

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of Education November 2020 AgendaItem #W-04

## Subject

Request by **two local educational agencies** to waive California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.

## Waiver Numbers

* Alameda Unified School District 1-10-2020
* Roseville Joint Union High School District 1-28-2020

## Type of Action

Action, Consent

## Summary of the Issues

The Alameda Unified School District (Alameda USD) is requesting to waive all of California *Education Code (EC)* sections 17472, 17473, and 17474, and portions of sections 17455, 17466, 17468, 17469, 17470, and 17475, which will allow the district to maximize the return on the sale of two pieces of property through the Request for Proposal (RFP) process.

The Roseville Joint Union High School District (Roseville JUHSD) is requesting to waive all of California *EC* sections 17472, 17473, and 17474, and portions of sections 17455, 17466, 17468, 17469, 17470, and 17475, which will allow the district to maximize the return on the sale of one piece of property through the RFP process.

## Authority for Waiver

California *EC* Section 33050

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

The California Department of Education (CDE) recommends approval with the following conditions: 1) that all proposals received be examined and declared by each district’s respective governing board in a public meeting to allow for public involvement and comment, and 2) that the proposal each district’s respective governing board determines to be the most desirable shall be selected within 30 to 60 days of the public meeting where the proposal was received, and that the reasons for that determination be discussed in public session and included in the minutes of the meeting.

## Summary of Key Issues

Under provisions of *EC* Section 33050, the districts are requesting that specific portions of the *EC* relating to the sale of surplus property be waived.

### Alameda USD

Alameda USD requests that the specified *EC* sections be waived in order to allow the district to maximize the return on the sale of two pieces of real property. One of the properties is located at 700 West Essex Drive in Alameda and has never been used by the district since its acquisition in 2003, but was formerly the Bachelor Officers Quarters on the Alameda Naval Air Station. The other property is located at 2615 Eagle Avenue in Alameda and was, until last year, used as the District's Maintenance and Operations Facility.

For the maximum benefit, the district wishes to pursue the sale through the RFP process to have the flexibility to allow interested parties to submit proposals describing the terms and conditions of their proposed purchase of the properties. The district will develop a strategic plan for advertising and marketing the properties, as well as work closely with legal counsel to develop a process ensuring that the sale of the properties is fair and open.

### Roseville JUHSD

Roseville JUHSD requests that the specified *EC* sections be waived in order to allow the district to maximize the return on the sale of one piece of real property, located at 10616 Industrial Avenue in Roseville. The property was purchased in 2003 with the intent that the district's transportation bus yard would be moved to this location. However, the property was determined to not be ideal for a bus yard because it is not centrally located within the district. Additionally, the property is not large enough to support a school site.

For the maximum benefit, the district wishes to pursue the sale through the RFP process to have the flexibility to allow interested parties to submit proposals describing the terms and conditions of their proposed purchase of the property. The district will develop a strategic plan for advertising and marketing the property, as well as work closely with legal counsel to develop a process ensuring that the sale of the property is fair and open.

**Demographic Information**

Alameda USD has a student population of 11,260 and is located in Alameda County.

Roseville JUHSD has a student population of 10,308 and is located in Placer County.

**Because these are general waivers, if the SBE decides to deny the waivers, it must cite one of the seven reasons in *EC* Section 33051(a), available on the California Legislation Information Web page at** <https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.>

## Summary of Previous State Board of Education Discussion and Action

The SBE has approved all previous waivers regarding the bidding process and the sale of surplus property. The districts are requesting to waive the same or similar provisions for the sale of surplus property.

## Fiscal Analysis

The flexibility in property disposition requested herein will allow the districts to maximize revenue from the sale of the properties.

Alameda USD has certified that the site located at 700 West Essex was acquired in 2014 through a land swap with the City of Alameda, but that the property at 2615 Eagle Avenue has been owned for more than 10 years. For both sites, no improvements were funded by monies from the State School Facilities Program within the last 10 years. Therefore, pursuant to EC Section 17462.3, financial reimbursement is not due to the State Allocation Board (SAB).

Roseville JUHSD has certified that the site located at 10616 Industrial Avenue has been owned for more than 10 years and therehave been no improvements funded by monies from the State School Facilities Program within the last 10 years. Therefore, pursuant to *EC* Section 17462.3, financial reimbursement is not due to the SAB.

