

CONTRACTS FOR FACILITIES

CX
(LEGAL)

**Design or
Construction of
Instructional or
Athletic Facilities**

A district and an institution of higher education, as defined by Education Code 61.003, located wholly or partially in the boundaries of the county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design or construction of an instructional facility or a stadium or other athletic facilities owned by or under the control of the institution of higher education. A district may contribute district resources under this provision only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility.

One or more districts and an institution of higher education, as defined by Education Code 61.003, may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility owned by or under the control of the institution of higher education. A district may contribute district resources under this provision only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility, including authorizing the enrollment of district students in courses offered at that facility.

An independent school district and a municipality, located wholly or partially in the boundaries of a county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility, stadium, or other athletic facility owned by, on the property of, or under the control of the municipality. A district may contribute district resources under this provision only if the district and municipality enter into a written agreement authorizing the district to use that facility.

Education Code 45.109(a-1), (a-2), (a-3)

**Use of Athletic
Facilities**

A district, acting by and through its board, may contract with any corporation, municipality, or institution of higher education, as defined by Education Code 61.003, located wholly or partially in its boundaries, for the use of any stadium and other athletic facilities owned by or under the control of the other entity. The contract may be for any period not exceeding 75 years and may contain terms agreed on by the parties.

The district may enter into a contract for the use of athletic facilities for any purpose related to sports activities and other physical education programs for the students at the public schools of the district.

Education Code 45.109(a), (b)

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**Maintenance Tax
Authorization**

The consideration for a contract under Education Code 45.109 may be paid from any source available to the district. If voted as provided below, the board may pledge to the payment of the contract an annual maintenance tax in an amount sufficient, without limitation, to provide all of the consideration. If voted and pledged, the maintenance tax shall be assessed, levied, and collected annually in the same manner as provided by general law applicable to the district for other maintenance taxes.

Election

A maintenance tax may not be pledged to the payment of any contract under Education Code 45.109 or assessed, levied, or collected unless an election is held in the district and the maintenance tax is favorably voted by a majority of the qualified voters of the district voting at the election. The election order for an election under this provision must include the polling place or places and any other matters considered advisable by the board. [See BBB series regarding elections]

Education Code 45.109(c)–(d)