

RESOLUTION NO. 189-11

**RESOLUTION OF THE CYPRESS SCHOOL DISTRICT
AUTHORIZING REQUEST FOR WAIVER OF THE SURPLUS PROPERTY
COMPETITIVE BIDDING PROCEDURES UNDER
EDUCATION CODE SECTION 17466 ET SEQ.
(DISTRICT OFFICE PROPERTY)**

WHEREAS, the Cypress School District (“District”) owns approximately 6.337 acres of certain property located within the District at 9470 Moody Street, Cypress, California 90630, and generally known as the District Office buildings (the “Property”);

WHEREAS, the District previously adopted and approved a Resolution declaring the Property surplus and authorizing the District to dispose of the Property pursuant to a public bid auction process set forth in Education Code sections 17455 et seq. (the “Traditional Disposal Procedure”);

WHEREAS, the Traditional Disposal Procedure allows school districts to lease or sell property through a public bid auction process whereby school districts solicit public bids and award the lease or sale to the highest bidder (the “Bid Process”);

WHEREAS, the District was unable to sell the Property pursuant to the Bid Process;

WHEREAS, Education Code section 33050 et seq. allows the governing board of a school district to request the State Board of Education to waive all or part of any section of the Education Code or any regulation adopted by the State Board of Education that implements a provision of the Education Code, subject to certain exceptions, pursuant to a “Waiver;”

WHEREAS, the Bid Process and specifically Education Code sections 17455 et seq. are not listed as exceptions in Education Code section 33050 et seq. and, therefore, can be waived;

WHEREAS, the Waiver would allow the District offer to lease or sell the Property (pursuant to a short or long term lease, or a long term ground lease development transaction) through a Request for Proposal process instead of the Traditional Disposal Procedure;

WHEREAS, the Request for Proposal process authorized through the Waiver will allow the District to solicit proposals and seek either a lease or sale agreement that provides the most benefit to the District;

WHEREAS, the District now wishes to pursue the lease or sale of the Property, pursuant to a short or long term lease, or a long term ground lease development transaction, through the Waiver process;

WHEREAS, to obtain a Waiver, the District must comply with Education Code and California Department of Education and State Board of Education regulations;

WHEREAS, the District must conduct a properly noticed public hearing, at which time the public may testify on the waiver proposal; and

WHEREAS, the District must submit a complete online General Waiver Request form to the California Department of Education.

NOW THEREFORE, be it resolved by the Board of Education of the Cypress School District as follows:

1. That the above recitals are true.
2. That the Board hereby declares the Board's intention to seek a waiver of Education Code section 17466 et seq.;
3. That the District will seek the information required to submit the General Waiver Request as set forth in the Education Code and established by the California Department of Education.
4. That the District posted a public notice specifically inviting public testimony regarding the waiver, which public notice included the date, time, location and subject of the hearing.
5. That on February 14, 2019, the District conducted a properly noticed public hearing held during a board meeting at which time the public was able to testify waiver proposal.
6. That the District's Superintendent, or a designee, is authorized and directed to submit a General Waiver Request to the California Department of Education, seeking a waiver of the competitive bidding requirements under Education Code section 17466 et seq. and authorizing the District to pursue either a sale or lease of the Property pursuant to a Request for Proposal process.
7. That this Resolution shall take effect upon adoption.

ADOPTED, SIGNED AND APPROVED this 14th day of February 2019.

President of the Board of Trustees of the Cypress School District

I, Brian Nakamura, Clerk of the Board of the Cypress School District, do hereby certify that the foregoing Resolution was adopted by said Board at a meeting of the Board held on the 14th day of February 2019, and that it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Clerk of the Board of Trustees of the Cypress School District