

Rental or Lease of ESD 112 Real Property

When ESD 112 property is not needed for programs and operations, the Board delegates to the Superintendent, the authority to rent or lease any surplus real or personal property. If the value of the rental or lease is \$100,000 or more annually, a notice of the intent to rent or lease property shall be published in a newspaper of general circulation in the locale of the property, at least 45 days before the rental or lease takes effect. ESD 112 may establish a minimum acceptable bid based upon the fair market value, provided that such minimum bid is non-discriminatory within classes of users. Surplus property may be rented or leased to another governmental agency without execution of a public bid through interlocal agreement.

Surplus property shall be rented or leased for lawful purposes. The rental or lease shall be in the best interests of ESD 112 and not interfere with the conduct of ESD 112's educational program and related activities. Proceeds from rental or lease of ESD 112 property which are in excess of the operational costs incurred for such rental or lease shall be considered as general funds.

For rental of real property to non-governmental entities meeting the criteria, ESD 112 shall file leasehold tax returns with the Washington Department of Revenue. Other rents to non-governmental entities shall be reported on monthly excise tax filings to the Washington State Department of Revenue.

The Board authorizes the purchase of real property for operations that may have established leases in place for surplus space on that property, and recognizes that ESD 112 shall be subject to the terms and conditions of the leases acquired through their termination date. Such leases, however, must be for lawful purposes.

This policy does not preclude ESD 112 from making available ESD 112 property for community use in accordance with state provisions and administrative procedures.

Legal References:

Consistent with provisions of RCW 28A.335 School District's Property -
.040-.080 Surplus school property, rental, lease or use of
.090 Conveyance and acquisition of property
.130

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