RESOLUTION OF THE BOARD OF TRUSTEES
APPROVING MENDOCINO UNIFIED SCHOOL DISTRICT’S REQUEST FOR
WAIVER OF PROVISIONS OF EDUCATION CODE SECTION 17545 et seq.
RELATED TO POTENTIAL SALE OF MENDOCINO COMMUNITY NETWORK

WHEREAS, on or about the year of 1994, the MENDOCINO UNIFIED SCHOOL DISTRICT (the “District”) formed and began operating the Mendocino Community Network (“MCN”) to provide internet and other related services to the District and the community it serves; and

WHEREAS, over the last nineteen (19) years the MCN has provided service to over 8,000 customers in the District, including District staff, students and families, as well as private residences and businesses, in addition to the internet and other related services provided by MCN to the District and its facilities/programs; and

WHEREAS, the District’s board has now determined that MCN is no longer necessary for District’s facilities and programs due to the provision of such services by the local county office of education and other sources; and

WHEREAS, the District’s board has directed District staff to investigate the potential for sale of the MCN in a manner that achieves the best value for the District and the community it serves, as well as is protective of MCN’s value to the District’s community, including District staff, parents, families, and private companies; and

WHEREAS, the provisions of Education Code section 17545 et seq. generally require a sale of any personal property of the District to the highest bidder; and

WHEREAS, the sale of MCN to the highest bidder would not guarantee the District and its community the best result possible and might limit the District’s ability to be protective of MCN’s value to District staff, students, parents and the surrounding community; and

WHEREAS, a request for proposal and negotiated sale process would allow the District the flexibility to achieve the best value possible to the District, as well as be protective of MCN’s value to staff, parent, student and community interests; and

WHEREAS, pursuant to Education Code section 33050 et seq. the District may request that the State Board of Education approve a waiver of the generally applicable bid process requirements if the District has conducted a public hearing and then submitted the waiver request to the State Board of Education for approval; and
WHEREAS, on or about August 8, 2013 the District provided public notice of a public hearing on this potential waiver request in the Mendocino Beacon and Fort Bragg Advocate newspapers and copies of the public notice were also posted in the District offices; and

WHEREAS, on August 15, 2013 the District conducted a public hearing to take public comments regarding the potential waiver request; and

WHEREAS, the District’s Board of Trustees have considered the potential waiver request and all comments received at the public hearing.

IN WITNESS WHEREOF, the Board of Trustees of the Mendocino Unified School District find the following:

1. That all of the above recitals are true and correct.

2. That it is in the best interest of the District and the community it serves to request a waiver of the provisions of Education Code section 17545 et seq. in order to allow the District to seek a request for proposal process for the potential sale of MCN in order to achieve the best value for the District, as well as be protective of MCN’s value to District’s staff, students, parents, and community.

3. That the Board of Trustees hereby approves submission of the waiver request and directs staff to promptly file a request for waiver of the provisions of Education Code section 17545 et seq. as set forth in Attachment “A” to this Resolution with the State Board of Education and take all additional actions necessary to obtain State Board of Education approval of the waiver request.

APPROVED THIS 15th day of August, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN: