

Putting  
Children  
First

## 7-11 Committee Meeting

Monday, October 7, 2013

4:30 to 7:30 p.m.

Clayton B. Wire Elementary School

5100 El Paraiso Avenue

Sacramento, California 95824

Meeting Number 3

### Agenda

4:30 to 4:32      **1.0 Welcome /Roll Call**

\_\_\_\_ Anna Molander    \_\_\_\_ Michael Minnick    \_\_\_\_ Larry Meade    \_\_\_\_ Mary Jo Young  
\_\_\_\_ Leticia Garcia    \_\_\_\_ Edward Camargo    \_\_\_\_ Kristin Wright    \_\_\_\_ Kristi Morioka  
\_\_\_\_ Mary Hardin Young

4:32 to 4:35      **2.0 Establish Quorum/Call To Order**

4:35 to 4:37      **3.0 Approval Of Agenda**

Motion by \_\_\_\_\_      Second by \_\_\_\_\_

*That the Agenda be approved as presented/amended.*

4:37 to 4:40      **4.0 Approval Of Minutes**  
*September 30, 2013 Regular Meeting*

Motion by \_\_\_\_\_      Second by \_\_\_\_\_

4:40 to 4:45      **5.0 Public Comments From The Floor On Items Not On The Agenda**

*(3 minute time limit per individual)*

*Persons wishing to speak to items not on the agenda are asked to complete "A Request to Speak" card and present it to the Chairperson prior to the meeting. Subjects not on the agenda may be introduced at this time, but no action may be taken at this meeting. Please state your name for the record.*

**4:45 to 5:00**      **6.0 Recap Of Last Meeting And Tonight's Schedule**

**5:00 to 7:00**      **7.0 Public Hearing**

**7.1 Site Tour**

**7.2 Staff Presentation**

- *School site information*
- *Neighborhood information*
- *Future planning information (if any)*

**7.3 Community Forum**

**7:00 to 7:15**      **7.0 Committee Discussion**

- *Future Business*  
    *Next Meeting: October 15, 2013*  
    *Collis P. Huntington*  
    *5921 26<sup>th</sup> Avenue, Sacramento CA95822*  
    *4:30 to 7:30 p.m. (Public Hearing Scheduled for 5:00)*

**7:30**              **8.0 Adjourn**



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## 7-11 Committee Meeting

Monday, September 30, 2013

4:30 to 7:30 p.m.

Tennessee Community Room

Serna Center

5735 47<sup>th</sup> Avenue

Sacramento, California 95824

# Minutes

### **1.0 Welcome/Roll Call– Anna Molander, Chair**

*Larry Meade introduced himself to the Committee.*

*Ms. Molander announced to the group that Kay Knepprath had resigned from the Committee as of Friday, September 27, 2013.*

*Quorum for committee meetings will now be 5.*

**Members Present:** *Mary Hardin Young, Kristin Wright, Mary Jo Young, Leticia Garcia, Kristi Morioka, Edward Camargo, Anna Molander, Michael Minnick, Larry Meade*

**Staff Present:** *Cathy Allen, Jim Dobson, Elena Hankard*

### **2.0 Establish Quorum/Call to Order**

*A quorum was established @4:36 p.m.*

### **3.0 Approval of Agenda**

*Motion by: Michael Minnick    Second by: Edward Camargo*

*All in favor.*

*The agenda was approved as presented.*

### **4.0 Approval of Minutes**

*September 24, 2013 Regular Meeting*

*Minutes were amended to reflect the following: "Census demographic information to be provided by Committee members."*

*Motion by: Leticia Garcia    Second by: Mary Jo Young*

### **5.0 Public Comments From The Floor On Items Not On The Agenda**

*Question from Public: Would it be possible to wait for public comment until all of the sites have been spoken of?*

*Copies of the Agenda will be made available to the public at each meeting.*

### **6.0 Property Discussion On The Seven Closed Sites**

- *Clayton B. Wire 5100 El Paraiso Avenue, Sacramento CA 95824*
- *Collis P. Huntington 5921 26<sup>th</sup> Avenue, Sacramento CA 95822*
- *Fruit Ridge 4625 44<sup>th</sup> Street, Sacramento CA 95820*
- *Joseph Bonnheim 7300 Marin Avenue, Sacramento CA 95820*
- *Maple 3301 37<sup>th</sup> Avenue, Sacramento CA 95824*
- *Mark Hopkins 2221 Matson Drive Sacramento, CA 95822*
- *Washington 520 18<sup>th</sup> Street, Sacramento CA 95814*

*Ms. Allen went through all of the handouts with the Committee.*

- *The Committee went through previously closed sites and their uses.*
- *Historical SCUSD enrollment (Independent Charters are not included in SCUSDs enrollment numbers).*
- *Sample meeting notice.*
- *Various options for the closed sites.*
- *Revised meeting norms.*
- *Revised site characteristics.*
- *Utility costs.*
- *Revised 7-11 meeting schedule.*
- *Closed school site data – The group was taken through all of the data provided for CB Wire.*

*CB Wire houses the interim central kitchen. The kitchen produces meals for Child Development Programs and the Supper Program. It produces approximately 7,200 meals a day. The 2015 bond sale will start the design process and construction is due to start in 2016. It will take about a year to build. The kitchen will be located at CB Wire for about three years.*

*It is possible to keep programs at the closed schools. The committee could still declare the whole school site as surplus but make a recommendation that a certain program could stay/go in.*

*Cathy Allen will prepare a condensed Ed Code document that will make it easier for the committee to reference.*

*Question: What is the Executive Board looking for? We need better direction. We need specifics.*

*Ms. Allen will check with Dr. Cummings as to any feedback from the Executive Board.*

*The 7-11 Committee is to make recommendations for each site. The Board will make the final decisions.*

*The Committee's purpose is to make recommendations as to the type of tenant, if any, not the specific firm or entity.*

*Michael Minnick will supply the Committee with a copy of the old Prop 39.*

*The Committee decided that special presentations, if necessary, will be held on December 2<sup>nd</sup>, 2013.*

*The Committee decided that during each meeting 3 minutes would be allotted for public comment for items not on the agenda. The Committee decided that during the public hearing portion of each meeting 5 minutes would be allotted per request. Time would be adjusted as necessary based on the number of requests.*

#### ***7.0 Next Week's Format***

*The group discussed several options of how future meetings should be organized at the sites. It was decided:*

