

EXECUTIVE SUMMARY

First Amendment to the Reciprocal Use Agreement with the City of Sunrise, Florida

As stated herein, The School Board of Broward County, Florida (SBBC) entered into an Agreement of Sale and Purchase (Agreement) with the City of Sunrise (City) on September 27, 2017, for the sale of SBBC owned land known as the New River Circle Site, Parcel 233 (Property). Thereafter, on December 15, 2017, SBBC and the City closed on the sale, and ownership of the Property was transferred to the City. Included in the terms and conditions of the Agreement, was a Lease Agreement between SBBC and the City which allowed SBBC's educational programs (Community School South (CSS) and Off Campus Learning Center (OCLC)) to continue to operate from the Property in two six (6) month increments for a period of up to twelve (12) months; the Lease Agreement became effective on the day of closing on the Property. The Lease Agreement is currently slated to expire on December 15, 2018. In order to extend the term of the Lease Agreement with the City at no cost, the City has requested that SBBC allow the City to utilize eight (8) of the eleven (11) school facilities located in the City for their 2019 Summer Camp and Basketball Programs at no cost to the City. Hence, the First Amendment to the Reciprocal Use Agreement (RUA).

For background purposes, prior to the sale of the Property to the City, measures were undertaken by staff of the Office of Facilities and Construction, Demographic and Student Assignment, the Facility Planning & Real Estate Departments, and in coordination with the school principals of Falcon Cove Middle and Cypress Bay High Schools, to ensure that the Property would not be needed to temporarily house students and/or for storage and staging purposes during SBBC approved permanent capacity expansion project at Falcon Cove Middle and Cypress Bay High Schools. Simultaneously, efforts were undertaken by staff to identify viable SBBC owned facilities where the CSS and OCLC would eventually be relocated. As a component of these efforts, the following generally depicts due diligence processes that were conducted by staff towards the disposition of the Property; it also depicts the outcome of the processes:

- 1. March 1, 2016 - Regular School Board Meeting (RSBM):** On May 19, 2015, fifty-four (54) of the portables located at the Property were declared surplus by SBBC. On March 1, 2016, scheduled Board item sought SBBC authorization to conduct a Spot Survey to amend the Plant Survey and enable the disposition of the Property and the remaining twenty-eight (28) portables located thereon. The Item indicated that staff was simultaneously working diligently to locate the CSS and OCLC to viable SBBC owned facilities. **OUTCOME:** SBBC voted down the Board item and directed that the potential location for the CSS and OCLC must first be clearly identified, and additional due diligence conducted, before authorization will be granted to conduct a spot survey.
- 2. May 24, 2016 – School Board Workshop:** At this workshop, staff presented the “Parameters for The Relocation of Educational Programs and sale of Real Property. The presentation outlined the general process staff would utilize in the relocation of the educational programs, processes which entailed examining potential available spaces at high schools, centers, and administrative facilities. The presentation also included schools within a two-mile radius of Property. Additionally, it included scenarios where SBBC surplus properties could be marketed directly to local governments. **OUTCOME:** The Board's directives were for staff to implement the following: 1. Work to sell SBBC surplus property to local governments when there is a greater public purpose/opportunity for joint partnership; and 2. Provide a clear and viable option regarding where to relocate educational programs before offering property where they are located for sale.

First Amendment to the Reciprocal Use Agreement with the City of Sunrise, Florida

