OHLONE COMMUNITY COLLEGE DISTRICT

MEMORANDUM

TO: Board of Trustees

FROM: Gari Browning

DATE: January 13, 2016

SUBJECT: Public Hearing for Waiver Request of Public Bidding Requirements for Ground Lease of Surplus Frontage Property; Adoption of Board of Trustees Resolution No. 16/15-16 to authorize submission of a waiver request to the Board of Governors of the California Community Colleges

The lease of surplus District property is normally subject to the public bidding requirements in Education Code sections 81360 et seq. (Education Code). The Board of Trustees (Board) has identified as surplus property frontage property consisting of an assemblage of three Ohlone Community College District (District) sites totaling approximately 15 acres located along Mission Boulevard, Fremont, CA with the common street address 43600 Mission Boulevard, Fremont, CA (the Property). The three sites are designated Private Development A, Private Development B-1 and Private Development B-2 and are depicted in Attachment 1 hereto. The District desires to enter into a long term ground lease of the Property that will benefit the District by providing ongoing cash flow that will help the District meet the educational needs of the community.

By prior resolution of the Board (No. 20/13-14) adopted on February 12, 2014, the Board authorized the ground lease of the Property (the Lease Resolution) pursuant to the public bidding procedures in the Education Code. The Board did not receive acceptable proposals meeting the minimum lease requirements specified in the Lease Resolution for the ground lease of the Property. It is unlikely a second request for proposal under the Education Code will be successful.

The public bidding requirements in the Education Code may be waived by the Board of Governors of the California Community Colleges (Board of Governors) upon written request by the Board after providing 30-days’ written notice of a public hearing and making findings that the waiver request is in the best interest of the District and will not increase state costs or decrease state revenues.

RECOMMENDATION

It is recommended that the Board of Trustees (1) open a public hearing and receive comments on the waiver request; (2) close the public hearing; (3) move the item forward for approval and adoption of the attached Resolution No. 16/15-16 at the January 13, 2016 regular meeting of the Board of Trustees; and (4) authorize the President, or her designated representative, to submit a waiver request to the Board of Governors to waive certain provisions in Education Code sections 81360 et seq. as set forth in the resolution.