*Public Hearing portion of meeting beginning at 5:00 p.m.:*

*Staff Presentation*

*Site Tour*

*Community Forum*

#### ***8.0 Website Demonstration***

*The group was given a SCUSD website navigation lesson.*

#### ***9.0 Committee Discussion***

*Next Meeting: October 7, 2013*

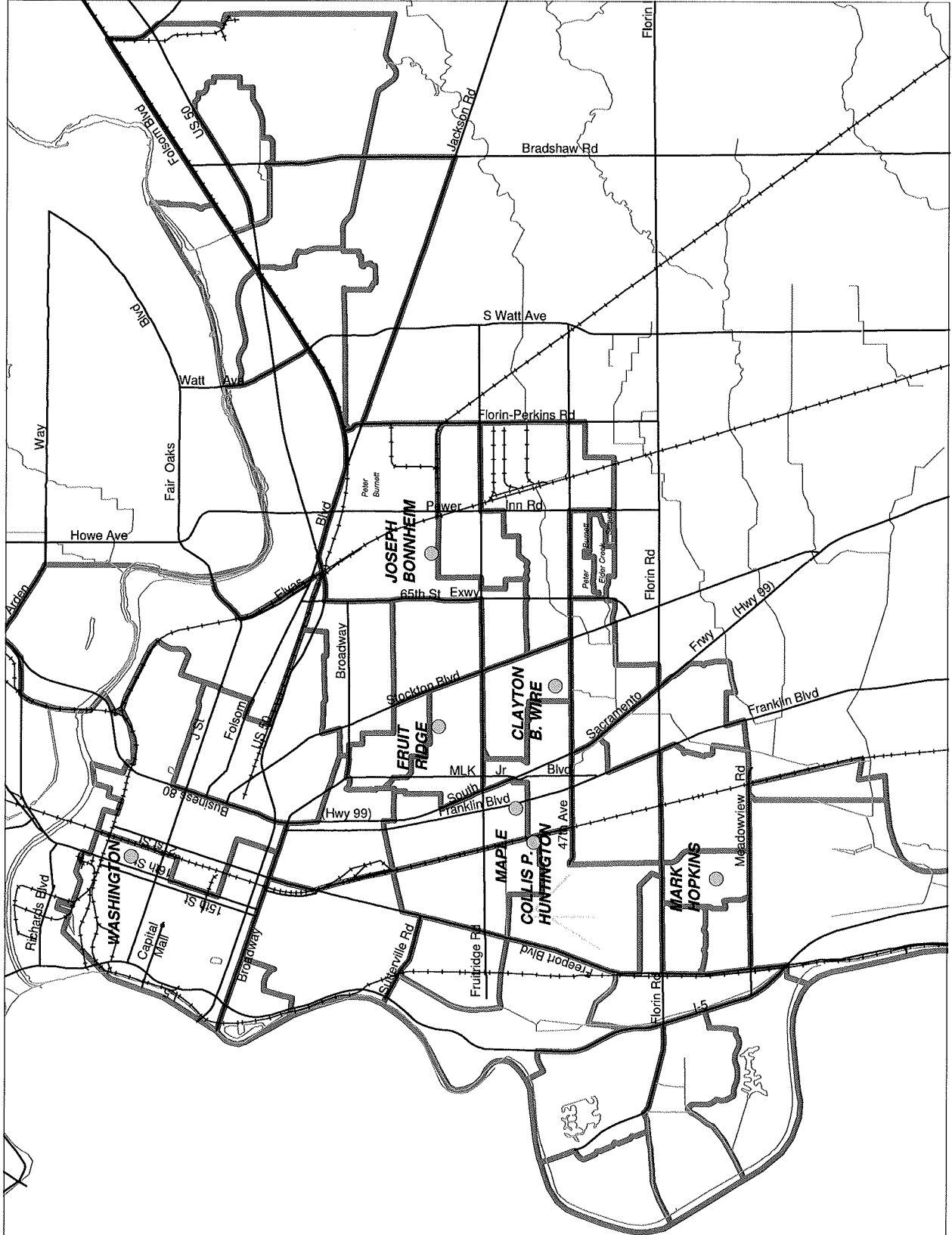
*Location: Clayton B. Wire, 5100 El Paraiso Avenue, Sacramento CA 95824*

*Time: 4:30 to 7:30p.m.*

#### ***10. Adjourn***

*Motion by: Mary Hardin Young    Second by: Edward Camargo*

*Time: 6:45 p.m.*



● Closed Locations

□ 2013/2014 School Year Assignment Areas

Major Road  
Water  
Railroad  
Executive Airport Runways  
Sacramento Area Council of Governments TIGER file.

Map Source: Sacramento Area Council of Governments TIGER file.

# School Enrollment by Grade and Ethnic Designation

C B Wire

Ethnicity	K	Grade					Grade 4	Grade 5	Grade 6	Total Enrollment
		1	2	3	4	5				
Hispanic or Latino of Any Race	37	30	33	40	28	31	23	222		
American Indian or Alaska Native, Not Hispanic	0	1	1	1	0	0	0	3		
Asian, Not Hispanic	6	17	19	22	20	12	18	114		
Pacific Islander, Not Hispanic	1	1	1	1	0	1	0	5		
Filipino, Not Hispanic	1	0	1	2	1	0	1	6		
African American, Not Hispanic	4	9	7	14	11	14	12	71		
White, not Hispanic	2	3	2	2	3	1	4	17		
Two or More Races, Not Hispanic	0	1	0	1	1	1	2	6		
Not Reported	0	0	0	1	0	0	0	1		
<b>Total Enrollment</b>	<b>51</b>	<b>62</b>	<b>64</b>	<b>84</b>	<b>64</b>	<b>60</b>	<b>60</b>	<b>445</b>		

# School Enrollment by Grade and Ethnic Designation

C P Huntington

Ethnicity	K	Grade						Total Enrollment
		1	2	3	4	5	6	
Hispanic or Latino of Any Race	23	19	21	25	12	18	13	131
Asian, Not Hispanic	2	4	6	7	8	4	4	35
Pacific Islander, Not Hispanic	0	3	1	1	0	2	3	10
African American, Not Hispanic	4	4	5	5	6	5	4	33
White, not Hispanic	0	1	4	2	3	6	2	18
Two or More Races, Not Hispanic	1	1	0	2	2	2	2	10
<b>Total Enrollment</b>	<b>30</b>	<b>32</b>	<b>37</b>	<b>42</b>	<b>31</b>	<b>37</b>	<b>28</b>	<b>237</b>



School Enrollment by Grade and Ethnic Designation  
Maple

<b>Ethnicity</b>	<b>K</b>	<b>Grade 1</b>	<b>Grade 2</b>	<b>Grade 3</b>	<b>Grade 4</b>	<b>Grade 5</b>	<b>Grade 6</b>	<b>Total Enrollment</b>
Hispanic or Latino of Any Race	26	25	30	25	30	23	23	182
Asian, Not Hispanic	2	5	2	6	5	6	7	33
Filipino, Not Hispanic	0	0	1	0	0	0	0	1
African American, Not Hispanic	1	1	1	1	1	1	1	7
White, not Hispanic	3	1	1	1	0	0	2	8
<b>Total Enrollment</b>	<b>32</b>	<b>32</b>	<b>35</b>	<b>33</b>	<b>36</b>	<b>30</b>	<b>33</b>	<b>231</b>

# School Enrollment by Grade and Ethnic Designation

Joseph Bonnheim

<b>Ethnicity</b>	<b>K</b>	<b>Grade 1</b>	<b>Grade 2</b>	<b>Grade 3</b>	<b>Grade 4</b>	<b>Grade 5</b>	<b>Grade 6</b>	<b>Total Enrollment</b>
Hispanic or Latino of Any Race	41	42	41	22	27	46	36	255
American Indian or Alaska Native, Not Hispanic	0	2	0	0	0	1	0	3
Asian, Not Hispanic	2	4	8	5	9	6	3	37
Pacific Islander, Not Hispanic	0	0	3	2	1	2	0	8
Filipino, Not Hispanic	1	1	2	0	0	0	0	4
African American, Not Hispanic	4	3	6	7	7	2	4	33
White, not Hispanic	6	12	6	12	4	11	4	55
Two or More Races, Not Hispanic	0	2	1	3	1	1	5	13
Not Reported	0	0	2	0	0	0	0	2
<b>Total Enrollment</b>	<b>54</b>	<b>66</b>	<b>69</b>	<b>51</b>	<b>49</b>	<b>69</b>	<b>52</b>	<b>410</b>

# School Enrollment by Grade and Ethnic Designation

Mark Hopkins

Ethnicity	K	Grade						Total Enrollment
		1	2	3	4	5	6	
Hispanic or Latino of Any Race	22	31	22	29	25	25	22	176
American Indian or Alaska Native, Not Hispanic	0	2	1	0	0	0	0	3
Asian, Not Hispanic	7	8	10	13	14	8	8	68
Pacific Islander, Not Hispanic	1	0	2	0	2	3	3	11
Filipino, Not Hispanic	0	2	3	1	2	2	1	11
African American, Not Hispanic	26	17	16	15	19	12	16	121
White, not Hispanic	3	1	2	3	1	3	0	13
Two or More Races, Not Hispanic	3	0	1	1	1	5	2	13
Not Reported	0	1	0	1	0	0	0	2
<b>Total Enrollment</b>	<b>62</b>	<b>62</b>	<b>57</b>	<b>63</b>	<b>64</b>	<b>58</b>	<b>52</b>	<b>418</b>

