

FINANCIAL MANAGEMENT

Rental, Lease, or Use of Surplus District Real Property

When district real property is not currently needed by the district for school purposes, the Board may (i) determine such property to be surplus, and (ii) rent or lease such surplus property to, or permit the occasional use of such surplus property provided that the renting, leasing, or use of such property is for a lawful purpose and does not interfere with the conduct of the district's educational program and related activities. Such rental, lease or occasional use may include the joint use of district property provided that any such joint use shall comply with existing applicable local zoning ordinances.

Every rental, lease or use agreement entered into by the district shall include provisions which permit the district to recapture the leased or rented surplus property from the tenant, lessee, or user, within a reasonably short period of time should the district determine, in its sole discretion, that the property is needed for school purposes. The Board shall further determine reasonable compensation ("Rent") to be paid by all tenants, lessees, or users for such rental, lease, or use. Rent shall be determined and assessed on a basis that is nondiscriminatory within classes of users. The district shall at a minimum recoup through rent or reimbursement, district expenditures associated with the property. All or a portion of the rental fee may be in the form of services (i.e. maintenance) that are provided by the tenant, lessee, or user, and have a measurable value to the district.

Proceeds from the rental, lease, or use of district property in excess of the operational costs incurred for such rental, lease, or use shall be deposited in the districts debt service fund and/or the capital projects fund. Operational costs shall be deposited in the district general fund.

Notice of the intent to rent or lease surplus property shall be published in a newspaper of general circulation in the district at least 45 days before the rental or lease takes effect, if the value of the rental or lease is \$10,000 or more. The notice will allow prospective tenants an equal opportunity to rent the property.

Nothing in this policy precludes the Board from permitting the use and/or rental of school facilities, playgrounds, athletic fields or athletic facilities in accordance with school facility use policy 4330.

Legal Reference: [28A.335.040](#) Surplus School Property, Rental, Lease or Use of--Authorized
 [28A.335.050](#) Surplus School Property, Rental Lease or Use Of--Joint Use--Compensation-Conditions

- [28A.335.060](#) Surplus School Property--Rental Lease or Use Of--Disposition of Moneys Received From
- [28A.335.070](#) Surplus School Property, Rental, Lease or Use Of--Existing Contracts Not Impaired
- [28A.335.080](#) Surplus School Property, Rental, Lease or Use Of--Community Use Not Impaired
- [28A.335.090](#) Conveyance and Acquisition of Property--Management

- [28A.335.150](#) Permitting use and rental of playgrounds, athletic fields or athletic facilities.
- [28A.320.510](#) Night schools, summer schools, meetings, use of facilities for.

Adopted: September 9, 1992
Revised: November 4, 2009