

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
ROSS VALLEY SCHOOL DISTRICT AUTHORIZING PUBLIC LEASE OF
PROPERTY**

(RED HILL SCHOOL SITE)

RESOLUTION NO. 17-15-16

WHEREAS, the Ross Valley School District ("District") is the owner of certain excess real property located within the District at 100 Shaw Dr., San Anselmo, CA 94960, commonly known as the District's Red Hill School site ("Property") and as more particularly described in the description attached hereto as Exhibit "A";

WHEREAS, the District appointed a Surplus Property Advisory Committee ("Advisory Committee") in 1985 to advise the District's governing Board in the development of district-wide policies and procedures governing the use or disposition of school buildings or space in school buildings which is not needed for school purposes, specifically the Property;

WHEREAS, the Advisory Committee held meetings on March 27, April 16, May 7 and May 29, 1985 to discuss the possible disposition of District surplus properties including the Property, and corresponding priority uses of the surplus properties including the Property, and the Advisory Committee held community workshops and public hearings on April 30 and May 20, 1985, which were publicly noticed;

WHEREAS, said Advisory Committee submitted to the District the "Phase II Report to the Board of Trustees of the Ross Valley School District regarding Short and Long Term Use of Surplus School Sites" ("Report") dated June 5, 1985 which included the recommendation to lease the Property;

WHEREAS, the District's Board of Trustees ("Board") previously accepted the Advisory Committee's Report at its June 5, 1985 Board meeting;

WHEREAS, the Board previously declared the Property surplus at its June 5, 1985 Board meeting;

WHEREAS, the District previously offered the Property that includes potential classroom space for special education programs to school districts that are part of the District's special education local plan area or the county office of education with jurisdiction over the District, pursuant to Education Code section 17465;

WHEREAS, the Property does not include open space/recreational property since the District sold the field space formerly associated with the Property;

WHEREAS, the District offered the Property by means of the competitive bidding procedures set forth in Education Code section 17466 *et seq.*, culminating in a public auction for the lease of the Property;

WHEREAS, despite good faith efforts, which included statutorily required public agency notices and a public auction for the Property, the District has not been able to lease the Property;

WHEREAS, the District desires to lease the Property in a public bid auction, pursuant to Education Code section 17466 *et seq.*; and

WHEREAS, interested bidders for the lease of the Property shall submit a bid proposal on a form supplied by the District.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Trustees of the Ross Valley School District as follows:

Section 1. That the above recitals are true and correct.

Section 2. That the Board hereby declares the Board's intention to lease the Property.

Section 3. That, the lease of the Property is not hereby limited to any particular use, except as provided in the lease documents ("Agreement") that will be included in the bid package.

Section 4. That the District has previously complied with the notice requirements in Education Code section 17464, Education Code section 17465, and Government Code section 54222.

Section 5. That the District's Superintendent or his designee is authorized and directed to solicit proposals for the lease of the Property and advertise a bid hearing.

Section 6. That this Board, pursuant to Education Code section 17466, does hereby announce its intention to receive and consider proposals for the lease of the Property.

Section 7. That each bidder shall submit with its bid proposal a certified or cashier's check made payable to the Ross Valley School District in the amount of Ten Thousand Dollars (\$10,000.00) as bid security for entering into the Agreement. The deposit of the successful bidder will be retained by the District and applied towards the fees in the Agreement. After execution of the Agreement by a successful bidder, or thirty (30) days, whichever comes first, all other deposits will be returned. If the successful bidder fails to execute the Agreement with the District, the District shall retain the successful bidder's bid security.

Section 8. That the lease of the Property shall be upon the following minimum terms and conditions:

a. Any lease of the Property will be contingent upon completion of all required environmental review under the California Environmental Quality Act at the potential lessee's sole cost and expense, and no lease shall be approved by the Board until completion of required environmental review and approval of the final environmental documents by the Board.

b. The minimum bid for the lease of the Property shall be no less than Fifteen Dollars and Thirty-Two Cents (\$15.32) per square foot, per year, or minimum amount as may be determined by the Board prior to the bid hearing.

