

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY

The County Superintendent of Schools believes that the Santa Cruz County Office of Education (SCCOE) should utilize its facilities and resources in the most economical and practical manner. The County Superintendent or designee shall periodically study the current and projected use of all SCCOE facilities to ensure the efficient utilization of space and the effective delivery of instruction.

Upon determination that SCCOE property is no longer needed or may not be needed until some future time, the County Superintendent of Schools shall offer to sell or lease SCCOE-owned real property in accordance with priorities and procedures specified in law, including, but not limited to, Education Code 17230, 17464, 17485-17500, and Government Code 54222.

Prior to the sale or lease of any surplus real property, the County Board of Education (CBE) shall appoint a SCCOE advisory committee to advise the CBE regarding the use or disposition of schools or school building space which is not needed for school purposes. (Education Code 17388)

Resolution of Intention to Sell or Lease

Before ordering the sale or lease of any real property, the CBE shall adopt a resolution by a two-thirds vote of all of its members at a regular, 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, and specify the commission or rate, if any, which the County Superintendent of Schools 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 CBE's regular meeting place, at which sealed proposals to purchase or lease will be received and considered. (Education Code 17466)

The County 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)

The County Superintendent or designee shall take reasonable steps to provide notification to the former owners of the property of the SCCOE's intent to sell it in accordance with Education Code 17470.

Acceptance/Rejection of Bids

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

The CBE may reject any and all bids, either written or oral, and withdraw the properties from sale when the CBE 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 CBE 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 CBE shall finally accept the highest bid after deducting the commission, if any, to be paid to a licensed real estate broker, unless the CBE accepts a higher oral bid or rejects all bids. (Education Code 17472)

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 CBE may adopt a resolution of acceptance that directs the CBE president, or any other CBE 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)

Use of Proceeds

The County Superintendent or designee shall ensure that proceeds from the sale or lease with an option to purchase of district surplus property are used in accordance with law. (Education Code 17462; 2 CCR 1700)

Pursuant to the authorization in Education Code 17463.7, the SCCOE 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). Prior to exercising this authority, the CBE shall certify to the State Allocation Board that: (Education Code 17463.7)

1. The SCCOE has no major deferred maintenance requirements not covered by existing capital outlay resources.
2. The sale of real property pursuant to Education Code 17463.7 does not violate the provisions of a local bond act.
3. The real property is not suitable to meet projected school construction needs for the next 10 years.

Prior to exercising this authority, the County 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 SCCOE. (Education Code 17463.7)

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:
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
38130-38139 Civic Center Act

GOVERNMENT CODE

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:

CSBA PUBLICATIONS

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, September 2009

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Closing a School Best Practices Guide

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

Unused Site Program Handbook, May 2008

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.opsc.dgs.ca.gov>

Adopted: June 21, 2018