

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Business and Non-instructional Operations  
SALE OR LEASE OF REAL PROPERTY**

The County Superintendent and County Board believe that facilities and resources shall be used in the most economical and practical manner. The County Superintendent or designee shall periodically study the current and projected use of real property owned by the County Board to ensure the efficient utilization of space and the effective delivery of instruction.

The County Board may meet in closed session with its real property negotiator prior to the sale or lease of real property in order to grant its negotiator authority regarding the minimum price or rent and terms of the sale or lease. (Government Code 54956.8.)

Prior to the sale or lease of any surplus real property, the County Board may appoint an advisory committee to advise the County Board regarding the use or disposition of schools or school building space that is not needed for school purposes. Rentals of surplus property not exceeding 30 days are exempted from this requirement. When the sale, lease, or rental of surplus property is for the purpose of teacher or other employee housing or for the offering of summer school by a private educational institution, the County Board may elect not to appoint an advisory committee. (Education Code 17387-17391.)

If the local planning agency has adopted a general plan that affects or includes the area where the surplus property is located, the County Board shall submit a report to the local planning agency describing the location of the surplus property and the purpose and extent of the proposed sale or lease. (Government Code 65402.)

The County Board shall determine whether the sale or lease of the surplus property is subject to review under the California Environmental Quality Act. (Public Resources Code 21000-21177; 14 CCR 15061-15062.)

Before taking action to dispose of any land, the County Board shall declare, at a regular meeting, supported by written findings that, under the Surplus Land Act, the land is either (1) surplus land or (2) exempt surplus land. (Government Code 54221)

However, if the land involved is exempt surplus land as specified in Government Code 54221(f)(1), the County Board, at its discretion, may decide not to make such a declaration. Instead of the declaration, the County Board may identify the land as exempt surplus land in a notice that is published and available for public comment and to the entities identified in Government Code 54222 at least 30 days before the exemption takes effect. (Government Code 54221)

Additionally, at least 30 days prior to disposing of exempt surplus land, the County Board shall provide the Department of Housing and Community Development (HCD) a copy of the County Board's declarations and findings supporting the County Board's determination that the land is exempt surplus land using the form prescribed by HCD. (Government Code 54221)

If the County Board has received notification from HCD that the County Board has violated the Surplus Land Act pursuant to Government Code 54230.5, the County Board shall not pursue a

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final action to ratify or approve the proposed disposal of surplus land unless the County Board holds an open and public meeting in compliance with Government Code 54230.7 to review and consider the substance of the notice.

When selling or leasing real property, the County Board shall comply with the priorities and procedures specified in applicable law. (Education Code 17230, 17464, 17485-17499; Government Code 54222.)

**Resolution of Intention to Sell or Lease**

Before ordering the sale or lease of any real property, the County Board shall adopt a resolution by a two-thirds vote of all of its members at a regular, open meeting. The resolution shall declare the property exempt surplus land, describe the property proposed to be sold or leased in such a manner as to identify it, specify the minimum price or rent, describe the terms upon which it will be sold or leased, and specify the commission or rate, if any, which the County Board will pay to a licensed real estate broker out of the minimum price or rent. The resolution shall fix a time, not less than three weeks thereafter, for a public meeting, held at the County Board's regular meeting place, at which sealed proposals to purchase or lease will be received and considered. (Education Code 17466.)

The County Superintendent or designee shall provide notice of the adoption of the resolution and of the time and place of the meeting that will be held to consider bids by posting copies of the resolution, signed by the County Board, in three public places not less than 15 days before the date of the meeting. In addition, the notice shall be published at least once a week for three successive weeks before the meeting, in a newspaper of general circulation published in the Fresno County, if such a newspaper exists. (Education Code 17469.)

The County Superintendent or designee shall take reasonable steps to provide notification to the former owners of the property of the county office's intent to sell it in accordance with Education Code 17470.

**Acceptance/Rejection of Bids**

At the public meeting specified in the resolution of intention to sell or lease property, the County Board shall open, examine, and declare all sealed bids. Before accepting any written proposal, the County Board shall call for oral bids in accordance with law. (Education Code 17472, 17473.)

The County Board may reject any and all bids, either written or oral, and withdraw the properties from sale when the County Board determines that rejection is in the best public interest. If no proposals are submitted or the submitted proposals do not conform to all the terms and conditions specified in the resolution of intention to lease, the County Board may lease the property in accordance with Education Code 17477. (Education Code 17476, 17477.)

Of the proposals submitted by responsible bidders which conform to all terms and conditions specified in the resolution of intention to sell or lease, the County Board shall finally accept the highest bid after deducting the commission, if any, to be paid to a licensed real estate broker, unless the County Board accepts a higher oral bid or rejects all bids. (Education Code 17472.)

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The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the County Board may adopt a resolution of acceptance that directs the County Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478.)

**Use of Proceeds**

The County Superintendent or designee shall ensure that proceeds from the sale or lease with an option to purchase county office surplus property are used in accordance with law. (Education Code 17462; 2 CCR 1700.)

Whenever the County Board sells real property that was purchased, improved, or modernized with funds that were received from a state school facilities funding program within the previous 10 years, the County Board shall notify the Office of Public School Construction ("OPSC") within 90 calendar days of the sale of the property if the proceeds from the sale are not used for capital outlay and the property is not sold to a charter school, a school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services. If the State Allocation Board ("SAB") subsequently makes a finding that the sale is subject to Education Code 17462.3, the County Board shall return the funds to the SAB within 90 calendar days of the finding. (2 CCR 1702)

Adopted: 11/15/2018

Amended: 05/18/2023, 11/20/2025

**Legal References****Education Code**

- 17219-17224 Acquisition of property not utilized as school site; nonuse payments; exemptions
- 17230-17234 Surplus property
- 17387-17391 Advisory committees for use of excess school facilities
- 17400-17429 Leasing property
- 17430-17447 Leasing facilities
- 17453 Lease of surplus district property
- 17455-17484 Sale or lease of real property
- 17462.3 State Allocation Board program to reclaim funds
- 17485-17500 Surplus school playground (Naylor Act)
- 17515-17526 Joint occupancy
- 17527-17535 Joint use of district facilities
- 33050 Request for waiver
- 38130-38139 Civic Center Act

**Government Code**

- 50001-50002 Definitions
- 54220-54232 Surplus land

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54222 Offer to sell or lease property

54950-54963 Brown Act

54952 Legislative body, definition

**Public Resources Code**

21000-21177 California Environmental Quality Act

**Code of Regulations, Title 2**

1700-1702 Surplus property; use of proceeds

**Code of Regulations, Title 14**

15061-15062 Preliminary Review of Projects and Conduct of Initial Study

**Court Decisions**

San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District (2006) 139 Cal.App.4th 1356

**Management Resources****CSBA Publications**

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, September 2009

**California Department of Education Publications**

Closing a School Best Practices Guide

**Office of Public School Construction Publications**

Unused Site Program Handbook, May 2008

**Websites**

California Department of Education, School Facilities Planning Division:

<http://www.cde.ca.gov/ls/fa>

Coalition for Adequate School Housing: <http://www.cashnet.org>

Department of General Services, Office of Public School Construction:

<https://www.dgs.ca.gov/opscc>