

**RESOLUTION OF THE GOVERNING BOARD OF THE NORTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT AUTHORIZING A REQUEST FOR WAIVER OF
EDUCATION CODE SECTION 81360 *ET SEQ.* IN RELATION TO THE DISTRICT'S
SALE OF THE LA HABRA PROPERTY**

RESOLUTION NO. 14/15-03

WHEREAS, the North Orange County Community College District ("District") owns the property located at 1000 S. Leslie St., La Habra, California 90631, known generally as the District's La Habra site ("Property"); and

WHEREAS, on April 8, 2014, the District passed Resolution No. 13/14-17 ("Resolution") whereby it declared the Property surplus and authorized the District to proceed with the process set forth under the Education Code section 81360 *et seq.* to sell the Property; and

WHEREAS, pursuant to the Education Code, the District then drafted and disseminated a bid package that set forth minimum terms and solicited bids from interested parties to purchase the Property; and

WHEREAS, notice of adoption of the Resolution and the time and place of a public meeting was given by publishing the resolution once a week for three weeks, pursuant to Education Code section 81399; and

WHEREAS, in response to the bid package, the District received one proposal to purchase the Property; and

WHEREAS, pursuant to Education Code section 81399, at a public meeting the Board received and considered the proposal submitted which constituted a counter-offer; and

WHEREAS, after reviewing the counter-offer received, the Board decided to reject the counter-offer; and

WHEREAS, a waiver of Education Code sections 81360 *et seq.* would allow the District to select one or more entities that would be the best fit for the sale of the Property through a negotiated purchase and sale agreement; and

WHEREAS, Education Code section 81250 *et seq.* allows a community college district to waive all or part of any section of Education Code Part 49; Chapter 2. Property: Sale, Lease, Use, Gift, and Exchange; including Education Code section 81360 *et seq.*; and

WHEREAS, to obtain a waiver, the District must comply with certain Education Code requirements set forth in Education Code section 81250 *et seq.*; and

WHEREAS, the Board must conduct a public hearing regarding the District's intention to request a waiver; and

WHEREAS, the Board must provide written notice of the public hearing at least thirty (30) days prior to the hearing, to any city, county, park or recreation district, regional park authority, or public housing authority within which the land is situated, pursuant to Education Code Section 81250(b); and

WHEREAS, the Board of Governors of the California Community Colleges may approve any request for waiver upon finding that the waiver would promote efficiency and further the public benefit, and may be approved for proposals including, but not necessarily limited to, joint or shared use of property and facilities and for collaborative partnerships between colleges and other public and private entities; and

WHEREAS, the Board of Governors of the California Community Colleges shall not approve any request for waiver of any provision of this chapter pursuant to Section 81250 unless the district seeking the waiver demonstrates all of the following:

(1) The district has provided the written notice required by subdivision (b) of Section 81250.

(2) The district, after making a good faith effort, was unable to reach agreement with any public agency that sought to acquire the site pursuant to Section 81363.5.

(3) The waiver will not substantially increase state costs or decrease state revenues.

(4) The waiver will further the ability of the district to meet the educational needs of the community.

NOW THEREFORE, be it resolved by the Governing Board of the North Orange County Community College District as follows:

1. That the above recitals are true and correct.
2. That the Board hereby declares its intention to seek a waiver of Education Code section 81360 *et seq.*
3. That the waiver will promote efficiency and benefit the public by allowing the District to select the most qualified entity to purchase the Property and to negotiate a purchase and sale agreement with said entity in order to maximize the District's revenue. Specifically, a waiver would eliminate the Education Code imposed requirement of a public auction with which the District has already complied. To comply a second time would likely result in another unsuccessful bid hearing. The continued application of these Education Code requirements would dramatically limit the District's ability to find a suitable entity and negotiate profitable purchase and sale agreement. The District has found that the specific size, freeway access, condition of the buildings and visibility from the street has made this a unique property to market and that the ability to be flexible and directly negotiate with interested parties will allow the District to market the property more effectively, resulting in a sale.

4. That the District has provided the written notices required by subdivision (b) of Section 81250.
5. That on January 27, 2015 the District held a public hearing at which time the public was able to comment on the waiver request.
6. The District adhered to proper public notice procedures for the bid hearing and no public agency made an effort to acquire the property.
7. That the waiver will not substantially increase state costs or decrease state revenue and, to the contrary, allowing the District to be more flexible in selecting a suitable purchaser and negotiating a profitable purchase and sale agreement for the Property, which will likely lead to a higher income stream for the District.
8. That the waiver will further the ability of the District to meet the educational needs of the community by providing the District with additional funds.
9. That the Chancellor, or his designee is authorized and directed to submit a copy of this Resolution to the Board of Governors, thereby seeking a waiver of Education Code section 81360 *et seq.*

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the North Orange County Community College District on the 27th day of January, 2015, by the following vote:

AYES: Jeffrey P. Brown, Leonard Lahtinen, Molly McClanahan,
Donna Miller, M. Tony Ontiveros

NOES: None

ABSTENTIONS: None

ABSENT: Barbara Dunsheath



President of the Board of Trustees of the
North Orange County Community College District

Attested to:



Clerk of the Board of Trustees of the
North Orange County Community College District