School Enrollment by Grade and Ethnic Designation  
Fruit Ridge

Ethnicity	K	Grade						Total Enrollment
		1	2	3	4	5	6	
Hispanic or Latino of Any Race	21	22	19	18	19	20	17	136
American Indian or Alaska Native, Not Hispanic	1	0	0	2	1	0	0	4
Asian, Not Hispanic	8	10	10	7	8	7	11	61
Pacific Islander, Not Hispanic	2	0	1	0	0	1	0	4
Filipino, Not Hispanic	1	2	1	0	1	3	1	9
African American, Not Hispanic	5	17	17	7	9	6	13	74
White, not Hispanic	2	2	1	3	3	2	0	13
Two or More Races, Not Hispanic	3	1	0	1	0	0	4	9
<b>Total Enrollment</b>	<b>43</b>	<b>54</b>	<b>49</b>	<b>38</b>	<b>41</b>	<b>39</b>	<b>46</b>	<b>310</b>

School Enrollment by Grade and Ethnic Designation  
Washington

Ethnicity	K	Grade						Total Enrollment
		1	2	3	4	5	6	
Hispanic or Latino of Any Race	18	18	22	14	26	22	22	142
American Indian or Alaska Native, Not Hispanic	0	2	0	0	0	0	0	2
Asian, Not Hispanic	2	1	1	2	0	3	1	10
African American, Not Hispanic	1	4	3	4	5	4	4	25
White, not Hispanic	4	2	2	8	4	4	3	27
Two or More Races, Not Hispanic	5	2	1	3	1	0	0	12
Not Reported	0	0	1	0	0	0	0	1
<b>Total Enrollment</b>	<b>30</b>	<b>29</b>	<b>30</b>	<b>31</b>	<b>36</b>	<b>33</b>	<b>30</b>	<b>219</b>

# General Guidelines Relative to Disposal of Property

Pursuant to Education Section 17390, the District's Advisory Committee must forward a report to the District's Governing Board recommending uses of surplus real property. The Board may then choose to declare property as surplus and offer it for sale or lease by adopting a Resolution of Intention declaring surplus property, authorizing the offer of District property for sale to certain public entities, and authorizing public sale or lease of property.

## SALE OF PROPERTY

- A. Offer of Property to Certain Public Agencies
  - a. After the Advisory Committee recommends the sale of surplus property and the Board approves of such sale, the District must offer to sell the Property to certain public agencies as set forth herein.
- B. Sale of Naylor Act Property
  - a. The purpose of the Naylor Act is to preserve recreational and open-space property by allowing one (1) governmental agency to purchase such property from another at a reduced price. (Education Code section 17485). In order to be subject to the requirements of the Naylor Act, the surplus property must be a site which has the following characteristics (Education Code section 17486):
    - i. The Property consists of land which is used for school playground, playing field, or other outdoor recreational purposes and open-space land particularly suited for recreational purposes.
    - ii. The Property must have been used for one or more of the purposes set forth in the preceding paragraph for at least eight years immediately preceding the date of the Governing Board's determination to sell the Property.
    - iii. No other available publicly-owned land in the vicinity of the school site is adequate to meet the existing and foreseeable needs of the community for playground, playing field, or other outdoor recreational and open-space purposes...

If it is determined that the property is subject to the Naylor Act, the school district must notify the following government agencies regarding the availability of the Property (Education Code section 17489):

- a. First, to any city within which the land may be situated.
- b. Second, to any park or recreation district within which the land may be situated.
- c. Third, to any regional park authority having jurisdiction within the area in which the land is located.
- d. Fourth, to any county within which the land may be situated.

- C. Requirements to Offer the District Property to Other Public Agencies.
- a. If none of the public agencies listed in Education Code 17489 purchase the surplus property, or if the property is not Naylor Act property as described above, the District must proceed pursuant to Education Code section 17464 which requires that a district, prior to offering for sale to the general public, must first offer such property to certain public agencies through two categories of priority.
    - i. Offer to Public Agencies Pursuant to Education Section 17464(a)
      1. Government Code section 54222
        - a. Low and moderate income housing
        - b. Park and recreation department - city
        - c. Park and recreation department – county
        - d. Regional park authority
        - e. State Resources Agency
        - f. Non-profit neighborhood enterprise association
        - g. Program area agent (Health & Safety Code section 7082 (I))
      2. Offer to Public Agencies Pursuant to Education Section 17464(b). (at fair market value)
        - a. Director of General Services for the State of California
        - b. The Regents of the University of California
        - c. The Trustees of the California State University
        - d. The county in which the property is located
        - e. The city in which the property is located
        - f. Any public housing authority in the county in which the property is located

## **LEASE OF PROPERTY**

Leases are a common method used by school districts to retain unused property in a manner that is economically beneficial to the school district. However, the leasing of a school district's real property is a highly regulated activity. The Education Code contains specific procedures for leasing property that apply depending on the property type and/or its intended use. In general, there are the following types: classroom space, recreational or Naylor Act property, vacant land, improved property not containing classrooms, and property intended for use for child care.

In order to lease school district property, regardless of the type of use, surplus property procedures must be followed, including the formation of an advisory committee pursuant to Education Code section 17387, that makes recommendations to the school district governing board.

### Board Meeting to Declare Intent to Lease Real Property.

Regardless of the type of property or the use intended for the property, the lease process requires that, upon receipt of the advisory committee's recommendations, the governing board make a determination as to the disposition of the property at issue. If the governing board decided to accept the advisory

committee's recommendation to lease the property, the board must declare its intent to lease the property by a resolution that is adopted at a regular open meeting by a two-thirds vote of all the board members. (Education Code section 17466). The resolution must describe the property proposed to be leased, specify the minimum rental amount and terms upon which it will be leased (and commission if a broker is involved), and fix a time not less than three weeks thereafter for a public meeting of the governing board at which sealed proposals to lease the property will be received and considered. The stated terms will then be used to determine if a bidder is responsive to the governing board's requirements.

Notice Procedures Based on Type of Property.

1. Classroom Space.
  - a. If a school district intends to lease classroom space, it must first offer to lease the property for special education programs to school districts that are part of the school district's special education local plan area or the county office of education with jurisdiction over the school district. (Education Code section 17465).
2. Recreation Site-Naylor Act Property.
  - a. If the property to be leased contains land that was used as a playground, playing field or recreational property for at least eight years immediately preceding the date of the governing board's decision to lease the property, then Education Code section 17485 imposes certain requirements, including making the land available first to specific public agencies according to a given priority.
    - i. Any city within which the land is situated.
    - ii. Any park or recreation district within which the land is located.
    - iii. Any regional park authority having jurisdiction within the area in which the land is situated.
    - iv. Any county within which the land is situated.
3. Lease of Vacant Land.
  - a. Zoning requirements.
4. Lease of Site Improvements that do not include Classrooms.
  - a. No requirement to offer the property to any entity prior to the public bidding process under Education Code section 17455.
5. Lease of Property to be used for Child Care and Development Services.
  - a. If a school district wishes to lease property specifically for use for child care and development services, as permitted under Education Code section 17458, then the property may be offered first to any contracting agency, which includes schools districts, community college districts, colleges or universities, county superintendents of schools, counties, cities, public agencies, private nontax-exempt agencies, private tax-exempt agencies, as well as licensed private agencies and parent cooperatives.

Offer to Lease to General Public and Other Public Entities through Formal Notice and Bidding Process (Education Code section 17455).



If the property is not leased to any of the specified entities enjoying priority as described above, then the school district must offer the property to the general public, including public entities not specifically addressed above, under the following Education Code procedures:

1. Public Notice of Resolution of Intent to Lease and Receive Sealed Proposals.
2. Board Meeting to Receive Sealed Proposals.

