

RESOLUTION NO. 19-05

RESOLUTION OF THE BOARD OF TRUSTEES OF THE OXNARD SCHOOL DISTRICT DECLARING ITS INTENTION TO LEASE THE DORIS/PATTERSON PROPERTY FOR AGRICULTURAL PURPOSES

WHEREAS, on or about April 30, 2018, the Oxnard School District (“District”) acquired 25 acres of real property at the corner of Doris Avenue and Patterson Road (the “Property”). The Property is further described in Exhibit A, which is attached hereto and incorporated herein by this reference;

WHEREAS, the District’s Board of Trustees (“Board”) is interested in considering proposals for the lease of the Property for agricultural and related uses in order to maintain the existing use of the property while at the same time preserving the Property for future school uses and generating income for the District;

WHEREAS, pursuant to Article 4 (commencing with Education Code Section 17455) of Chapter 4 of Part 10.5 of Division 1 of Title 1 of the Education Code, the Board may lease any real property belonging to the District, which is not, or will not, be needed by the District for school classroom buildings, for a period not to exceed 99 years;

WHEREAS, the Board has determined that, while the District will retain the Property for potential future use for school uses, the Property is not currently needed for educational or classroom purposes, nor should be it needed for such purposes or otherwise by the District for a period of at least three years;

WHEREAS, Article 5 (commencing with Education Code Section 17485) of Chapter 4 of Part 10.5 of Division 1 of Title 1 of the Education Code (the “Naylor Act”) regulates the District’s ability to lease certain land that is used for playgrounds, play fields and recreational uses or is open-space land that is particularly suited for recreational purposes;

WHEREAS, the Naylor Act, where applicable, takes precedence over general statutory provisions relating to the lease of surplus property by school districts;

WHEREAS, the Property has been used for agricultural and related uses and is not and has not, to the District’s knowledge, been used for playground, playing field, or other recreational or outdoor purposes, nor is it particular suited for such purposes;

WHEREAS, there is no evidence or indication that any local planning decisions were made on the assumption that the Property would be available for playgrounds, play fields, or recreational uses;

WHEREAS, pursuant to Article 1.5 (commencing with Education Code Section 17387) of Chapter 4 of Part 10.5 of Division 1 of Title 1 of the Education Code (the “Advisory Committee Statutes”), the District generally must appoint an advisory

committee to advise the District as to the use or disposition of school buildings or space in school buildings not needed for school purposes;

WHEREAS, the purpose of the Advisory Committee Statutes is to involve the community in decisions relative to the use of excess school facilities, school closures, the use of surplus school space, and to otherwise assure that building use is compatible with the community's needs and desires;

WHEREAS, the Property does not involve excess school facilities, school buildings, or space in school buildings; does not involve a school closure or limitation upon District educational facilities; and does not otherwise affect the community with respect to educational facilities or programs offered by the District;

WHEREAS, the lease of the Property for agricultural and related uses is consistent with the historical use of the Property, and preserves the existing use pending the District's need to utilize the site in the future for school purposes;

WHEREAS, Education Code Section 17466 requires the District to adopt, by a two-thirds vote, a "Resolution" to lease the Property before the District may otherwise seek to lease the Property to the public-at-large;

WHEREAS, the Resolution must (1) fix a date, not less than three weeks later, in which it will hold a public meeting to accept sealed written proposals for the lease of the Property (the "Public Auction"); and (2) establish the terms and minimum price the District will agree upon for the lease of the Property;

WHEREAS, Education Code Section 17469 requires the District to provide notice of the Public Auction by (1) posting the Resolution, signed by a majority of the Board, in at least three public places not less than 15 days before the Public Auction; and (2) publishing notice once a week for three consecutive weeks in a newspaper of general circulation.

NOW, THEREFORE, BE IT RESOLVED, that the Board, having considered the foregoing and such other evidence as has been presented to the Board with regard to this matter, resolves that:

Section 1. The above recitals are true and correct.

Section 2. The Property is land owned by the District that is not currently necessary for school purposes and is not otherwise being used, nor anticipated to be used, over at least the next three years, by the District to meet its educational or related service needs.

Section 3. It is in the District's best interests to enter into a limited term lease of the Property, for a period of three years.

