

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

**SUBJECT: AUTHORIZE THE SUPERINTENDENT TO:**

- 1) EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE SCHOOL BOARD AND THE LBA CHILDREN & FAMILIES FOUNDATION, INC. ("LBA"), TO EXTEND THE TERM FOR THE PERIOD OF JULY 1, 2015 THROUGH DECEMBER 31, 2015, FOR THE OPERATION OF A DISTRICT-MANAGED CHARTER SCHOOL, LOCATED AT 13835 N.W. 97 AVENUE, HIALEAH, FLORIDA; AND
- 2) GRANT OR DENY ALL APPROVALS REQUIRED UNDER THE LEASE AGREEMENT, INCLUDING EXTENDING THE LEASE AGREEMENT FOR AN ADDITIONAL SIX-MONTH PERIOD, INCREASING OR DECREASING THE AREA OCCUPIED BY LBA, CANCELING OR TERMINATING THE AGREEMENT, AND PLACING LBA IN DEFAULT, AS MAY BE APPLICABLE

**COMMITTEE: FACILITIES AND CONSTRUCTION**

**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 N.W. 97 Avenue, Hialeah, Florida ("Board-owned facility"), to operate a District-managed charter school. LBA uses approximately 13,257 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 Board-owned facility is scheduled to be retrofitted into a K-8 center (the "Bond project") as part of the GOB program, which will require that LBA vacate the premises at a future date, but in no event any earlier than January of 2016. In order to allow its continued operation while searching for a permanent site, LBA has requested that the Lease Agreement be amended to extend the lease term as well as increase the number

of classrooms to accommodate an additional grade level for the upcoming school year, resulting in an increase of 3,137 square feet (from 13,257 to 16,394 square feet).

In terms of the requested extension by LBA, its continued occupancy of the Board-owned facility from July 1, 2015 through December 31, 2015, should not impact the Bond project. Beyond that date, occupancy by LBA may be possible, but will require close coordination between the parties. To accomplish this, staff is recommending that the existing Lease Agreement be amended to extend the term for the period of July 1, 2015 through December 31, 2015, with the Superintendent authorized to further extend occupancy for an additional six-month period, not to exceed the period ending June 30, 2016. Additionally, effective December 1, 2015, the parties will also have the right to cancel the Lease Agreement, at will, with thirty (30) days prior notice.

#### Proposed Amendment to the Lease Agreement

The Deputy Superintendent/Chief Operating Officer, School Operations, and the Office of School Facilities recommend amending the Lease Agreement to increase the number of classrooms utilized by LBA for the 2015-16 school year, and extend the term for the period of July 1, 2015 through December 31, 2015, with the Superintendent authorized to further extend occupancy for an additional six-month period, not to exceed the period ending June 30, 2016. Accordingly, it is recommended that the Lease Agreement be amended to provide, substantially, the following terms and conditions:

- the term of the Lease Agreement will be extended for the period commencing July 1, 2015 and ending December 31, 2015. The Superintendent shall be authorized to further extend occupancy of some or all of the demised area by LBA for an additional six (6) month period, not to exceed the period ending June 30, 2016;
- effective August 1, 2015, the current demised area will be expanded from 13,257 square feet to 16,394 square feet to accommodate an additional grade level for the 2015-16 school year;
- effective December 1, 2015, either party shall have the right to cancel the Lease Agreement at will by giving the other party at least 30 days prior written notice;
- 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; and
- for purposes of the Lease Agreement, the Superintendent of Schools shall be the party designated by the Board to grant or deny any approvals required by the Lease Agreement, including without limitation, increasing or decreasing the area occupied by LBA within the Board-owned facility, amending any of the exhibits to the Lease Agreement, extending, canceling or terminating the Lease Agreement, and placing LBA in default.

The proposed Amendment to the Lease Agreement has been reviewed by the School

Board Attorney's Office and the Office of Risk and Benefits Management for legal sufficiency and risk management issues, respectively, and found to be in compliance. A copy of the proposed Amendment to the Lease Agreement has been placed on file with the Citizen's Information Center and the Recording Secretary.

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

- 1) execute an amendment to the lease agreement between the School Board and the LBA Children & Families Foundation, Inc. ("LBA"), to extend the term for the period of July 1, 2015 through December 31, 2015, for the operation of a District-managed charter school, located at 13835 N.W. 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 extending the lease agreement for an additional six-month period, increasing or decreasing the area occupied by LBA, canceling or terminating the lease agreement, and placing LBA in default.

MCA:mca