

MEMORANDUM

November 8, 2022

TO: The Honorable Chair and Members of the School Board of Miami-Dade County, Florida

FROM: Dr. Jose L. Dotres, Superintendent of Schools *JLD/MB*

SUBJECT: WITHDRAWAL OF AGENDA ITEM F-1 FROM THE NOVEMBER 16, 2022, SCHOOL BOARD MEETING

School Board Agenda Item F-1, scheduled for consideration on November 16, 2022, is being withdrawn for further review.

If you need additional information, please contact Raul F. Perez, Chief Facilities Design and Construction Officer, Office of School Facilities, at 305 995-1607.

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Attachment

cc: School Board Attorney
Superintendent's Cabinet
Agenda Office

Office of Facilities Design and Construction
Raul F. Perez, Chief Facilities Design & Construction Officer

SUBJECT: PROPOSED AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE SCHOOL BOARD AND THE MIAMI-DADE FOUNDATION FOR EDUCATIONAL INNOVATION, INC. (D/B/A ACADEMY FOR INNOVATIVE EDUCATION - MSID 6093), A DISTRICT-MANAGED CHARTER SCHOOL LOCATED AT 1080 LA BARON DRIVE, MIAMI SPRINGS, FLORIDA, TO EXTEND THE LEASE TERM TO JUNE 30, 2037

COMMITTEE: FACILITIES AND CONSTRUCTION

LINK TO STRATEGIC PLAN: EFFECTIVE & SUSTAINABLE OPERATIONAL PRACTICES

Background

Since August 2011, the Miami-Dade Foundation for Educational Innovation, Inc., a Florida not-for-profit corporation (“MDFEI”), has occupied a portion of the Board-owned facility located at 1080 La Baron Drive, Miami Springs, Florida (“Facility”), and operates the District-managed Academy for Innovative Education (MSID 6093) under a Lease Agreement (“Lease Agreement”) with the District. Due to the success of its educational program, enrollment has continued to grow, and MDFEI has continued to expand the portion of the Facility it occupies through previous amendments to the Lease Agreement, as authorized by the Board. The current term of the Lease Agreement expires on June 30, 2030, and no extensions are available to MDFEI without further Board action.

The Board, at its meeting of October 2, 2019, authorized the construction of a 14,500 square foot twelve-classroom addition by MDFEI, at MDFEI’s sole cost and expense. MDFEI has advised that, due to delays caused in part by the COVID-19 health crisis, construction of the twelve-classroom addition did not proceed. MDFEI has now secured the necessary funding to initiate construction, but has been advised by its lenders that the term of the Lease Agreement and the Charter Contract must be in place for fifteen (15) years (through June 30, 2037).

The Board, at its meeting of November 16, 2022, shall consider extending MDFEI’s Charter Contract until June 30, 2037 (Agenda Item D-65). Subject to Board authorization to extend the Charter Contract, it is recommended that the Lease Agreement also be

**WITHDRAWN
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extended to June 30, 2037. Such modification will require an amendment to the Lease Agreement (“Lease Amendment”).

Proposed Lease Amendment

The Chief Operating Officer, District Operations, recommends entering into the Lease Amendment with MDFEI to extend the term of the Lease Agreement to June 30, 2037. Accordingly, it is recommended that the Lease Agreement be amended, substantially, as follows:

- In conformance with, and contingent upon, the Board’s action to extend MDFEI’s Charter Contract term to June 30, 2037, the term of the Lease Agreement shall be extended to June 30, 2037.

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

- rent at \$1 per year;
- MDFEI shall fully reimburse the Board for its portion of the Facility’s Operating Expenses, 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 ninety (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; and
- in addition to MDFEI having the option to make capital improvements within the leased space at its sole cost and expense, as currently allowed under the Lease Agreement, upon mutual agreement of the parties as to scope and cost, the District may provide certain capital improvements within the facility serving MDFEI, with MDFEI to reimburse the District for the cost of same over an agreed to period of time, not to exceed the period remaining in the MDFEI Charter.

The proposed Lease Amendment 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 Lease Agreement in its final form can be found at the following link:

[Tenth Amendment to Lease Agreement with MDFEI](#)

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to execute an amendment to the Lease Agreement between the School Board and The Miami-Dade Foundation for Educational Innovation, Inc. (“MDFEI”), (D/B/A Academy for Innovative Education - MSID 6093), a District-managed Charter School located at 1080 La Baron Drive, Miami Springs, Florida, to extend the lease term to June 30, 2037 in conformance with, and contingent upon, the Board’s action to extend MDFEI’s Charter Contract term to June 30, 2037, and under, substantially, the terms and conditions noted within the item.

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