#### **EXCHANGE**

A school district may exchange one or more of the properties rather than selling or leasing them pursuant to Education Code section 17536 which provides as follows:

The governing board of a school district may exchange any of its real property for real property of another person or private business firm. Any exchange shall be upon such terms and conditions as the parties thereto may agree and may be entered into without complying with any of the provisions in this code except as provided in this article.

# CLIENT NEWS BRIEF

## Legislature Extends and Revises Requirements Related to Charter Schools and Surplus Property

As part of the trailer bills adopted to implement the 2013-2014 State Budget, the Legislature extended until July 1, 2016, the requirement that school districts offer surplus property to interested charter schools. The Legislature also made other modifications to the law relating to such offers, and extended the right of school districts to deposit the proceeds from the sale of certain surplus real property into the general fund for one-time general fund purposes to January 1, 2016. The Governor signed the legislation on July 1, 2013, and it is effective immediately.

### Offers to Charter Schools

Generally, before surplus property can be sold or leased, a school district must comply with various requirements, including making statutory offers to sell or lease the property to certain entities. Education Code section 17457.5, which became effective on June 27, 2012, added a requirement that school districts seeking to sell or lease surplus property must first offer that property to any charter school that has previously submitted a written statement of interest in such property. Such offers to interested charter schools are given priority over offers that are required by statute to be made to certain other entities. (See Lozano Smith Client News Brief No. 41 (July 2012) for further discussion of Education Code section 17457.5.) Charters are then entitled to purchase or lease the property at a capped amount based on an inflation rate applied to the original acquisition cost, plus the cost of facilities construction that has occurred on the site. We note that the school district is not required to proceed with a sale or lease to any party if it so chooses.

As originally enacted, section 17457.5 was to become inoperative on June 30, 2013, and to be repealed as of January 1, 2014. However, on July 1, 2013, the Governor approved Assembly Bill (AB) 86, which instead states that a school district selling or leasing surplus property is now required to offer that property to an interested charter school through July 1, 2016. The bill also makes the following changes:

1. The new legislation specifies that offers need only be made if the charter school, at the time of the offer, has projections of at least 80 units of in-district average daily attendance for the following fiscal year. This change is consistent with thresholds under Proposition 39, which requires school districts to provide facilities to charter schools.
2. The prior version of section 17457.5 required the charter school buying or leasing surplus property to use that property exclusively to provide direct instruction or instructional support. If the charter failed to do so for at least five years from a sale, it would be required to sell the property pursuant to surplus property requirements applicable to school districts. The new legislation removed this five-year cap, presumably requiring the charter school to use the property for direct instruction or instructional support indefinitely.

July 2013  
Number 38



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*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*

# School Districts Must Offer Surplus Property to Charter Schools Requesting Notification

July 2012  
Number 41

New legislation that became effective on June 27, 2012, gives charter schools interested in surplus school district real property priority to buy or lease such property. Senate Bill (SB) 1016 requires school districts seeking to sell or lease surplus property to offer that property first to any charter school that has submitted a written request to be notified of surplus property offered for sale or lease by the school district. Such offers are required for any property designed to provide instruction or instructional support, and are given priority over offers required by statute to be made to certain other entities.

Surplus property is real property belonging to a school district which is not needed for school classroom buildings. Before a school district can dispose of surplus property, it must generally declare the property to be surplus following input from a community committee (commonly called a "7-11 Committee") and then must make written offers or solicitations to sell or lease the property to various agencies. If the property remains unsold or unleased after this process, it can be put out to bid to the general public. SB 1016, which became effective upon the Governor's signature, added section 17457.5 to the Education Code and amended various related statutes. Under the new law, charter schools are not only added to the list of agencies to whom surplus property must be offered - they are advanced to the front of the line, and school districts must now offer the property to the charter schools before offering it to other entities.

Initially, the Governor proposed a budget trailer bill which would have required school districts to convey surplus real property to any interested charter school, *without requiring payment*, before that property could be offered for sale or lease in a manner consistent with typical surplus property disposal. School districts dodged a bullet when that language was ultimately rejected, since it would have essentially forced districts to offer to give their land away for free to charter schools before they could sell the property at fair market value. Particularly in light of the current fiscal crisis, depriving school districts of a legitimate way to generate funds would have had a negative impact.

The enacted law requires school districts to offer to sell or lease surplus property to charter schools requesting such offers, subject to the following conditions:

1. In the event of a sale of surplus property, the charter school must use the property to provide direct instruction or instructional support for at least five years from the date upon which the property is made available to the charter school (the statute does not define what is meant by "made available"). Otherwise, the charter school must immediately offer the property for sale according to the surplus property rules applicable to school districts, with a cap on the sales price based on the cost of acquisition incurred by the school district that sold the property, rather than that incurred by the charter school. The

## Chapter 5: Disposing of school property

A vacant school site and empty buildings are district liabilities. They still require upkeep, maintenance, security, and insurance coverage (in fact, empty buildings may raise insurance costs). Unless the district foresees reopening the schools in the near future or is willing to financially support a vacant-school liability, closed schools should be leased, re-used, or sold outright.

Keep in mind that leasing a school, as opposed to selling it, allows a school district to retain it as a resource in case enrollment increases, as it often does, and facilities are needed again.

But there are statutes governing to what purposes the proceeds from the sale or lease of the property can be used and to whom district property must first be offered. In fact, the California *Education Code* has numerous relevant sections as listed below.

The district must appoint a DAC (the "7/11 Committee" discussed above) to advise the governing board in the use or disposition of school buildings and vacant sites not needed for school purposes (see *Education Code* Section 17388). As stated above, it is best if this committee is involved at the very beginning of discussions about school closure, but it is a legal mandate that the committee be formed and consulted about the use of school property once closure decisions have been made.

The district must also keep in mind that the proceeds from the sale or lease of surplus property generally have restricted uses. *Education Code* Section 17462 is important in this regard. It begins by stating that the proceeds from the sale of district property must be used for capital outlay purposes or maintenance of district property, and that the proceeds from the lease with an option to purchase district property may be deposited in a restricted fund used for routine repair of district facilities. This language excludes the ability to use funds for general fund purposes, but it does not mention how proceeds from the lease without an option to purchase can be used.

But *Education Code* Section 17462 goes on to say that these funds may be deposited into the general fund if the governing board and the State Allocation Board determine that the district has "no anticipated need for additional sites or building construction for the next ten years," and has "no major deferred maintenance requirements." For a district to give up state assistance for new construction, modernization, and deferred maintenance money for ten years usually serves as a deterrent from requesting these property disposition proceeds to be transferred to the general fund.

There are exceptions to the restricted use of funds described above. *Education Code* Section 17463 creates special circumstances for districts with enrollments of fewer than 10,001. And *Education Code* Section 17463.6 creates an exception for the Santee School District, the Valley Center-Pauma Unified School District, and the Capistrano Unified School District, allowing them to divert part of the proceeds from the sale of disposed property to the general fund.

In addition to limitations being placed on how the proceeds from the sale or lease of surplus property can be used, there are requirements specifying to whom the property must first be offered. These restrictions are complicated. Many can be waived by the State Board of Education, but the items listed below cannot: (These apply to property disposed through outright sale or through lease with an option to purchase)

Land must first be made available for use for low-income housing and for park and recreation purposes (*Education Code* Section 17459);

Land must be made available to specified park and recreation departments (*Education Code* Section 17464[a]).

