

Office of School Facilities
Jaime G. Torrens, Chief Facilities Officer

SUBJECT: AUTHORIZE THE SUPERINTENDENT TO:

- 1) **FINALIZE NEGOTIATIONS AND EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE SCHOOL BOARD AND THE LBA CHILDREN & FAMILIES FOUNDATION, INC., FOR THE OPERATION OF A DISTRICT-MANAGED CHARTER SCHOOL AT 13835 NW 97 AVENUE, HIALEAH, FLORIDA; AND**

- 2) **GRANT OR DENY ALL APPROVALS REQUIRED UNDER THE LEASE AGREEMENT, INCLUDING CANCELLING OR TERMINATING THE LEASE AGREEMENT**

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

LINK TO STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY

Background

Since August 2012, The LBA Children & Families Foundation, Inc. ("LBA") has occupied a portion of the Board-owned facility located at 13835 NW 97 Avenue, Hialeah, Florida ("Board-owned facility"), to operate a District-managed charter school. LBA uses approximately 5,043 square feet of space, as well as non-exclusive use of portions of the parking lots and playfield, pursuant to a lease agreement ("Lease Agreement") between the parties. The District provides administrative and operational services to LBA through a Management Agreement. The current term of the Lease Agreement expires on June 30, 2014, with no renewal periods remaining, and LBA has requested that the Lease Agreement be amended to extend the lease term for an additional one-year period (July 1, 2014 through June 30, 2015).

Year 3 of the GOB program (FY 14-15) includes funding for renovation/expansion of the Board-owned facility for future use as a K-8. Planning and design work should begin later this calendar year, followed by construction in mid-2015. Continued occupancy by LBA of the Board-owned facility from July 1, 2014 through June 30, 2015 is not anticipated to impact this schedule.

F-3

Proposed Amendment to the Lease Agreement

The District Director, School Choice & Innovation recommends amending the Lease Agreement to extend the term for the period of July 1, 2014 through June 30, 2015. Given the pending conversion of the Board-owned facility to a K-8, no additional renewal periods will be granted to LBA beyond June 30, 2015. In addition, no physical improvements requiring the use of District funds will be necessary as a result of the proposed Board action.

Accordingly, it is recommended that the Lease Agreement be amended to provide, substantially, the following terms and conditions:

- the current term of the Lease Agreement, which expires on June 30, 2014, will be extended for the one year period commencing July 1, 2014 and ending June 30, 2015; and
- LBA shall have no options to renew the Lease Agreement beyond June 30, 2015.

All other terms and conditions of the Lease Agreement will remain unchanged, including:

- rent at \$1 per year;
- LBA shall fully reimburse the Board for its portion of the Board-owned facility's operating costs, including routine building and grounds maintenance, custodial/janitorial services, trash pick-up, utilities and property insurance;
- either party shall have the right to cancel the Lease Agreement at will by giving the other party at least 90 days prior written notice, provided the effective date of such cancellation does not fall during the regular school year, as defined by the Board's Elementary and Secondary School Calendar;
- in the event LBA seeks to expand or decrease its area of occupancy, LBA shall notify the Board in writing at least 90 days prior to the proposed effective date of such adjustment, which approval may be granted by the Superintendent or his designee, at his sole discretion, and the amount of operating expenses and all appropriate exhibits to the Lease Agreement shall be adjusted prospectively, accordingly; and
- for purposes of the Lease Agreement, the Superintendent of Schools shall be the party designated by the Board to grant or deny any modifications and approvals required by the Lease Agreement, including without limitation, increasing or decreasing the area of the demised premises, amending any of its exhibits, canceling and/or terminating the Lease Agreement, or reviewing and approving matters related to construction by LBA within the Board-owned facility.

) The proposed Amendment to the Lease Agreement will be reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management prior to execution.

)
RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to:

- 1) finalize negotiations and execute an amendment to the lease agreement between the School Board and The LBA Children & Families Foundation, Inc., to extend the term of the lease agreement for the period of July 1, 2014 through June 30, 2015 for the operation of a District-managed charter school at 13835 NW 97 Avenue, Hialeah, Florida, under, substantially, the terms and conditions noted above; and
- 2) grant or deny all approvals required under the lease agreement, including cancelling or terminating the lease agreement.

) MCA:mca