## Attachments

* **Attachment 1:** Summary Table (2 pages)
* **Attachment 2:** Alameda Unified School District General Waiver Request 1-10-2020 (6 pages). (Original waiver request is signed and on file in the Waiver Office.)
* **Attachment 3:** Roseville Joint Union High School District General Waiver Request 1-28-2020 (6 pages). (Original waiver request is signed and on file in the Waiver Office.)

## Attachment 1: Summary Table

## California *EC* Section 17455 et seq.

| **Waiver Number** | **District** | **Property** | **Period of Request** | **Local Board Approval Date** | **Public Hearing Date** | **Bargaining Unit Representatives** | **Advisory Committee Consulted** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1-10-2020 | Alameda Unified School District | 700 West Essex Drive, formerly the Bachelor Officers Quarters on the Alameda Naval Air Station; and 2615 Eagle Avenue, formerly the District's Maintenance and Operations Facility | **Requested:**November 7, 2020 to November 7, 2021**Recommended:**November 7, 2020 to November 7, 2021 | 8/25/2020 | 8/25/2020 Public Hearing Advertised: Notice of the hearing was published in the East Bay Times | Alameda Education AssociationJudith Klinger, President7/2/2020**Support**California School Employees Association (CSEA) 27Cindy Zecher, President6/8/2020**Support**CSEA 860Donald Fuller, President7/2/2020**Support** | Surplus Property Advisory Committee (7-11)6/11/2020**No Objections** |
| 1-28-2020 | Roseville Joint Union High School District | 10616 Industrial Avenue, Roseville, CA 95678 | **Requested:**November 7, 2020 to November 7, 2021**Recommended:**November 7, 2020 to November 7, 2021 | 7/28/2020 | 7/28/2020Public Hearing Advertised: Notice of the hearing was published in the Sacramento Bee and posted on the District's web site | CSEAElaine Pike, President8/28/2020**Support**Roseville Secondary Education Association (RSEA)Brandon Dell'Orto, President8/28/2020**Support** | Surplus Property Advisory Committee (7-11)6/24/2020**No Objections** |

Created by the California Department of Education

September 2020

## Attachment 2: **Alameda Unified School District General** **Waiver Request 1-10-2020**

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 0161119

Waiver Number: 1-10-2020

Active Year: 2020

Date In: 8/28/2020 2:10:39 PM

Local Education Agency: Alameda Unified

Address: 2060 Challenger Dr

Alameda, CA 94501

Start: 11/7/2020

End: 11/7/2021

Waiver Renewal: No

Waiver Topic: Sale or Lease of Surplus Property

*Ed Code* Title: Sale of Surplus Property

*Ed Code* Section: 17455, 17466, 17468, 17469, 17470,

17472 (all), 17473 (all), 17474 (all), 17475

*Ed Code* Authority: 33050

*Education Code* or *CCR* to Waive: The Alameda Unified School District desires to waive the following sections and portions of the *Education Code* ("*EC*"). Specifically, the

District requests that the language in brackets [] be waived:

*EC* § 17455. The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property, together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. The sale or lease may be made without first taking a vote of the electors of the district [, and shall be made in the manner provided by this article].

Rationale: The language indicating that the sale of the Property is to be made in the manner provided by this article is to be waived because the District is asking that several provisions of the article be waived and consequently, the sale or lease will not be made in the manner provided in Article 4.

*EC* § 17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased] and the commission, or rate thereof, if any, which the board will pay to a licensed real estate [broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered].

Rationale: The stricken language to be waived provides for the governing board to state a minimum price and the terms upon which the property will be sold or leased. The stricken language also would require specification of a meeting where proposals would be received and considered. The District is requesting that the requirement of stating a minimum price and terms be waived, so that it can receive as many offers as possible without making assumptions about the minimum price or the terms of the sale that could unnecessarily limit the possible range of solutions and proposals. Also, as the District cannot predict in advance the timing of negotiations with interested purchasers, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. The District intends to publicize the sale and solicit proposals for the purchase of the Property, and bring proposals to the governing board when necessary to consider the approval of a sale.

*EC* § 17468. If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified [in the resolution]. No commission shall be paid unless there is contained in or with the [sealed] proposal [or stated in or with the oral bid], which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

Rationale: The stricken language to be waived provides for the District to receive sealed and oral bids to purchase or lease the property at an identified meeting of the District’s governing board. The District is requesting that the requirement of sealed bids and oral bidding to purchase or lease the property be waived, allowing the District to use a Request for Proposals process and negotiate the sale or lease of the Property with a qualified purchaser.

