

# Board of Trustees

Meeting Date: 5/28/2024

## Executive Summary of Board Agenda Item

Subject/Title for Agenda Posting:

Justification Statement:

Purpose of Agenda Item:

Information  Discussion  Action

Item Type:

Curriculum & Instruction  HumanResources  Business Services

Staff Responsible:

\_\_\_\_\_  
*Signature of Requester(s)*

\_\_\_\_\_  
*Signature of Presenter(s)*

\_\_\_\_\_  
*Business Services Approval (Initials)*

\_\_\_\_\_  
*Date*

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Agenda Summary:

RECOMMENDATION:

PRIOR BOARD ACTION:

AWARDED:

AWARDED AMOUNT:

AMOUNT(S):

ACCOUNT NO(S):

PROCUREMENT METHOD TYPE: (3 Quotes, Cooperative Contract Quotes, Sole Source, Formal Bid)

REQUESTING DEPARTMENT:

CONSEQUENCES OF NON-APPROVAL:

IMPLEMENTATION TIMELINE:

ATTACHMENT(S):



## FEES

### **DISPOSITION OF DISTRICT REAL PROPERTY.**

The Fee shall be a commission based on a percentage of the gross sales price and shall not exceed the applicable percentage rate set forth below. The Parties on a case by case basis may, however, negotiate commission rates or an alternative Fee basis commensurate with the market, the circumstances of the disposition, and the services provided by Broker.

A “**disposition**” means the sale and conveyance fee simple title to District’s real property; Disposition does not mean a sale and conveyance by exchange or land swap.

<b>Sales Price</b>	<b>Commission (no buyer’s agent)</b>	<b>Commission (split with buyer’s agent)</b>
Up to \$4M	5.0%	6.0%
Over \$4M to \$8M	4.0%	5.0%
Over \$8M	3.0%	4.0%

### **ACQUISITION OF REAL PROPERTY.**

The Fee shall be a commission based on a percentage of the gross sales price (or fair value of property acquired via a property exchange) and shall not exceed the applicable percentage rate set forth below. The Parties on a case-by-case basis may, however, negotiate commission rates or alternative Fee basis commensurate with the market, the circumstances of the acquisition, and the services provided by Broker.

For Broker’s services in the acquisition of real property, Broker shall first use commercially reasonable efforts to obtain the commission from the seller/owner of the real property. If Broker does not receive a gross commission or remuneration from the seller/owner of the property that equals or exceeds the applicable commission rate set forth below, District shall pay to Broker, upon closing, the difference between the commission or remuneration paid by the seller/owner of the real property and the commission set forth below.

<b>Sales Price</b>	<b>Commission</b>
Up to \$4M	5.0%
Over \$4M to \$8M	4.0%
Over \$8M	3.0%

However, If Broker receives a commission or remuneration (equaling or exceeding the commission rates above) from the seller/owner of the real property acquired, District shall have no obligation to pay any Fee to Broker for its services rendered as District's representative.

An “**acquisition**” or “**acquire**” means: (a) the purchase of a real property by District; (b) an exchange of District real property for other real property; (c) the contribution or conveyance of real property or an ownership interest therein to a partnership, joint venture or other business entity in which District holds a controlling interest; (d) the transfer to District of a controlling

interest in an entity which has an ownership interest in a property in lieu of a purchase thereof; (e) the acquisition by District of an option to purchase real property; and (f) the lease of a real property by District. As used in this Contract, the term "**lease**" shall include a sublease and also the assignment of a leasehold interest to District, and the term "**owner**" shall include a sublessor and also the assignor of a leasehold interest.

### **Commission on an Option to Purchase**

The Parties agree that in the event District enters into an option to purchase with an seller/owner, a commission shall be payable to Broker in accordance with the acquisition commission schedule based on the price paid for the option and for any extensions thereof. This commission shall be paid upon receipt by the seller/owner of any such payment(s). In the event such an option is exercised, whether during the Contract term or thereafter during a protection period, a commission shall be payable to Broker on the gross sales price of the property in accordance with the acquisition commission schedule. Notwithstanding the foregoing, to the extent that all or part of the price paid for the option, or any extension thereof, is applied to the sales price of the property, then any commission previously paid to Broker on account of such option payment(s) shall be credited against the commission payable to Broker on account of the exercise of the option.