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Memo

To Facilities Committee

From Jody Talkington, Senior Director of Strategic Projects

Committee Meeting Date May 22, 2020

Subject General Waiver Request - Surplus Property Long Term Lease or Sale

Action Recommend that the Governing Board direct the Superintendent to submit a general waiver request of Education Code sections 17455 *et seq.* so as to permit the Governing Board the option of accepting the non-highest bid for the sale or lease of surplus property for the former Edward Shands site and the former Tilden Child Development Center.

Background In April 2019, the Board convened a 7-11 Committee via Resolution No. 1819-0189. The Committee was composed of community members and was charged with reviewing specific vacant properties. In June 2019, the Board passed Resolution No. 1819-0247 to have the 7-11 Committee review five properties to be considered surplus, including the Former Edward Shands Adult Education Center (Shands) and the Former Tilden Child Development Center (Tilden). In January 2020, the 7-11 Committee presented the Board with the Committee’s final report, which included recommendations to declare Shands and Tilden surplus. The Board adopted these recommendations in February 2020 via Resolution No. 1920-0206 and Resolution No. 1920-0207.

Discussion State law prescribes a very strict timeline and process for leasing or selling surplus property, including the requirement that the surplus property be leased or sold to the highest bidder. While the Board may choose to lease or sell Shands and/or Tilden to the highest bidder, staff does not recommend being required to do so given that there may be other considerations, including local community and neighborhood needs.

Therefore, staff is recommending that the Board authorize the District to file a waiver of the highest bidder requirement with the state. One step prior to seeking the waiver is to solicit input from an advisory committee of the District's choosing. Staff presented this issue to the Construction Bond/Measure A, B, J Oversight Committee on May 11, 2020, which voted 7-0 (with two absences) to support the request.

Fiscal Impact

Unknown. By being granted a waiver, the District is not required to lease or sell surplus property to the highest bidder. This could result in less revenue from the lease or sale than would otherwise be generated.

Attachment

General Waiver Request - Template - Surplus Property Long Term Lease or Sale