Section 4. The Naylor Act does not apply to the District's lease of the Property, as the property is not, nor ever has been, used for playgrounds, playing fields, or any other outdoor recreational or open-space purpose, nor is it particularly suitable for such a purpose. The District is not aware of any evidence or indication that any local planning decisions were made on the assumption that the Property would be available for playgrounds, play fields or recreational uses.

Section 5. The Advisory Committee Statutes are inapplicable to the District's lease of the Property, as the Property is not used for school buildings, nor does it involve space in school buildings or otherwise affect the community in the manner meant to be addressed by the Advisory Committee Statutes.

Section 6. The District does hereby declare its intention to lease the Property at fair market value in the manner described in this Resolution.

Section 7. The minimum bid for the initial lease of the Property shall be for \$3,800 per acre for year one, \$3,900 per acre for year two, and \$4,000 per acre for year three ("Minimum Bid Amount"). If the lease of the Property subjects the Property to any form of tax, the lessee shall pay all applicable real and personal property taxes, and all other fees, charges, taxes, and/or assessments of any type levied against, or resulting from lessee's use of, the Property. The Superintendent shall negotiate the terms of the lease of the Property. The lease term shall be for a period of three years.

Section 8. Each sealed bid shall be in writing on the form attached hereto as Exhibit B (the "Bid Form"), signed by the bidder, and placed in a sealed envelope marked "SEALED PROPOSAL FOR THE AUGUST 7, 2019 AUCTION TO LEASE THE OXNARD SCHOOL DISTRICT AGRICULTURAL PROPERTY." All written Bids must be received by the District no later than **1:00 p.m. on August 6, 2019**. All bids should be delivered to: Oxnard School District; c/o Janet Penanhoat; 1051 South A Street, Oxnard, California 93030. Bids delivered via United States mail, or other similar delivery service, shall be sealed in an internal envelope, marked as specified by this Section, and placed in a separate envelope for mailing purposes, so as to avoid any potential inadvertent opening of the bid prior to the appropriate date of opening. Bidders shall assume full responsibility for ensuring that mailed Bids are received by the District by the deadline specified by this Section.

Section 9. Signed and sealed Bids for the lease by the bidders of the Property will be received and considered at a public meeting of the Board at 7:00 p.m., or as soon thereafter as possible, on **August 7, 2019** (the "Public Auction"). The Public Auction will occur at the District Board Room located at 1051 South A Street Oxnard, California 93030. At the meeting, subject to the terms of this Resolution, all bids timely received, as set forth in Section 8, will be opened, examined, and declared by the Superintendent, or the Superintendent's designee.

Section 10. The Board shall open, examine, and declare the sealed written Bids in public session at the Public Auction. After declaring the highest responsible written Bid,

the Board shall call for any oral bids. If after calling for such oral bids, a responsible person or firm offers orally to lease the Property pursuant to Education Code Section 17473, upon the terms and conditions contained in this Resolution and at a price that exceeds the highest written proposal by at least five percent, then the highest oral bid shall be accepted. Otherwise, the highest responsible written bid proposal shall be accepted. No oral bid shall be finally accepted until the oral bid is reduced to writing and signed by the offeror. Unsuccessful oral bidders are required to provide the District with identifying contact information at the Public Auction in order for such bids to be considered in the event of the default of higher bidders.

Section 11. All written and oral bids shall remain firm offers by the respective bidders to the District for 60 days, or until the highest bidder enters into a lease agreement with the District, whichever occurs first. Nothing in this Section shall prevent the District from offering the Property to the next highest bidder who submitted a bid at the Public Auction after the 14-day period, in the event the highest bidder fails to enter into a lease agreement. Such next highest bidder must, upon the District's request, provide written confirmation that it intends to honor its previous bid within three working days upon receiving the District's request. It is the responsibility of the next highest bidder to provide the District with appropriate contact information in order to effectuate the provisions of this Section. The failure of any oral bidder to provide such contact information to the District within 48 hours of the conclusion of the Public Auction may result in the District's rejection of the bid and offer of the Property to the next responsive bidder without regard to the rejected oral bid.

Section 12. The bid for the Property which offers the District the highest price, conforms to all terms and conditions specified in this Resolution and in law, and is made by a responsible bidder shall be accepted by the Board at its public meeting of August 7, 2019, or at any adjourned session of the same meeting held within 14 days, unless the Board otherwise rejects all bids. The Board reserves the right to reject any and all bids if it deems such action to be for the best public interest.

