

Lewis Center for Educational Research

BP 3280: Sale or Lease of Organization-Owned Real Property

Adopted: September 12, 2011

Revised:

The Board of Directors believes that the organization should utilize its facilities and resources in the most economical and practical manner. To that end, the President or designee shall periodically study the current and projected use of all organization facilities in order to ensure the efficient utilization of space and the effective delivery of instruction.

Upon determination that organization property is no longer needed or may not be needed until some future time, the Board shall offer to sell or lease organization-owned real property in accordance with priorities and procedures specified in law.

When required by law, the Board shall appoint an organization advisory committee to advise the Board in the development of policies and procedures governing the use or disposition of schools or school building space which is not needed for school purposes.

Before ordering the sale or lease of any real property, the Board 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 rental, describe the terms upon which it will be sold or leased, and specify the commission or rate, 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, held at the Board's regular meeting place, at which sealed proposals to purchase or lease will be received and considered.

The President or designee shall ensure that notice of the resolution of intention to sell or lease property is provided in accordance with applicable Education Code.

At the public meeting specified in the resolution, the Board shall open, examine, and declare all sealed bids. Before accepting any written proposal, the Board shall call for oral bids in accordance with law. The Board may reject any and all bids, either written or

oral, and withdraw the properties from sale when the Board determines that rejection is for the best public interest.

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 Board shall finally accept the highest bid, after deducting commission, if any, to be paid to a licensed real estate broker, unless the Board accepts a higher oral bid or rejects all bids.

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned meeting of the same meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board 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.

The President or designee shall ensure that proceeds from the sale or lease with an option to purchase of organization surplus property are used in accordance with law.