*EC* § 17469. Notice of the adoption of the resolution [and of the time and place of holding the meeting] shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district[, not less than 15 days before the date of the meeting,] and by publishing the notice not less than once a week for three successive weeks [before the meeting] in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the Property. Such a requirement, however, will be removed pursuant to the language stricken within Education Code Section 17466. As modified, the District would still be required to provide notice of its adoption of a resolution of intent to sell the property, but the posting of that resolution and notice in a newspaper would no longer be tied to an established date to receive proposals.

*EC* § 17470. (a) The governing board of a school district that intends to sell or lease real property pursuant to this article shall take reasonable steps to ensure that the former owner from whom the district acquired the property receives notice [of the public meeting prescribed by Section 17466], in writing, by certified mail, [at least 60 days prior to the meeting].

(b) The governing board of a school district shall not be required to accord the former owner the right to purchase the property at the tentatively accepted highest bid price nor to offer to sell the property to the former owner at the tentatively accepted highest [bid] price.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase or lease of the Property. Such a requirement, however, will be removed pursuant to the language stricken within *Education Code* Section 17466. As modified, the District would still be required to take reasonable steps to provide notice to the former owner, but the provision of such notice would no longer be tied to an established date to receive proposals.

*EC* § 17472. [At the time and place fixed in the resolution for the meeting of the governing body, all sealed proposals which have been received shall, in public session, be opened, examined, and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids].

Rationale: The stricken language to be waived provides for the District to receive and open sealed proposals and oral bids to purchase or lease the property at an identified meeting of the District’s governing board. The District is requesting that the requirement of sealed proposals and oral bidding to purchase or lease the property be waived, allowing the District to use a Request for Proposals process and negotiate the sale or lease of the Property with a qualified purchaser. This will allow the District to receive and consider the proposals privately and will maximize the District's ability to negotiate the most favorable transaction.

*EC* §17473. [Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.]

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell or lease the Property, will not be accepting oral bids.

*EC* §17474. [In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.]

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell or lease the Property, will not be accepting oral bids.

*EC* §17475. The final acceptance by the governing body may be made [either at the same session or at any adjourned session of the same meeting held within the 10 days next following].

Rationale: Modification of the section would remove the requirement that the governing board accept a proposal at the same meeting received, and would instead allow the governing board to consider proposals received and, as desired and appropriate, direct further negotiation, and complete the transaction at the time most beneficial to the District.

Outcome Rationale: The Alameda Unified School District ("District") owns two parcels of real property: one is located at 700 West Essex, Alameda, CA 94501 which was formally the Bachelor Officers Quarters on the Alameda Naval Air Station in Alameda, California; and the second is located at 2615 Eagle Avenue, Alameda, CA 94601 which was formally the District's Maintenance and Operations Facility in Alameda, California. The properties are collectively referred to herein as (the "Property"). The Property is currently not being used by the District, and the District does not need the Property.

The District wishes to sell the Property in a manner that will provide the District the most benefit. The District wishes to have the flexibility to structure the sale process in a manner that allows the District to (1) ensure the anticipated future use of the property will not have a negative effect on school operations, (2) consider offers that may need special terms to allow for buyers to finance the transaction, (3) consider offers that may compensate the District in whole or in part through a property exchange, (4) utilize the services of a commercial real estate agent to expose the property to the market for such time as necessary to maximize the District's return.

As a result, the District is seeking a waiver of certain portions of the Education Code so it can pursue a sale through a Request for Proposal (RFP) process. This RFP process will allow the District to issue an RFP package describing the Property and asking interested parties to submit proposals describing the terms and conditions of their proposed purchase of the Property. District staff, in consultation with legal counsel, will review the RFP responses and determine which offer provides the most beneficial terms to the District.

The District needs the ability to be flexible and work with interested parties to determine what type of transactional terms will yield the best result for the District. The requested waiver will allow the District to sell the Property through the RFP process (if for some reason the property could not be sold the same would be true as to a lease). The District will work to develop a strategic plan for advertising and marketing the Property. The District will work closely with legal counsel to develop an RFP seeking proposals for the purchase or lease of the Property and develop a process by which the Property is sold is fair and open.