Section 13. At the time the highest bidder's bid is accepted, the bidder shall be required to enter into a lease agreement with the District within fourteen (14) days of the Board's acceptance of the bid.

Section 14. The District may, in the time preceding the Public Auction, release further information and/or details concerning the Property, and the lease of the Property by the District. Any person or entity interested in receiving such information shall notify Janet Penanhoat, Assistant Superintendent, Business & Fiscal Services, at either (805) 385-1501 x2401 or jpenanhoat@oxnardsd.org, and provide a physical address, facsimile, or electronic mail address, or a combination thereof, to which information may be sent. Such service shall not relieve any bidder from its duties to conduct its due diligence before the Public Auction, and the District assumes no responsibility for the timely receipt, or lack of receipt, of any notice that may be issued by Ms. Penanhoat pursuant to requests.

Section 16. The Superintendent, or the Superintendent's designee, is directed to cause notice to be given of the adoption of this Resolution, and of the time and place of the public meeting for lease bids to be submitted, by:

(a) Posting copies of this Resolution, signed by the President of this Board on behalf of at least two-thirds of the members of this Board, in three public places in the District not less than 15 days before the date set for opening bids; and

(b) Publishing written notice of the adoption of this Resolution in a newspaper of general circulation within the District not less than once a week for three successive weeks before the date set for opening the bids.

Section 17. The Superintendent, or the Superintendent's designee, is hereby authorized to take any further action necessary to accomplish the purpose of this Resolution, both with respect to the lease of the Property and the advertisement of the District's acceptance of bids for such a lease. The Superintendent, or Superintendent's designee, is authorized to give notice of and publicity to the adoption of this Resolution and the pending lease in ways deemed appropriate by the Superintendent, and otherwise take such action as may be reasonably necessary to effectuate the purpose of this Resolution.

Section 18. Copies of this Resolution shall be made available to prospective bidders upon request. Additional information regarding the lease of the Property, or permission to enter the Property, may be obtained from Ms. Janet Penanhoat, Assistant Superintendent, Business & Fiscal Services, who may be reached at (805) 385-1501 x2401 or jpenanhoat@oxnardsd.org.

APPROVED AND ADOPTED by the Board of Trustees of the Oxnard School District on this 26th day of June 2019, by the following vote on roll call:

Ayes:	<u>4</u>
Nays:	<u>1</u>
Abstentions:	<u>0</u>
Absences:	<u>0</u>

Board of Trustees:

President Robles-Solis:

Clerk Madrigal Lopez:

Trustee Cordes:

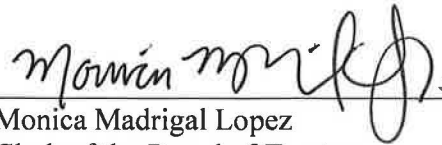
Trustee O'Leary:

Trustee Vega:



Veronica Robles-Solis
President of the Board of Trustees
Oxnard School District

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed and adopted by the members of the Board of Trustees of the Oxnard School District at a public meeting of said Board held on June 26, 2019.

A handwritten signature in black ink, appearing to read "Monica Madrigal Lopez", written over a horizontal line.

Monica Madrigal Lopez
Clerk of the Board of Trustees
Oxnard School District

EXHIBIT A

EXHIBIT "A"
to Resolution #19-05

A portion of Lot 158, in the City of Oxnard, County of Ventura, State of California, as shown on the Map of Patterson Ranch, recorded in Book 8, Page 1 of Maps, in the office of the County Recorder of said County.

Said portion of land is described as follows:

Beginning at the northwesterly corner of said Lot 158, said point being shown on record of survey recorded in Book 56, Page 73 and 74 of Records of Survey in the office of the County Recorder of said County, being the northeasterly terminus of that line shown on said map as N 01° 14' 09" E, 970.51 feet; thence,