Other pertinent *Education Code* sections that prescribe the manner in which property can be disposed are summarized here. These sections can be waived by action of the State Board of Education:

Land must be offered in writing to the Director of General Services, Regents of the University of California, Trustees of the California State University, the county and city, any public housing authority; by public notice to various public agencies and non-profit charitable institutions. A time line to reply to the public notice is specified as 60 days after the final public notice. (*Education Code* Section 17464[b]);



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**CHAPTER 4. Property: Sale, Lease, Exchange [17385 - 17561]** ( Chapter 4 added by Stats. 1996, Ch. 277, Sec. 3. )

**ARTICLE 1.5. Advisory Committees [17387 - 17391]** ( Article 1.5 added by Stats. 1996, Ch. 277, Sec. 3. )

**17387.** It is the intent of the Legislature that leases entered into pursuant to this chapter provide for community involvement by attendance area at the district level. This community involvement should facilitate making the best possible judgments about the use of excess school facilities in each individual situation.

It is the intent of the Legislature to have the community involved before decisions are made about school closure or the use of surplus space, thus avoiding community conflict and assuring building use that is compatible with the community's needs and desires.

(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)

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**ARTICLE 1.5. Advisory Committees [17387 - 17391]** (*Article 1.5 added by Stats. 1996, Ch. 277, Sec. 3.*)

<sup>17390</sup>. The school district advisory committee shall do all of the following:

- (a) Review the projected school enrollment and other data as provided by the district to determine the amount of surplus space and real property.
- (b) Establish a priority list of use of surplus space and real property that will be acceptable to the community.
- (c) Cause to have circulated throughout the attendance area a priority list of surplus space and real property and provide for hearings of community input to the committee on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes pursuant to Section 17458.
- (d) Make a final determination of limits of tolerance of use of space and real property.
- (e) Forward to the district governing board a report recommending uses of surplus space and real property.

(*Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.*)



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**CHAPTER 4. Property: Sale, Lease, Exchange [17385 - 17561]** ( Chapter 4 added by Stats. 1996, Ch. 277, Sec. 3. )

**ARTICLE 4. Sale or Lease of Real Property [17455 - 17484]** ( Article 4 added by Stats. 1996, Ch. 277, Sec. 3. )

**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.

(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)



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**CHAPTER 4. Property: Sale, Lease, Exchange [17385 - 17561]** ( Chapter 4 added by Stats. 1996, Ch. 277, Sec. 3. )

**ARTICLE 4. Sale or Lease of Real Property [17455 - 17484]** ( Article 4 added by Stats. 1996, Ch. 277, Sec. 3. )

**17458.** (a) Notwithstanding Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, the governing board of a school district complying with Section 101238.2 of Title 22 of the California Code of Regulations and seeking to sell or lease real property it deems to be surplus property and for which a charter school has not accepted an offer to purchase or lease pursuant to Section 17457.5, may first offer that property for sale or lease to a contracting agency, as defined in Section 8208, pursuant to the following conditions:

(1) The real property sold or leased shall be used by the contracting agency, or by a successor in interest to the contracting agency, exclusively for the delivery of child care and development services, as defined in Section 8208, for a period of not less than five years from the date upon which the real property is made available to that agency, or successor in interest, pursuant to the sale, or, in the event of a lease, until the real property is returned to the possession of the school district, whichever occurs earlier.

(2) In the event that the contracting agency, or any successor in interest, fails to comply with the condition set forth in paragraph (1), that agency, or successor in interest, that purchased the real property, is required immediately to offer that real property for sale pursuant to this article and Article 5 (commencing with Section 17485) and to sell the property pursuant to those provisions. The agency, or its successor in interest, shall comply, in that regard, with all requirements under those provisions that would otherwise apply to a school district, except that a sale price computed under subdivision (a) of Section 17491 shall be based upon the cost of acquisition incurred by the school district that sold the property pursuant to this subdivision, rather than that incurred by the contracting agency or its successor in interest. In the event, alternatively, of a lease of real property pursuant to this subdivision, the failure by the contracting agency, or any successor in interest, to comply with paragraph (1) shall constitute a breach of the lease, entitling the school district to immediate possession of the real property, in addition to any damages to which the school district may be entitled under the lease agreement.

(3) The school district, and each of the entities authorized to receive offers of sale pursuant to this article or Article 5 (commencing with Section 17485), has standing to enforce the conditions set forth in this subdivision, and shall be entitled to the payment of reasonable attorneys' fees incurred as a prevailing party in any action or proceeding brought to enforce any of those conditions.

(b) No sale or lease of the real property of a school district, as authorized under subdivision (a), may occur until the school district advisory committee has held hearings pursuant to subdivision (c) of Section 17390.

(c) This section is in addition to, and shall not limit the requirements of, Article 5 (commencing with Section 17485), but this section may be used with regard to property that the governing board of a school district may retain under Section 17490.

(Amended by Stats. 2012, Ch. 38, Sec. 37.5. Effective June 27, 2012.)



## EDUCATION CODE - EDC

### 17463.7.

(a) Notwithstanding any other law, a school district may deposit the proceeds from the sale of surplus real property, together with any personal property located on the property, purchased entirely with local funds, into the general fund of the school district and may use the proceeds for any one-time general fund purpose. If the purchase of the property was made using the proceeds of a local general obligation bond or revenue derived from developer fees, the amount of the proceeds of the transaction that may be deposited into the general fund of the school district may not exceed the percentage computed by the difference between the purchase price of the property and the proceeds from the transaction, divided by the amount of the proceeds of the transaction. For purposes of this section, proceeds of the transaction means either of the following, as appropriate:

(1) The amount realized from the sale of property after reasonable expenses related to the sale.

(2) For a transaction that does not result in a lump-sum payment of the proceeds of the transaction, the proceeds of the transaction shall be calculated as the net present value of the future cashflow generated by the transaction.

(b) The State Allocation Board shall reduce an apportionment of hardship assistance awarded to the particular school district pursuant to Article 8 (commencing with Section 17075.10) by an amount equal to the amount of the sale of surplus real property used for a one-time expenditure of the school district pursuant to this section.

(c) If the school district exercises the authority granted pursuant to this section, the district is ineligible for hardship funding from the State School Deferred Maintenance Fund under Section 17587 for five years after the date proceeds are deposited into the general fund pursuant to this section.

(d) Before a school district exercises the authority granted pursuant to this section, the governing board of the school district shall first submit to the State Allocation Board documents certifying the following:

(1) The school district has no major deferred maintenance requirements not covered by existing capital outlay resources.

(2) The sale of real property pursuant to this section 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.

(e) Before the school district exercises the authority granted pursuant to this section, the governing board of the school district at a regularly scheduled meeting shall present a plan for expending one-time resources pursuant to this section. The plan shall identify the source and use of the funds and describe the reasons why the expenditure will not result in ongoing fiscal obligations for the school district.

(f) The Office of Public School Construction shall submit an interim and a final report to the State Allocation Board and the budget, education policy, and fiscal committees of the Legislature that identifies the school districts that have exercised the authority granted by this section, the amount of proceeds involved, and the purposes for which those proceeds were used. The interim report shall be submitted by January 1, 2011, and the final report by January 1, 2015.