Student Population: 11,260

City Type: Small

Public Hearing Date: 8/25/2020

Public Hearing Advertised: Notice of the hearing was published in the East Bay Times

Local Board Approval Date: 8/25/2020

Community Council Reviewed By: Surplus Property Advisory Committee (7-11)

Community Council Reviewed Date: 6/11/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. James Traber

Position: Legal Counsel

E-mail: [jtraber@f3law.com](file:///C%3A%5CUsers%5Cjmireles%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CR696KV0T%5Cjtraber%40f3law.com)

Telephone: 916-591-7751

Bargaining Unit Date: 07/02/2020

Name: Alameda Education Association

Representative: Judith Klinger

Title: President

Phone: (510) 521-3034

Position: Support

Bargaining Unit Date: 06/08/2020

Name: CSEA 27

Representative: Cindy Zecher

Title: President

Phone: (510) 748-4018 x 18755

Position: Support

Bargaining Unit Date: 07/02/2020

Name: CSEA 860

Representative: Donald Fuller

Title: President

Phone: (510) 290-2926

Position: Support

## Attachment 3: **Roseville Joint Union High School District General** **Waiver Request 1-28-2020**

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3166928

Waiver Number: 1-28-2020

Active Year: 2020

Date In: 8/30/2020 2:29:41 PM

Local Education Agency: Roseville Joint Union High School District

Address: 1750 Cirby Way

Roseville, CA 95687

Start: 11/7/2020

End: 11/7/2021

Waiver Renewal: No

Waiver Topic: Sale or Lease of Surplus Property

*Ed Code* Title: Sale of Surplus Property

*Ed Code* Section: 17455, 17466, 17468, 17469, 17470,17472 (all), 17473 (all), 17474 (all), 17475

*Ed Code* Authority: 33050

*Education Code* or *CCR* to Waive: The Alameda Unified School District desires to waive the following sections and portions of the *Education Code* ("*EC*"). Specifically, the

District requests that the language in brackets [] be waived:

*EC* § 17455. The governing board of any school district may sell any real property belonging to the school district or may lease for a term not exceeding 99 years, any real property, together with any personal property located thereon, belonging to the school district which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession. The sale or lease may be made without first taking a vote of the electors of the district [, and shall be made in the manner provided by this article].

Rationale: The language indicating that the sale of the Property is to be made in the manner provided by this article should be waived, because the District is asking that several provisions of the article be waived and consequently, the sale or lease will not be made in the manner provided in Article 4.

*EC* § 17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it [and shall specify the minimum price or rental and the terms upon which it will be sold or leased] and the commission, or rate thereof, if any, which the board will pay to a licensed real estate [broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered].

Rationale: The stricken language to be waived provides for the governing board to state a minimum price and the terms upon which the property will be sold or leased. The stricken language also would require specification of a meeting where proposals would be received and considered. The District is requesting that the requirement of stating a minimum price and terms be waived, so that it can receive as many offers as possible without making assumptions about the minimum price or the terms of the sale that could unnecessarily limit the possible range of solutions and proposals. Also, as the District cannot predict in advance the timing of negotiations with interested purchasers, it cannot at the time of adopting the resolution contemplated by this Section 17466 know when proposals must be brought back to the governing board for consideration. The District intends to publicize the sale and solicit proposals for the purchase of the Property, and bring proposals to the governing board when necessary to consider the approval of a sale.

*EC* § 17468. If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified [in the resolution]. No commission shall be paid unless there is contained in or with the [sealed] proposal [or stated in or with the oral bid], which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

Rationale: The stricken language to be waived provides for the District to receive sealed and oral bids to purchase or lease the property at an identified meeting of the District’s governing board. The District is requesting that the requirement of sealed bids and oral bidding to purchase or lease the property be waived, allowing the District to use a Request for Proposals process and negotiate the sale or lease of the Property with a qualified purchaser.

*EC* § 17469. Notice of the adoption of the resolution [and of the time and place of holding the meeting] shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the district[, not less than 15 days before the date of the meeting,] and by publishing the notice not less than once a week for three successive weeks [before the meeting] in a newspaper of general circulation published in the county in which the district or any part thereof is situated, if any such newspaper is published therein.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase of the Property. Such a requirement, however, will be removed pursuant to the language stricken within Education Code Section 17466. As modified, the District would still be required to provide notice of its adoption of a resolution of intent to sell the property, but the posting of that resolution and notice in a newspaper would no longer be tied to an established date to receive proposals.

