicable state and federal laws.

Section 4. The Superintendent is authorized pursuant to this Resolution to take any action and execute any documents that are necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

Section 5. The delegation of authority set forth in this Resolution shall be effective immediately following the adoption of this Resolution.