

Explanatory Notes

TASB Localized Policy Manual Update 91

- New provisions on REPURCHASE OF REAL PROPERTY require the district to provide notice to the previous property owner so the owner may repurchase the property if the public use for which the property was acquired is cancelled, no actual progress is made toward the public use, or the property becomes unnecessary for the public use.
- A district will lose the authority to exercise eminent domain if by December 31, 2012, it does not submit a letter to the comptroller stating the district's authority and identifying each provision of the law that grants the district that authority. See NOTICE OF RIGHT.

CHH (LEGAL) PURCHASING AND ACQUISITION FINANCING PERSONAL PROPERTY PURCHASES

We are sending for inclusion in the district's manual this legally referenced policy containing existing statutory provisions that give the board the authority to execute, perform, and make payments under a contract with a person regarding personal property, or the financing of personal property, in accordance with the Public Property Finance Act. Definitions of *contract* and *personal property* are included. SB 1393 clarifies that *personal property* now includes electricity.

CI (LEGAL) SCHOOL PROPERTIES DISPOSAL

A new provision from SB 6 (First Called Session) requires a board to dispose of INSTRUCTIONAL MATERIAL AND TECHNOLOGICAL EQUIPMENT in accordance with Education Code 31.105. See CMD(LEGAL) below.

CJA (LEGAL) CONTRACTED SERVICES CRIMINAL HISTORY

At DISQUALIFYING CONVICTION, HB 398 and SB 1042 establish the same standards for acceptable criminal history for a person employed by a contractor with the district as currently apply to a district employee. An employee of the contractor cannot provide services at a district if the individual has been convicted of a Title 5 felony or an offense requiring registration as a sex offender when the victim was a minor or a student at the time of the offense.

CL (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

Provisions at REDUCTION OF ENERGY CONSUMPTION are amended by HB 1728, which specifies that the strategies for achieving energy efficiency in a district's long-range energy plan must include facility design and construction. A board may explore with the State Energy Conservation Office whether any state or federal tax incentives are available.

HB 1728 also clarifies that an energy savings performance contract may address *new or existing* facilities. Per HB 628, the new construction procurement provisions in Government Code Chapter 2267 do not apply to energy savings performance contracts. See ENERGY OR WATER CONSERVATION MEASURES beginning on page 1.