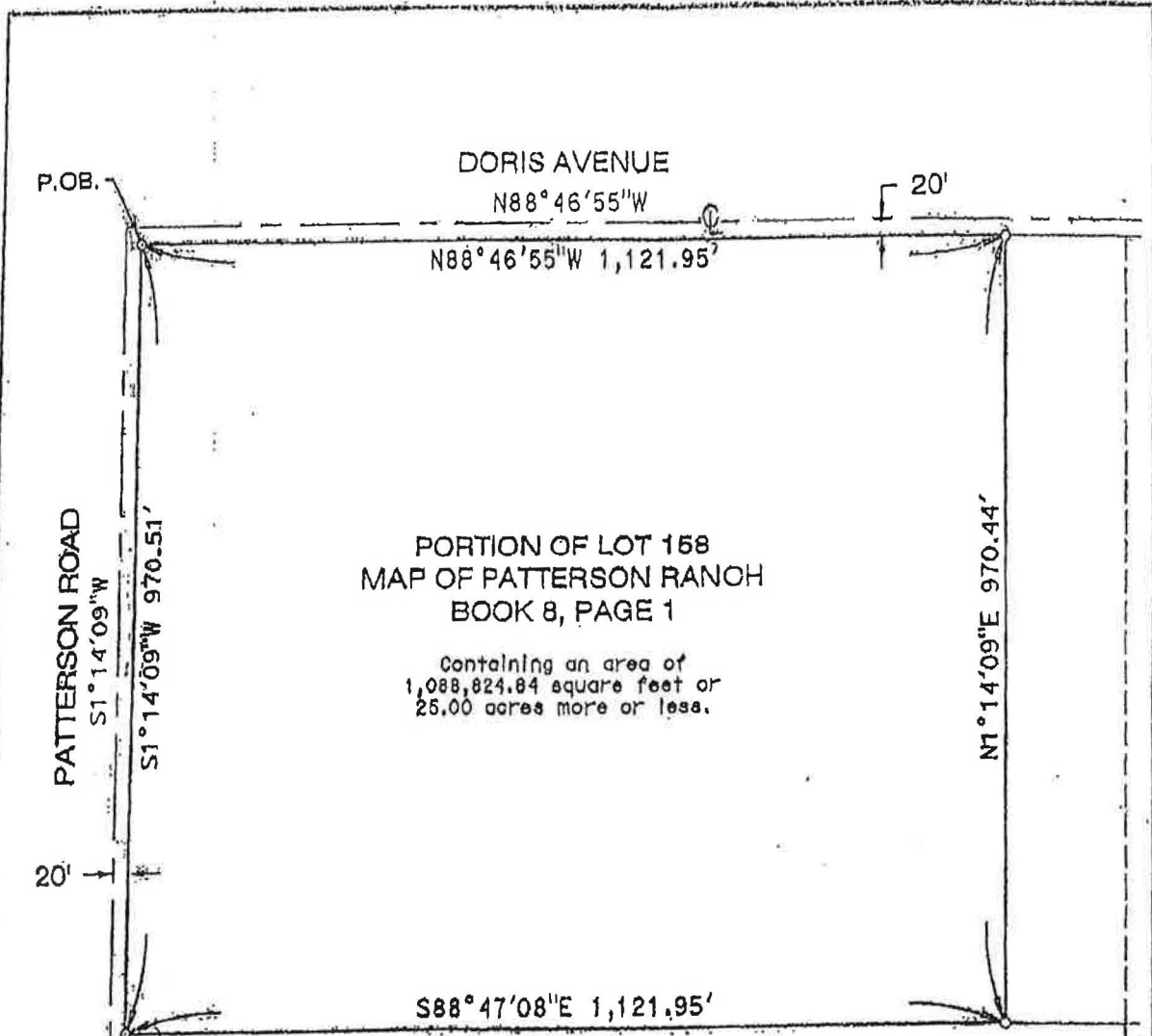
- 1st along the westerly line of said Lot 158, S 01° 14' 09" W, 970.51 feet to the southwestly corner of said Lot 158; thence,
- 2nd along the southerly line of said Lot 158, S 88° 47' 08" E, 1121.95 feet; thence,
- 3rd N 01° 14' 09" E, 970.44 feet to a point on the northerly line of said Lot 158; thence,
- 4th along said northerly line, N 88° 46' 55" W, 1121.95 feet to the point of beginning.

Containing an area of 1,088,824.84 square feet or 25.00 acres more or less.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: Frederick Joseph Tice Date: 1/8/2016
Frederick Joseph Tice, PLS





PORTION OF LOT 158
 MAP OF PATTERSON RANCH
 BOOK 8, PAGE 1

Containing an area of
 1,088,824.84 square feet or
 25.00 acres more or less.

