



POLICY 7.012

4-F I recommend that the Board adopt the proposed revised Policy 7.012, entitled “Land and Facility Interim Property Management.”

[Contacts: Barry Present, PX 48083; Bob Schaeffer, PX 48022.]

Adoption

CONSENT ITEM

- The Board approved development of this Policy on March 29, 2006.
- This revision would clarify the role of the District’s Chief of Facilities Management in evaluating “interim” property and the process for receiving letters of interest or proposals for leasing such Board-owned property.
- The process for Board approval of leasing “interim” property is also clarified. Pursuant to Fla. Stat. § 1002.33(18)(e), charter schools will have an equal opportunity to request a lease of “interim” property, as will other public schools and District departments or outside parties.

1 POLICY 7.012

2
3 LAND AND FACILITY INTERIM PROPERTY MANAGEMENT
4

5 1. Objective and Definition

6 a. The Superintendent/designee shall:

- 7 i. preserve, protect, and secure interim land and facility assets of the
8 Board; and-
- 9 ii. consider alternate sources of revenue to offset the taxpayer
10 expense burden during the interim property management period
11 while complying with all land use and facility building code
12 compliance requirements as established by the Florida statutes and
13 the State Requirements for Educational Facilities ("SREF").

14 b. The term "interim property management period for land" is defined as the
15 period from the date of acquisition or demolition to the beginning of new
16 construction of a school or school support facility.

17 c. The term "interim property management period for facility" is defined as
18 the period:

- 19 i. from the date the facility was vacated ~~to~~ until the ~~conversion~~ date of
20 that the facility is needed for a public educational or ancillary use by
21 the District; or
- 22 ii. from the date the facility was demolished, (the site reverts to land),
23 until the site is either rebuilt, land-banked, or divested.

24 2. This Policy shall specifically apply to "interim" property, which is defined as real
25 improved and/or unimproved real property, which that is not currently being
26 utilized for educational or ancillary purposes. School facilities utilized under the
27 provisions of Policy 7.18 shall not be and is classified as "interim" property.

28 3. The District shall perform annual and ongoing assessments of all real property
29 assets to determine "interim" property status periods.

30 4. Real property noted as "interim" status may be considered by the District for
31 lease or land-banking under this Policy and/or disposal under Policy 7.12 and
32 applicable law, sale, and/or donation.

33 5. The District will make every attempt to coordinate and cooperate with
34 government and community requests associated with "interim" real property that
35 is are consistent with the District's comprehensive plan and mission statement.

- 36 6. District "interim" property being considered for lease, ~~sale, and donation~~ shall first
37 be evaluated by the District's Chief of Facilities Management and the District's
38 Planning Department pursuant to the five year capital plan and any other
39 applicable plan. ~~"Interim" property not designated in the five year capital plan for~~
40 ~~future school use~~ shall first be considered for current or future educational and/or
41 operational needs of the District land banking.
- 42 a. Following completion of this evaluation, the Chief of Facilities
43 Management may designate an "interim" property as available for lease
44 and, upon making such designation, shall provide appropriate notice of
45 that land's availability for leasing, subject to criteria approved by the
46 Board.
- 47 b. When "interim" property is available for leasing, any District department,
48 public school in the District (including charter schools pursuant to Fla.
49 Stat. § 1002.33(18)(e)), or outside party seeking use of such property,
50 shall submit to the Chief of Facilities Management a written notice of
51 interest or written proposal for such lease. The notice of interest/proposal
52 of lease must be accompanied by a plan describing:
- 53 i. any anticipated improvements to the property and, if applicable,
54 how and from where the funds will be raised for the improvements
55 and for the lease; and
- 56 ii. the compatibility of the proposed use with the District's educational
57 mission and programs.
- 58 7. All proposals for the lease, ~~sale, and donation~~ of "interim" property shall be
59 reviewed by the Chief of Facilities Management and the Superintendent/
60 designee and recommended to the Board for action based on the following real
61 estate and business related factors including but not limited to:
- 62 a. appraised value and fair market value;
- 63 b. compatibility with surrounding areas and uses, including local zoning and
64 comprehensive land-use plans;
- 65 c. revenue potential;
- 66 d. maintenance (fencing and landscaping) costs;
- 67 e. security costs;
- 68 f. environmental costs;
- 69 g. liability risk to the District;
- 70 h. safety of District students and employees;

- 71 i. preservation of property for future use by District;
- 72 j. conformance, consistency, and/or compatibility with District mission,
73 policies, and goals; and
- 74 k. term of the lease/~~lease purchase~~.
- 75 8. Long-term and nonconforming ~~use~~ lease requests ~~of for~~ District "interim" property
76 shall be discouraged. Proposals for leases/~~lease options~~ of "interim" property
77 shall ~~only~~ be recommended to the Board by the Superintendent, only if
78 determined by the Superintendent/designee to be in the Board's best interest.
79 Determination factors shall include but not be limited to those stated in Section
80 (7) of this Policy.
- 81 9. Any third party that will use any facility or property under this Policy shall enter
82 into a lease agreement satisfactory to the Board in form and substance, as being
83 in the Board's best interests. Pursuant to Fla. Stat. § 1013.15(1) and SREF §
84 2.21(1), prior to entering into or executing any such lease, the Board will consider
85 approval thereof at a public meeting, at which a copy of the proposed agreement
86 in its final form shall be available for inspection and review by the public, after
87 due notice as required by Fla. Stat. § 120.525.
- 88 10. ~~The Superintendent/designee through the chief operating officer and the director~~
89 ~~of real estate services shall be authorized to develop procedures, may issue~~
90 ~~guidelines and/or directives for the further~~ Bulletins to explain the use and
91 implementation of this Policy, and this Policy shall be interpreted consistent with
92 Florida and federal law.

93 STATUTORY AUTHORITY: Fla. Stat. §§ ~~230.22(2); 230.23(22); 230.23005(4)~~
94 1001.41(2) & (3); 1001.42(2), (9), & (22); 1001.43(2) & (4)

95 LAW(S) IMPLEMENTED: Fla. Stat. §§ ~~235.002; 230.23(9); 230.33(4); 230.33(11)~~
96 1001.51(4), (10), & (11); 1013.15(1)

97 RULE SUPPLEMENTED: SREF § 2.21(1).

98 HISTORY: 06/03/02; / /2006

Legal Signoff:

The Legal Department has reviewed proposed Policy 7.012 and finds it legally sufficient for development by the Board.

Attorney

Date