(g) This section shall remain in effect only until January 1, 2016 and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

*(Amended by Stats. 2013, Ch. 48, Sec. 22. Effective July 1, 2013. Repealed as of January 1, 2016, by its own provisions.)*



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**17464.** Except as provided for in Article 2 (commencing with Section 17230) of Chapter 1, the sale or lease with an option to purchase of real property by a school district shall be in accordance with the following priorities and procedures:

- (a) First, the property shall be offered for sale or lease pursuant to Section 17457.5 to any interested charter school for purposes of providing direct instruction or instructional support.
- (b) Second, the property shall be offered for park or recreational purposes pursuant to Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, in any instance in which that article is applicable.
- (c) Third, the property shall be offered for sale or lease with an option to purchase, at fair market value in both of the following ways:
- (1) In writing, to the Director of General Services, the Regents of the University of California, the Trustees of the California State University, the county and city in which the property is situated, to any public housing authority in the county in which the property is situated, and to any entity referenced in paragraph (2) that has submitted a written request to the school district to be directly notified of the offer for sale or lease with an option to purchase the real property by the school district.
- (2) By public notice to any public district, public authority, public agency, public corporation, or any other political subdivision in this state, to the federal government, and to nonprofit charitable corporations existing on December 31, 1979, and organized pursuant to Part 3 (commencing with Section 10200) of Division 2 of Title 1 of the Corporations Code then in effect or organized on or after January 1, 1980, as a public benefit corporation under Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code. Public notice shall consist of at least publishing its intention to dispose of the real property in a newspaper of general circulation within the school district, or if there is no newspaper of general circulation in the school district, then in any newspaper of general circulation that is regularly circulated in the school district. The notice shall specify that the property is being made available to all public districts, public authorities, public agencies, and other political subdivisions or public corporations in this state, and to other nonprofit charitable or nonprofit public benefit corporations.
- (d) Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or more often, with at least five days intervening between the respective publication dates not counting the publication dates, are sufficient. The written notice required by paragraph (1) of subdivision (c) shall be mailed no later than the date of the second published notice.
- (e) The entity desiring to purchase or lease the property shall, within 60 days after the third publication of notice, notify the school district of its intent to purchase or lease the property. If the entity desiring to purchase or lease the property and the school district are unable to arrive at a mutually satisfactory price or lease payment during the 60-day period, the property may be disposed of as otherwise provided in this section. In the event the school district receives offers from more than one entity pursuant to this subdivision, the school district governing board may determine which of these offers to accept.

(f) Fourth, the property may be disposed of in any other manner authorized by law.

(g) This section shall become operative January 1, 1988.

*(Amended by Stats. 2012, Ch. 38, Sec. 37.7. Effective June 27, 2012.)*



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**17465.** (a) As used in this section, the terms "district," "special education local plan area," and "county office" have the same meaning as prescribed by Part 30 (commencing with Section 56000).

(b) The governing board of a school district that adopts a resolution of intent to lease vacant classrooms shall first offer to lease the classrooms for special education programs that are provided by either other districts that comprise part of the special education local plan area in which the leasing district is included or by the county office having jurisdiction over the leasing district, to the pupils of the leasing district, in whole or in part.

(c) Upon adoption of the resolution, the governing board shall notify, in writing, other districts or the county office, as specified in subdivision (b), of its intent to lease vacant classrooms. The notice shall describe the vacant classrooms, shall specify that the lease shall not exceed a term of 99 years and that the lease payment and other terms of the lease are subject to negotiation, and shall state that the offer to lease is valid for no more than 60 days after receipt thereof.

(d) Notwithstanding Section 17466, the governing board may include in its resolution a time for a public meeting of the governing board to be held at its regular place of meeting at which sealed proposals to lease will be received and considered, and, notwithstanding Section 17469, may post copies of the resolution and publish notice of the adoption of the resolution. However, the governing board shall not act on any proposal prior to the first of the following conditions occurring:

(1) Receipt from the county superintendent or the public education agency, as appropriate, of its intent to lease the classrooms or of its intent not to do so.

(2) Expiration of the 60-day period prescribed by subdivision (c).

(e) An entity desiring to lease the vacant classrooms shall, within 60 days from receipt of the notification, inform the governing board, in writing, of its intent to lease or not to lease the classrooms.

(f) (1) The lease payments and other terms of the lease for vacant classrooms leased to other districts or to the county office, as specified in subdivision (b), shall be negotiated by the entity desiring to lease the vacant classrooms and the governing board. Any entity eligible to lease vacant classrooms pursuant to this section and any governing board may negotiate lease payments prior to the availability of the vacant classrooms.

(2) The lease payments shall not exceed the district's actual costs for maintenance, operation, and custodial services for the leased classrooms.

(3) If more than one governing board offers to lease classrooms, the entity desiring to lease such classrooms may elect to negotiate either individually with each district, or jointly, with some or all of such districts. If the entity elects joint negotiations, the lease payments shall not exceed the participating districts' average actual costs for maintenance, operation, and custodial services for the leased classrooms.

(g) If the governing board and the entity desiring to lease the classrooms are unable to complete negotiations for the lease and arrive at a mutually satisfactory lease within the same 60-day period that the entity has to inform

the governing board of its intent to lease or not lease, the governing board may lease the classrooms in accordance with the provisions of this article.

(h) If vacant classrooms are available in both operating and nonoperating schools, the governing board, prior to adopting a resolution of intent to lease, shall consider which school would provide the environment least restrictive to the needs of handicapped pupils or individuals with exceptional needs, as appropriate, for whom the county superintendent or public education agency provides special education programs.

*(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)*



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**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.

(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)



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**ARTICLE 4. Sale or Lease of Real Property [17455 - 17484]** ( Article 4 added by Stats. 1996, Ch. 277, Sec. 3. )

**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.

(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)





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**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.

(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)

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**CHAPTER 4. Property: Sale, Lease, Exchange [17385 - 17561]** (*Chapter 4 added by Stats. 1996, Ch. 277, Sec. 3.*)

**ARTICLE 5. Surplus School Playground, Playing Field, and Recreational Property [17485 - 17500]** (*Article 5 added by Stats. 1996, Ch. 277, Sec. 3.*)

<sup>17485.</sup> The Legislature is concerned that school playgrounds, playing fields, and recreational real property will be lost for those uses by the surrounding communities even if those communities in their planning process have assumed that the properties would be permanently available for recreational purposes. It is the intent of the Legislature in enacting this article to allow school districts to recover their investment in surplus property while making it possible for other agencies of government to acquire the property and keep it available for playground, playing field or other outdoor recreational and open-space purposes.

(*Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.*)



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**ARTICLE 5. Surplus School Playground, Playing Field, and Recreational Property [17485 - 17500]** ( Article 5 added by Stats. 1996, Ch. 277, Sec. 3. )

**17489.** (a) Notwithstanding Section 54222 of the Government Code, the governing board of a school district, before selling or leasing a schoolsite containing land described in Section 17486, excluding that portion of a schoolsite retained by the governing board of the school district pursuant to Section 17490, shall, if a charter school has not accepted an offer to purchase or lease the schoolsite pursuant to Section 17457.5, first offer to sell or lease that portion of the schoolsite consisting of land described in Section 17486, excluding that portion retained by the governing board of the school district pursuant to Section 17490, to the following public agencies in accordance with the following priorities:

- (1) First, to any city within which the land may be situated.
  - (2) Second, to any park or recreation district within which the land may be situated.
  - (3) Third, to any regional park authority having jurisdiction within the area in which the land is situated.
  - (4) Fourth, to any county within which the land may be situated.
- (b) The governing board of the school district shall have discretion to determine whether the offer shall be an offer to sell or an offer to lease.
- (c) An entity which proposes to purchase or lease a schoolsite offered by a school district shall notify the school district of its intention, in writing, within 60 days after receiving written notification from the school district of its offer to sell or lease.

(Amended by Stats. 2012, Ch. 38, Sec. 37.9. Effective June 27, 2012.)

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**DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]** (*Division 1 enacted by Stats. 1976, Ch. 1010.*)

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**CHAPTER 4. Property: Sale, Lease, Exchange [17385 - 17561]** (*Chapter 4 added by Stats. 1996, Ch. 277, Sec. 3.*)

**ARTICLE 5. Surplus School Playground, Playing Field, and Recreational Property [17485 - 17500]** (*Article 5 added by Stats. 1996, Ch. 277, Sec. 3.*)

<sup>17490</sup>. In determining what portion of a schoolsite shall be offered for sale or lease pursuant to this article, the governing board may retain any part of the schoolsite containing structures or buildings, together with such land adjacent thereto which, as determined by the governing board, must be included in order to avoid reducing the value of that part of the schoolsite containing such structures or buildings to less than 50 percent of fair market value.