*EC* § 17470. (a) The governing board of a school district that intends to sell or lease real property pursuant to this article shall take reasonable steps to ensure that the former owner from whom the district acquired the property receives notice [of the public meeting prescribed by Section 17466], in writing, by certified mail, [at least 60 days prior to the meeting].

(b) The governing board of a school district shall not be required to accord the former owner the right to purchase the property at the tentatively accepted highest bid price nor to offer to sell the property to the former owner at the tentatively accepted highest [bid] price.

Rationale: The stricken language to be waived assumes that the Board would be setting a specific meeting to receive proposals for the purchase or lease of the Property. Such a requirement, however, will be removed pursuant to the language stricken within *Education Code* Section 17466. As modified, the District would still be required to take reasonable steps to provide notice to the former owner, but the provision of such notice would no longer be tied to an established date to receive proposals.

*EC* § 17472. [At the time and place fixed in the resolution for the meeting of the governing body, all sealed proposals which have been received shall, in public session, be opened, examined, and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids].

Rationale: The stricken language to be waived provides for the District to receive and open sealed proposals and oral bids to purchase or lease the property at an identified meeting of the District’s governing board. The District is requesting that the requirement of sealed proposals and oral bidding to purchase or lease the property be waived, allowing the District to use a Request for Proposals process and negotiate the sale or lease of the Property with a qualified purchaser. This will allow the District to receive and consider the proposals privately and will maximize the District's ability to negotiate the most favorable transaction.

*EC* §17473. [Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.]

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell or lease the Property, will not be accepting oral bids.

*EC* §17474. [In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.]

Rationale: The entire section is to be waived because the District, in negotiating an agreement to sell or lease the Property, will not be accepting oral bids.

*EC* §17475. The final acceptance by the governing body may be made [either at the same session or at any adjourned session of the same meeting held within the 10 days next following].

Rationale: Modification of the section would remove the requirement that the governing board accept a proposal at the same meeting received, and would instead allow the governing board to consider proposals received and, as desired and appropriate, direct further negotiation, and complete the transaction at the time most beneficial to the District.

Outcome Rationale: The Roseville Joint Union School District ("District") owns a parcel of real property located at 10616 Industrial Avenue, Roseville CA 95678 (hereinafter referred to as the "Property"). The Property was purchased in 2003 with the intent that the District's transportation Bus Yard would be moved to this location. However, the Property is not ideal for a bus yard because it is not centrally located within the District. Additionally, the Property is not large enough to support a school site.

The District wishes to sell the Property in a manner that will provide the District the most benefit. The District wishes to have the flexibility to structure the sale process in a manner that allows the District to (1) ensure the anticipated future use of the property will not have a negative effect on school operations, (2) consider offers that may need special terms to allow for buyers to finance the transaction, (3) consider offers that may compensate the District in whole or in part through a property exchange, and (4) utilize the services of a commercial real estate agent to expose the property to the market for such time as necessary to maximize the District's return.

As a result, the District is seeking a waiver of certain portions of the *Education Code* so it can pursue a sale through a Request for Proposal (RFP) process. This RFP process will allow the District to issue an RFP package describing the Property and asking interested parties to submit proposals describing the terms and conditions of their proposed purchase of the Property. District staff, in consultation with legal counsel, will review the RFP responses and determine which offer provides the most beneficial terms to the District.

The District needs the ability to be flexible and work with interested parties to determine what type of transactional terms will yield the best result for the District. The requested waiver will allow the District to sell the Property through the RFP process (if for some reason the property could not be sold, the same would be true as to a lease). The District will work to develop a strategic plan for advertising and marketing the Property. The District will work closely with legal counsel to develop an RFP seeking proposals for the purchase or lease of the Property and develop a process by which the Property is sold in a fair and open manner.

Student Population: 11,260

City Type: Suburban

Public Hearing Date: 7/28/2020

Public Hearing Advertised: Notice of the Hearing was published in the Sacramento Bee and posted on the District's web site.

Local Board Approval Date: 7/28/2020

Community Council Reviewed By: Surplus Property Advisory Committee (7-11)

Community Council Reviewed Date: 6/24/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. James Traber

Position: Legal Counsel

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Telephone: 916-591-7751

Bargaining Unit Date: 8/28/2020

Name: CSEA

Representative: Elaine Pike

Title: President

Phone: (916) 726-1400

Position: Support

Bargaining Unit Date: 8/28/2020

Name: RSEA

Representative: Brandon Dell'Orto

Title: President

Phone: (916) 786 8676 Ext 5151

Position: Support