

NOTICE OF SPECIAL MEETING
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

Monday
December 3, 2012
4:00 PM

Lovonya DeJean Middle School
Music Room G112
3400 Macdonald Avenue
(Entrance on Harry Ells Place)
Richmond, CA 94805

MEETING AGENDA

A. OPENING PROCEDURES

- A.1 Pledge of Allegiance**
- A.2 Welcome and Meeting Procedures**
- A.3 Roll Call**

B. ACTION ITEMS

- * **B.1 Amended and Restated Ground Lease Agreement Between the District And The City Of San Pablo Regarding The Construction And Use Of A Community Center At Helms Middle School and Related Documents**

Comment:

In June 2010, the District's Board of Education ("District") and the City of San Pablo ("City") approved the original Ground Lease for Construction and Use of a Community Center at Helms Middle School ("Ground Lease"). Thereafter, the Ground Lease was amended in July 2012, to set forth the negotiated construction process for the Community Center ("Amended Ground Lease"). The District and City have now negotiated additional revisions to the Amended Ground Lease relating to requirements for the City's New Markets Tax Credit Program ("Loan"), the funding mechanism for the City's construction of the Community Center.

This Amended and Restated Ground Lease contemplates that the Helms Middle School site ("School Site") will be subdivided to create a real property parcel for the portion of the School Site leased to the City under the Amended Ground Lease ("Ground Lease Parcel") that is separate and distinct from the School Site. The Ground Lease Parcel will be the subject of the Amended and Restated Ground Lease and the parcel upon which the Community Center will be constructed, and will be pledged as collateral for the City's lender to make the Loan. In order to accomplish the subdivision, the District will record the new legal descriptions prepared for both the School Site and the Ground Lease Parcel. In addition, the City's lender is requiring that the District execute an Estoppel Agreement that sets forth remedies and responsibilities of the parties in the event of a Loan default by the City, or its authorized assignee.

Further, the Amended and Restated Ground Lease contemplates that the Amended and Restated Ground Lease will be assigned to San Pablo Economic Development Corporation, a California public authority, as referenced in Education Code section 10910, the governing authority under the original Ground Lease and

this Amended Ground Lease. Finally, the Amended Ground Lease includes negotiated terms relating to, but not limited to, the parking, construction staging and access rights relating to both the School Site and the Ground Lease Parcel.

Recommendation:

Approve the (1) Amended and Restated Ground Lease Agreement; (2) Ground Lease Estoppel Agreement; and (3) School Site and Ground Lease Parcel Legal Descriptions

Fiscal Impact:

No fiscal impact or implications associated with the approval of these documents.

C. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – December 12, 2012

D. ADJOURNMENT

* The public may only address items which are marked with an asterisk (*).

The Governing Board welcomes and encourages public comment. Members of the public may comment on items included on this agenda; however, we ask that you limit your comments to 2 minutes so that as many as possible may be heard. The total time for public comment for each item is limited to no more than 30 minutes. (Education Code §35145.5, Government Code §54954.3)

Special Accommodations: *Upon written request to the District, disability-related modifications or accommodations, including auxiliary aids or services, will be provided. Please contact the Superintendent's Office at 510-231-1101 at least 48 hours in advance of meetings.*