LEGEND

P.O.B. Point of Beginning

LOT 135



0 100' 200'

SCALE: 1"=200'



MNS
 ENGINEERS INC
 1580 E. Thousand Oaks Blvd, Ste 101
 Westlake Village, CA 91362
 805.848.4840 Phone

ENGINEERING
 PLANNING
 SURVEYING
 CONSTRUCTION MANAGEMENT

APN 183-0-070-090
 CITY OF OXNARD
 COUNTY OF VENTURA

EXHIBIT B

**OXNARD SCHOOL DISTRICT PROPERTY SITE
BID FORM**

To: Oxnard School District
c/o Ms. Janet Penanhoat, Assistant Superintendent, Business & Fiscal Services
1051 South A Street Oxnard, California 93030

The undersigned bidder ("Bidder") submits this bid in response to the Oxnard School District's ("District") request for sealed proposals, as set forth in Resolution No. 19-05 ("Resolution") of the District's Board of Trustees ("Board"), for the lease of certain real property identified in the Resolution (the "Property").

Bidder hereby submits a bid in the amount of: _____
(\$ _____) dollars per acre for year one, _____
(\$ _____) dollars per acre for year two, _____
(\$ _____) dollars per acre for year three ("Bid Amount") for the lease of the Property.

**PLEASE NOTE THAT BID AMOUNTS EXPRESSED HEREIN
SHOULD BE EXPRESSED ON A *PER ACRE* BASIS**

Bidder understands and, by submitting this Bid to the District, acknowledges that the highest responsive bidder for the Property will be required to execute a lease agreement within 14 days of the District's acceptance of the Bid. This bid shall remain a firm offer by the Bidder to the District for lease of the Property for a period of 60 days, or until the highest responsive bidder enters into a lease agreement for the Property with the District.

BID MUST BE RECEIVED NO LATER THAN 1:00 P.M., AUGUST 6, 2019. ORAL BIDS WILL BE ACCEPTED AT THE PUBLIC MEETING OF THE BOARD AT 7:00 P.M, OR AS SOON THEREAFTER AS REASONABLY POSSIBLE, ON AUGUST 7, 2019. ORAL BIDS WILL BE RECEIVED ONLY IF THE ORAL BID AMOUNT EXCEEDS THE HIGHEST WRITTEN BID BY AT LEAST FIVE (5) PERCENT.

I, the undersigned Bidder, acknowledge that I am familiar with the terms and conditions of this Bid as set forth in Resolution No. 19-05 of the Board of Trustees of the Oxnard School District, and hereby submit this bid under the terms and conditions set forth above and within said Resolution. I further understand that the auction and lease of the Property shall be conducted in accordance with the requirements of Article 4 (commencing with Section 17455) of Chapter 4 of Part 10.5 of the Education Code, including specifically, Sections 17466 through 17478.

Dated: _____, 2019

By: _____ (signature)

_____ Printed Name

_____ Business Entity (if applicable)

CONTACT INFORMATION

Address: _____

City/State/Zip: _____

Telephone No: _____

Facsimile: _____

E-mail: _____

NOTE TO BIDDER: BID MUST BE SIGNED BY THE BIDDER. PLACE COMPLETED BID FORM IN AN ENVELOPE MARKED "SEALED PROPOSAL FOR THE AUGUST 7, 2019 AUCTION TO LEASE THE OXNARD SCHOOL DISTRICT AGRICULTURAL PROPERTY" ALL WRITTEN BIDS MUST BE RECEIVED NO LATER THAN 1:00 P.M. ON AUGUST 6, 2019. BIDDERS SUBMITTING WRITTEN BIDS MAY BE PRESENT AT THE AUGUST 7, 2019 MEETING TO SUBMIT QUALIFYING ORAL BIDS.

Sealed Bids should be delivered to:
Oxnard School District
c/o Janet Penanhoat, Assistant Superintendent, Business & Fiscal Services
1051 South A Street Oxnard, California 93030

If you have any questions concerning the submission of this bid, please contact Janet Penanhoat, Assistant Superintendent, Business & Fiscal Services, at (805) 385-1501 x2401 or jpenanhoat@oxnardsd.org.