- c. The Property is leased in an "As-Is" condition.
- d. Use or improvements to the Property must allow for future reopening of the Property as a school site.
- e. Bidder must provide evidence of financial ability to make lease payments.

Section 9. The District will not pay a real estate commission for the lease of the Property.

Section 10. That bid proposal form(s) for the lease of the Property may be obtained from the District Office of the Ross Valley School District at 110 Shaw Dr., San Anselmo, CA 94960 or as otherwise directed by issuance of a bid package of documents related to the lease of the Property.

Section 11. That the bid proposals shall be sealed and filed with the District Office of the Ross Valley School District at a specified future date and time, which date and time shall be noticed pursuant to the surplus property procedures and the law of the State of California.

Section 12. That at the bid hearing to be held at the District board room at a date to be determined by the District, the sealed bid proposals shall be opened, examined and declared. The District's Superintendent or his authorized designee shall then call for oral bids. If, upon the call for oral bidding, any responsible person offers to enter into said lease agreement, upon the terms and conditions specified and for a price exceeding by at least five percent (5%) the highest written proposal for the Property, then the oral bid, which is highest for the Property and that conforms to the terms of the lease agreement, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror and bid security, as described herein, in the form of a certified or cashier's check payable to the District has been submitted.

Section 13. That final acceptance of the highest bid that conforms to the terms of the lease agreement, either written or oral, will be made at the Board meeting, wherein the bids are presented to the Board or at any adjourned session of the same meeting held within ten (10) days. The Board may select the highest bid that conforms to the terms of the lease agreement of any of the bids, a counter offer or if it deems such action to be for the best public interest, it may reject any and all bids. The highest successful bidder shall be required to execute the lease agreement as a requirement for final acceptance by the Board. In the event that there are no written or oral bids made at or greater than the rental terms and conditions set forth in the lease agreement that comply with all material terms set forth therein and in the bid package, the District may select a counteroffer.

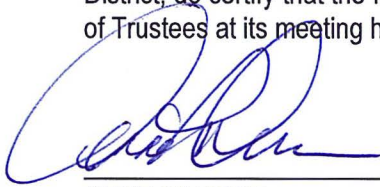
Section 14. That the Superintendent of the District or his designee is hereby authorized and directed to give notice of the Board's intent to lease the Property by posting executed copies of the Resolution in three (3) public places in the District not less than fifteen (15) days before the date of the meeting, and by publication of a Notice of Intent to Lease not less than once a week for three (3) consecutive weeks before the date of the meeting in a newspaper of general circulation published in the District or in the County in which the District or any part thereof is situated and having a general circulation in the County.

Section 15. That the Superintendent of the District or his designee is hereby authorized and directed to conduct the bid hearing at the date and time noticed pursuant to the intent of this resolution, and to report the results of such bid hearing to the Board at a scheduled board meeting thereafter so that a final determination regarding the success of any offer(s) or counter offer(s) received may be made by the Board.

APPROVED, PASSED AND ADOPTED by the Ross Valley School District Board of Trustees at a regular meeting held on the 3rd of May, 2016, by the following votes:

Roll Call Vote:	<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Annelise Bauer	<u>✓</u>	_____	_____	_____
Anne Capron	<u>✓</u>	_____	_____	_____
Wesley Pratt	<u>✓</u>	_____	_____	_____
Mark Reagan	<u>✓</u>	_____	_____	_____
Amy Stock	<u>✓</u>	_____	_____	_____

I, Anne Capron, President of the Board of Trustees, and Amy Stock, Clerk, of the Ross Valley School District, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Board of Trustees at its meeting held on May 3, 2016.



ANNE CAPRON,
President, Board of Trustees



AMY STOCK,
Clerk, Board of Trustees