3. **December 20, 2016 School Board Operational Meeting (SBOM):** Scheduled Board item, Resolution No. 16-98 to declare the New River Circle (Parcel 233) and twenty-eight (28) portables located thereon as surplus. The item contained exhibits which indicated that CSS will be relocated to Flanigan High School, and the OCLC to Western High School. **OUTCOME:** Board item was approved as amended.
4. **August 8, 2017 SBOM:** Scheduled Board item, Agreement of Sale and Purchase between SBBC and the City for sale of the New River Circle. **OUTCOME:** At this meeting, SBBC amended the item and changed language in the Special Warranty Deed (Exhibit C). The Board item was approved as amended.
5. **August 29, 2017 – School Board Workshop:** At this workshop, topic presented was “Spot Survey for South Area Portable Annex site and Olsen Middle School, Discussion on Elementary A-1 and other related issues”. The presentation sought further clarification from SBBC on two issues, but the most related was as follows:
1. When faced with regional over-enrollment in attempts to relocate educational programs into schools, could program funds be utilized to lease outside facilities for the affected programs? Also, as a follow-up on further developments after SBBC approval to surplus the Property, and subsequent entering into the Agreement of Sale and Purchase with the City, the presentation provided options that the CSS could be relocated to Indian Ridge Middle School or utilize program funds to lease and outside facility for the CSS; additionally, that OCLC could be relocated to Western High School or utilize program funds to lease and outside facility for the CSS. **Outcome:** SBBC’s directive was for staff to further explore space at under-enrolled high schools that were in proximity to the program, and if the former were unsuccessful, staff could pursue leasing outside facility for the CSS and OCLC programs.
6. **September 6, 2017 SBOM:** Scheduled Board item, Agreement of Sale and Purchase between SBBC and the City for sale of the New River Circle. A Board item was scheduled again to include the amended language in the Special Warranty Deed (Exhibit C) in the Agreement of Sale and Purchase as directed by SBBC at the August 8, 2017, SBOM. **OUTCOME:** Board item was approved.

Upon closing on the sale of the Property on December 15, 2017, staff continued its efforts and spent considerable amount of time researching, conducting site visits, and holding meetings on under-enrolled high schools located in close proximity to the CSS and OCLC, and determine viability in relocating the programs into.

In March 2018, based on directives, indications were that the CSS and OCLC cannot be relocated into Indian Ridge Middle School and Western High School respectively. Thereafter, staff commenced efforts towards leasing an outside facility to house the programs. These efforts included but were not limited to determining the availability of funds from the Atlantic Technical College & Technical High School to pay to lease an outside facility for the CSS and OCLC; and upon confirmation that the adequate funds would be available, staff narrowed its search to viable locations and ultimately vetted three facilities; and all three facilities are located in the City of Sunrise. Thereafter, upon additional site visits by the Facility Planning & Real Estate (FP&RE) Department staff, and staff representatives from the CSS and OCLC to determined locations, collectively, the decision was made to pursue lease of one of the facilities.

While continuing the above stated efforts, staff was also keeping track of the months left for the CSS and OCLC to remain at the New River Circle site; and on April 2, 2018, consistent with the provisions of the Lease Agreement, staff sent written

First Amendment to the Reciprocal Use Agreement with the City of Sunrise, Florida

notice to the City, advising of the School District's desire for the CSS and OCLC to continue to operate from the New River Circle site for the second half of the one year timeframe stated in the Lease Agreement.

It should be noted that before the facility can be utilized by the CSS and OCLC, the City's land development regulations require that a special exception application be submitted to the City allow for an educational use; and City staff informed that the application/permitting timeframe would take approximately four (4) months at a minimum. Unfortunately, the timeframe required for the application process and months left before the Lease Agreement expires would not suffice and enable the CSS and OCLC to continue to operate from the Property; hence the request to enter a new Lease Agreement for an additional eight (8) months. The CSS and OCLC are in agreement with this extended timeframe, which would allow for the application process and buildout required at the leased facility, and relocation of the both programs.

The City is in agreement to enter a new lease for the additional eight (8) months, however, the City insisted that rather than charging SBBC rent for the stated timeframe, the City would prefer to utilize up to eight (8) District school facilities to host its 2019 Summer Camp and Summer Basketball Programs at no cost to the City. Per the City, both programs would take place during the School District's schedule summer break and would run for seven (7) consecutive weeks.