*(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)*



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## LEGISLATIVE INFORMATION

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### EDUCATION CODE - EDC

**TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]** ( Title 1 enacted by Stats. 1976, Ch. 1010. )

**DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]** ( Division 1 enacted by Stats. 1976, Ch. 1010. )

**PART 10.5. SCHOOL FACILITIES [17210 - 17653]** ( Part 10.5 repealed (by Sec. 4) and added by Stats. 1996, Ch. 277, Sec. 3. )

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**ARTICLE 5. Surplus School Playground, Playing Field, and Recreational Property [17485 - 17500]** ( Article 5 added by Stats. 1996, Ch. 277, Sec. 3. )

**17491.** (a) Except as otherwise provided in subdivision (b) or (e), the price at which land described in Section 17486, excluding that portion of a schoolsite retained by the governing board pursuant to Section 17490, is sold pursuant to this article shall not exceed the school district's cost of acquisition, calculated as a pro rata cost of acquiring the entire parcel comprising the schoolsite, adjusted by a factor equivalent to the percentage increase or decrease in the cost of living from the date of purchase to the year in which the offer of sale is made, plus the cost of any improvement to the recreational and open-space portion of the land which the school district has made since its acquisition of the land. In no event shall the price be less than 25 percent of the fair market value of the land described in Section 17486 or less than the amount necessary to retire the share of local bonded indebtedness plus the amount of the original cost of the approved state aid applications on the property, excluding that portion of a schoolsite retained by the governing board pursuant to Section 17489, at the time of the offer.

These provisions shall apply to land that the school district acquired by gift or for consideration.

(b) A school district that offers a portion of a schoolsite for sale may offer such portion of property for sale at its fair market value, provided the school district offers an equivalent size alternative portion of that schoolsite for school playground, playing field, or other recreational and open-space purposes.

(c) Land which is leased pursuant to this article shall be leased at an annual rate of not more than 1/20th of the maximum sales price determined pursuant to subdivision (a) of this section, adjusted annually by a factor equivalent to the percentage increase or decrease in the cost of living for the immediately preceding year.

(d) The percentage of annual increase or decrease in the cost of living shall be the amount shown for January 1st of the appropriate year by the then current Bureau of Labor Statistics Consumers Price Index for the area in which the schoolsite is located.

(e) Whenever a school district closes a schoolsite and sells any land described in Section 17486 pursuant to this article to help pay only for capital outlay costs incurred directly as a result of the transfer of pupils from the closed school to another school or other schools of the district, the sale price of the property determined pursuant to subdivision (a) shall be increased by an amount equal to the additional costs incurred due to the school closure.

(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)



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### EDUCATION CODE - EDC

**TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]** ( Title 1 enacted by Stats. 1976, Ch. 1010. )

**DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]** ( Division 1 enacted by Stats. 1976, Ch. 1010. )

**PART 10.5. SCHOOL FACILITIES [17210 - 17653]** ( Part 10.5 repealed (by Sec. 4) and added by Stats. 1996, Ch. 277, Sec. 3. )

**CHAPTER 4. Property: Sale, Lease, Exchange [17385 - 17561]** ( Chapter 4 added by Stats. 1996, Ch. 277, Sec. 3. )

**ARTICLE 5. Surplus School Playground, Playing Field, and Recreational Property [17485 - 17500]** ( Article 5 added by Stats. 1996, Ch. 277, Sec. 3. )

**17494.** Any land purchased or leased by a public agency pursuant to this article shall thereafter be maintained by such agency for playground, playing field, or other outdoor recreational and open-space uses. Land which prior to its sale or lease was used for playground or playing field purposes, shall continue to be maintained for such use by the acquiring agency, unless the governing body of that agency, by a two-thirds vote at a public hearing, determines that there is no longer a significant need for the land to be so used, in which case the land may thereafter be used for other outdoor recreational or open-space purposes. The school district may, at any time, reacquire the land at a price calculated in the manner prescribed in Section 17491, and the rights of reacquisition provided in this section shall be set forth in the deed or other instrument of transfer. If the governing board of the public agency determines that the land is no longer needed for playground, playing field, or other outdoor recreational and open-space purposes, the public agency shall offer the property to the school district for reacquisition under this section, and the school district shall notify the public agency within 60 days of its intent to reacquire the land. If the school district intends to sell the property within one year of the reacquisition date, the school district may finance the reacquisition of the land by lien against the proceeds to be obtained from the sale of the land by the school district. If the school district fails to give the public agency timely notice of its intent to reacquire the property, or if it fails to exercise its right of reacquisition, the public agency may use or dispose of the property.

For purposes of this section, "cost of acquisition," as used in Section 17491, shall refer to the cost at which the land was acquired by the public agency.

(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)

**EDUCATION CODE - EDC**



**TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]** (*Title 1 enacted by Stats. 1976, Ch. 1010.*)

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**ARTICLE 5. Surplus School Playground, Playing Field, and Recreational Property [17485 - 17500]** (*Article 5 added by Stats. 1996, Ch. 277, Sec. 3.*)

<sup>17497</sup>. Notwithstanding the other provisions of this article, any school district governing board may designate not more than two surplus schoolsites as exempt from the provisions of this article for each planned schoolsite acquisition if the school district has an immediate need for an additional schoolsite and is actively seeking to acquire an additional site, and may exempt not more than one surplus schoolsite if the district is seeking immediate expansion of the classroom capacity of an existing school by 50 percent or more.

The exemption provided for by this section shall be inapplicable to any schoolsite which, under a lease executed on or before July 1, 1974, with a term of 10 years, was leased to a city of under 100,000 population for park purposes, was improved at city expense, and used for public park purposes.

(*Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.*)



# California

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**17499.** (a) No more than 30 percent of the total surplus school acreage owned by a school district may be purchased or leased by public agencies pursuant to this article.

(b) The right of any public agency to purchase or lease surplus school property pursuant to this article shall exist only with respect to an amount of surplus school acreage within its jurisdictional boundaries which, when added to the surplus school acreage within its jurisdictional boundaries already purchased or leased pursuant to this article, will not exceed 30 percent of the surplus school acreage owned by the school district which is within the jurisdictional boundaries of that agency.

(c) For purposes of this section, "surplus school acreage" of a school district means property which is owned by a district and not used for school purposes, including, but not limited to, undeveloped property and property which contains school buildings that are not in use as a result of a school closure and which is not subject to any lease or agreement executed on or before July 1, 1974, for a term in excess of six years, in which any city containing a population of less than 100,000 had use of the property for park purposes on January 1, 1981, and had improved the property.

(d) Nothing in this section shall be construed to deny local agencies the opportunity to purchase at full market value all or part of the 70 percent of the total surplus school acreage which is not affected by this article.

(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)





# California

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**GOVERNMENT CODE - GOV****TITLE 5. LOCAL AGENCIES [50001 - 57550]** ( Title 5 added by Stats. 1949, Ch. 81. )**DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821]** ( Division 2 added by Stats. 1949, Ch. 81. )**PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7]** ( Part 1 added by Stats. 1949, Ch. 81. )**CHAPTER 5. Property [54000 - 54256]** ( Chapter 5 added by Stats. 1949, Ch. 81. )**ARTICLE 8. Surplus Land [54220 - 54232]** ( Heading of Article 8 amended by Stats. 1982, Ch. 1442, Sec. 1. )

**54222.** Any local agency disposing of surplus land shall send, prior to disposing of that property, a written offer to sell or lease the property as follows:

(a) A written offer to sell or lease for the purpose of developing low- and moderate-income housing shall be sent to any local public entity, as defined in Section 50079 of the Health and Safety Code, within whose jurisdiction the surplus land is located. Housing sponsors, as defined by Section 50074 of the Health and Safety Code, shall be sent, upon written request, a written offer to sell or lease surplus land for the purpose of developing low- and moderate-income housing. All notices shall be sent by first-class mail and shall include the location and a description of the property. With respect to any offer to purchase or lease pursuant to this subdivision, priority shall be given to development of the land to provide affordable housing for lower income elderly or disabled persons or households, and other lower income households.

