

KERN COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. R-09-2025

RESOLUTION OF THE BOARD OF TRUSTEES OF THE KERN COMMUNITY COLLEGE DISTRICT DECLARING SURPLUS PROPERTY; DECLARING INTENTION TO OFFER PROPERTY FOR LEASE; AUTHORIZING THE SOLICITATION OF LEASE BID PROPOSALS; AND AUTHORIZING THE CONCURRENT REQUEST FOR WAIVER OF COMPETITIVE BIDDING PROCEDURES FOR THE POTENTIAL LEASE OF THE DISTRICT'S RANDOLPH STREET PROPERTY

WHEREAS, the Kern County Community College District ("District") owns property identified by Assessor Parcel Numbers (APN) 034-200-12 and 034-200-14, located at 1942 Randolph Street, Delano, CA 93301 and as more particularly described in the legal description attached hereto as Exhibit "A" ("Property");

WHEREAS, pursuant to Education Code sections 81360 *et. seq.*, the District may lease real property belonging to the District which is not, or will not, be needed by the District at the time of delivery of title or possession;

WHEREAS, Education Code section 81365 authorizes the District's governing board to declare its intention to lease real property by adopting a resolution in open meeting by two-thirds vote;

WHEREAS, the District has determined that the best use of the Property may involve leasing the Property to obtain revenue for the District;

WHEREAS, the District desires to pursue leasing the Property in accordance with the requirements of the Education Code;

WHEREAS, Education Code section 81370 establishes the "Public Bid Auction Process" by which community college districts can pursue leasing real property by receiving bids and leasing property to the highest bidder;

WHEREAS, Education Code section 81250 *et seq.* allows a community college districts to seek a waiver all or part of any section of the Public Bid Auction Process from the Board of Governors of the California Community Colleges (a "Waiver");

WHEREAS, obtaining a Waiver will allow the District to conduct a "Request for Proposal" process in which the District solicits proposals to lease the Property and considers factors in addition to the total lease payment to select the proposal that offers the best overall benefit to the College and the local community;

WHEREAS, the District can pursue leasing the Property by concurrently exploring the Public Bid Auction Process and requesting a Waiver from the Board of Governors of the California Community Colleges;

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

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;

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

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);

WHEREAS, concurrently with seeking a Waiver, the District may pursue the Public Bid Auction Process pursuant to Education Code section 81365 *et seq.*;

WHEREAS, as part of the Public Bid Auction Process, Government Code section 54222 requires the District to send written notices to certain public agencies (the "Public Agencies") informing them of the District's intention to lease the Property and offering to negotiate directly with any of the Public Agencies interested in the Property;

WHEREAS, after issuing the required notices to the Public Agencies, the District may circulate a bid package soliciting bids for the lease of the Property to pursue the Public Bid Auction Process;

WHEREAS, after receiving bids pursuant to the Public Bid Auction Process, District staff can present the results to the Board for further consideration, along with the status of the Waiver request;

NOW THEREFORE, the Board of Trustees of the Kern Community College District ("Board") hereby resolves, determines, and finds the following:

1. The above recitals are true and correct.
2. The Board hereby declares the Property is not, or will not, be needed by the District for school classroom buildings.
3. The Board hereby declares the Property surplus, and hereby declares the Board's intention to lease the Property.
4. While the lease of the Property will not be limited to any particular development, the District will use its best efforts to ensure the Property is leased at its highest and best use value.

5. The Board hereby declares its intention to seek a Waiver of the Public Bid Auction Process.
6. The waiver will promote efficiency and benefit the public by allowing the District to select the most qualified entity that is the best fit for the Property and to negotiate a successful lease agreement with said entity in order to maximize the District's revenue while considering factors in addition to price to identify the lease proposal that provides the best overall benefit to the District and the local community.
7. That the waiver will not substantially increase state costs or decrease state revenue, and will allow the District greater flexibility in negotiating a successful lease agreement.
8. District staff is directed to provide the written notices required to establish a public hearing during which time the District will consider public comments regarding the Waiver application as set forth in subdivision (b) of Section 81250.
9. Concurrently with the waiver application process, the District will pursue leasing the Property pursuant to the Public Bid Auction Process.
10. That the lease of the Property shall be upon the following terms and conditions:
 - a. The minimum bid for the Property shall be no less than the District appraised value, or updated appraised value, whichever is greater.
 - b. The Property will be leased in its "As-Is" condition.
 - c. The leasing party shall bear all costs associated with recording fees, documentary and other transfer taxes, title insurance premiums, and other escrow costs.
 - d. The District will not pay a real estate commission for the lease of the Property, except as specifically authorized by contractual agreement with the Board.
11. The District shall create and publicly circulate "bid proposal forms" for parties interested in leasing the Property which will be available on the District's website.
12. The bid proposals responses shall be sealed and filed with the District at a specified future date and time, which date and time shall be noticed pursuant to the Public Bid Auction Process as required by the Education Code.
13. The District's Chancellor or a designee is/are authorized and directed, pursuant to Education Code section 81372 to establish the date and time by which all proposals for the lease of the Property will be opened and assessed during a public meeting as required by Education Code section 81370.

14. The results of the Public Bid Auction Process will be presented to the Board for further consideration.

I, Steven Bloombeg, Clerk of the Board of Trustees of the Kern Community College District, do hereby certify that the foregoing Resolution was introduced and adopted by the Board of Trustees of the Kern Community College District at a regular meeting thereof held on the 11^h day of September 2025, by the following forgoing vote.

AYES: 5

NOES: 0

ABSENT: 2

ABSTAIN: 0

I, John Corkins, President of the Kern Community College District Board of Trustees, do hereby certify that the foregoing is a full, true, and correct copy of the resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which resolution is on file in the office of said Board.

John S. Corkins

President of the Board of Trustees
Kern Community College District

Exhibit A