(b) A written offer to sell or lease for park and recreational purposes or open-space purposes shall be sent:

- (1) To any park or recreation department of any city within which the land may be situated.
- (2) To any park or recreation department of the county within which the land is situated.
- (3) To any regional park authority having jurisdiction within the area in which the land is situated.
- (4) To the State Resources Agency or any agency that may succeed to its powers.

(c) A written offer to sell or lease land suitable for school facilities construction or use by a school district for open-space purposes shall be sent to any school district in whose jurisdiction the land is located.

(d) A written offer to sell or lease for enterprise zone purposes any surplus property in an area designated as an enterprise zone pursuant to Section 7073 shall be sent to the nonprofit neighborhood enterprise association corporation in that zone.

(e) A written offer to sell or lease for the purpose of developing property located within an infill opportunity zone designated pursuant to Section 65088.4 or within an area covered by a transit village plan adopted pursuant to the Transit Village Development Planning Act of 1994 (Article 8.5 (commencing with Section 65460) of Chapter 3 of Division 1 of Title 7) shall be sent to any county, city, city and county, community redevelopment agency, public transportation agency, or housing authority within whose jurisdiction the surplus land is located.

(f) The entity or association desiring to purchase or lease the surplus land for any of the purposes authorized by this section shall notify in writing the disposing agency of its intent to purchase or lease the land within 60 days after receipt of the agency's notification of intent to sell the land.

(Amended by Stats. 2008, Ch. 532, Sec. 10. Effective January 1, 2009.)



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**GOVERNMENT CODE - GOV****TITLE 5. LOCAL AGENCIES [50001 - 57550]** ( Title 5 added by Stats. 1949, Ch. 81. )**DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821]** ( Division 2 added by Stats. 1949, Ch. 81. )**PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7]** ( Part 1 added by Stats. 1949, Ch. 81. )**CHAPTER 5. Property [54000 - 54256]** ( Chapter 5 added by Stats. 1949, Ch. 81. )**ARTICLE 8. Surplus Land [54220 - 54232]** ( Heading of Article 8 amended by Stats. 1982, Ch. 1442, Sec. 1. )

**54227.** In the event that any local agency disposing of surplus land receives offers for the purchase or lease of that land from more than one of the entities to which notice and an opportunity to purchase or lease shall be given pursuant to this article, the local agency shall give first priority to the entity that agrees to use the site for housing for persons and families of low or moderate income, except that first priority shall be given to an entity that agrees to use the site for park or recreational purposes if the land being offered is already being used and will continue to be used for park or recreational purposes, or if the land is designated for park and recreational use in the local general plan and will be developed for that purpose.

(Amended by Stats. 2008, Ch. 532, Sec. 12. Effective January 1, 2009.)

## COMPLIANCE WITH NAYLOR ACT

- The Naylor Act at Ed. Code § 17486 sets forth three (3) conditions which must exist for the Act to apply. These conditions are as follows:
  - (a) Either the whole or a portion of the school-site consists of land which is used for school playground, playing field, or other outdoor recreational purposes and open-space land particularly suited for recreational purposes.
  - (b) The land described in subdivision (a) has been used for one or more of the purposes specified therein for at least eight years immediately preceding the date of the governing board's determination to sell or lease the school-site.
  - (c) No other available publicly owned land in the vicinity of the school-site is adequate to meet the existing and foreseeable needs of the community for playground, playing field, or other outdoor recreational and open-space purposes, as determined by the governing body of the agency which proposes to purchase or lease land from the school district, pursuant to § 17492.

- **Exemption of Surplus School Sites**

- Even if a school-site would ordinarily be subject to the Naylor Act, Education Code § 17497 allows a district to designate not more than 2 surplus school-sites as exempt from the Naylor Act, provided that the district
  - (1) has an immediate need for an additional school-site, and
  - (2) is actively seeking to acquire an additional site.

Alternatively, a school district may designate 1 surplus school-site as exempt from the Naylor Act if the district is seeking the immediate expansion of classroom capacity in an existing school by 50% or more.

## Non-School Sites

Adult Ed., Vacant, CD and Admin.

School/Site	Address	Configuration Grade Level
A. Warren McClaskey	5241 J Street	Adult
Charles A. Jones Skills Center	5451 Lemon Hill Avenue	Adult
Edward Kelley School	3340 Bradshaw Road	Adult
Florin Technology	2401 Florin Road	Vacant
Fremont School for Adults	2420 N Street	Vacant
Old Marshall	2718 G Street	Vacant
Old Administration	1619 N Street	Vacant
Child Development Center	7222 25 Street 95824	Child. Dev.
Family Education Center	3535 65th Street	Child. Dev.
Operations Support Services	425 First Avenue	Admin
Operations Support Services	2501 5th Street	Admin
Purchasing/Warehouse	3051 Redding Avenue	Admin
Serna Center	5735 47th Avenue	Admin
Transportation	3101 Redding Avenue	Admin

# Civic Permit Activity Report

## C B Wire

Schedule ID	Event Title	No of Events	Organization	Location	Room	Setup Requirement (Craft)	Recurrence
2064	After School Programs	16	After School Programs Inc.	C B Wire	Room 25		Weekly
5607	SES Tutoring	36	After School Programs Inc.	C B Wire	Available Classroom		Weekly
3007	Clean Up Day	1	Clayton B Wire Elementary	C B Wire	Room 18		Non-recurring
5725	Community Meeting	1	Clayton B Wire Elementary	C B Wire	Cafeteria/Multipurpose Room	Heating/Ventilation /Air Conditioning	Non-recurring
7092	Fruitridge Soccer Games/Practices	90	Fruit Ridge Soccer Club	C B Wire	Field	Event Setup	Weekly
7093	Fruitridge Soccer Games/Practices	30	Fruit Ridge Soccer Club	C B Wire	Field	Event Setup	Weekly
7094	Fruitridge Soccer Games/Practices	25	Fruit Ridge Soccer Club	C B Wire	Field		Weekly
3414	Soccer Games & Practice	86	Fruit Ridge Soccer Club	C B Wire	Field		Weekly
3415	Soccer Games & Practice	36	Fruit Ridge Soccer Club	C B Wire	Field		Weekly
5594	Soccer Practice & Games	91	Fruit Ridge Soccer Club	C B Wire	Field		Daily
5595	Soccer Practice & Games	90	Fruit Ridge Soccer Club	C B Wire	Field		Daily
5693	SES Tutoring	25	Mobile Minds Tutoring	C B Wire	Available Classroom		Weekly
3329	Clean Up Day	1	Sacramento START	C B Wire	Room 19, Restrooms		Non-recurring
3025	START- Garden Refurbishment	1	Sacramento START	C B Wire	Room 19, Restrooms		Non-recurring
5296	Youth Dev. After School Program	55	SCUSD After School/Youth Engagement Services	C B Wire	Room 25, Room 18, Room 19, Room 6, Room 16, Library Room 5, Cafeteria/Multipurpose Room	Heating/Ventilation /Air Conditioning	Weekly
5350	Youth Dev. After School Program	54	SCUSD After School/Youth Engagement Services	C B Wire	Room 25, Room 18, Room 19, Restrooms, Room 6, Room 16, Library Room 5, Cafeteria/Multipurpose Room	Heating/Ventilation /Air Conditioning	Weekly
8361	7-11 Committee Meeting	1	SCUSD Facilities Support Services	C B Wire	Kindergarten	Heating/Ventilation /Air Conditioning, Event Setup	Non-recurring
2015	Soccer Practice/Games	91	Southgate Recreation and Park District	C B Wire	Field		Daily
2016	Soccer Practice/Games	91	Southgate Recreation and Park District	C B Wire	Field		Daily
3029	Tutoring	2	Target Excellence	C B Wire	Room 25		Daily