

AMEND BOARD REPORT 04-0128-OP1
RATIFY A FACILITIES USE AGREEMENT WITH THE CATHOLIC BISHOP OF CHICAGO

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Ratify a Facilities Use Agreement with The Catholic Bishop of Chicago for the use of School-Related Sites at a cost not to exceed \$125,000 for FY 2004 and not to exceed \$55,000 for FY 2005 ~~per year for a 2 year term~~. The current School-Related Sites are identified on Exhibit A-2 attached hereto. A written Facilities Use Agreement is currently being negotiated. The authority granted herein shall automatically rescind in the event a written agreement is not executed within 90 days of the date of this Board Report. Information pertinent to this agreement is stated below.

This amended Board Report is necessary to remove Gymnasiums from School Related sites for fiscal year 2005 and to decrease the amount of funding required for this matter.

LANDLORD: Catholic Bishop of Chicago
 c/o Archdiocese of Chicago
 P.O. Box 1979
 Contact Person: Thomas Brennan
 Chicago, IL 60690-1979
 Phone: (312) 751-7218

TENANT: Board of Education of the City of Chicago

PREMISES: Landlord shall lease to the Board the School-Related Sites identified on the attached Exhibit A-2.

USE: To provide School-Related Sites such as parking spaces and gymnasiums for CPS's use during fiscal year 2004. During fiscal year 2005, no gymnasiums will be provided to CPS.

TERM: The term of the Facilities Use Agreement shall be for a period commencing as of August 27, 2003 and ending June 30, 2005.

SCHOOL-RELATED SITES USAGE FEES: School-Related Sites are parking spaces, gymnasiums and other facilities owned by the Archdiocese that are necessary to support an existing Board-owned school. Usage fees for parking spaces at such School-Related Sites shall not exceed \$2.50 per car per day and usage fees for gymnasiums and other facilities at School-Related Sites shall be leased at a reasonable rate to be negotiated by the Chief Operating Officer, all of which shall be paid as invoiced by the Landlord.

SNOW REMOVAL COSTS: The Board shall pay for one-half of the cost of snow removal at School-Related Sites where parking spaces are utilized by the Board.

AUTHORIZATION: Authorize the General Counsel to include other relevant terms and conditions in the written Facilities Use Agreement and any addendums thereto. Authorize the Chief Operating Officer to negotiate and execute Addendums to the Facilities Use Agreement, to add School-Related Sites to the Premises being leased by the Board at a rate agreed to by the Chief Operating Officer providing the total maximum compensation rate of ~~\$125,000~~ \$55,000 per year is not exceeded. Authorize the President and Secretary to execute the Facilities Use Agreement. Authorize the General Counsel to execute all ancillary documents required to administer or effectuate this Facilities Use Agreement and any addendums thereto.

AFFIRMATIVE ACTION: Exempt.

LSC REVIEW: Local School Council is not applicable to this report

FINANCIAL:

Charge to Operations:	\$125,000	Fiscal Year: 2004
Budget Classification:	0944-552-000-6000-5480	
	Various Schools-552-000-6000-5480	
<u>Charge to Operations</u>	<u>\$55,000</u>	<u>Fiscal Year 2005</u>
<u>Budget Classification</u>	<u>0643-552-000-6000-5480</u>	
	<u>Various Schools-552-000-6000-5480</u>	

GENERAL CONDITIONS:

Inspector General – Each party to the agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Chicago Board of Education has the authority to conduct certain investigations and that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.

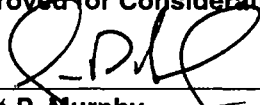
Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one-year period following expiration or other termination of their terms of office.

Indebtedness – The Board's Indebtedness Policy adopted July 26, 1995 (95-0726-EX3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Ethics – The Board's Ethics Code adopted September 27, 1995 (95-0927-RU3), as amended from time to time, shall be incorporated into and made a part of the agreement.

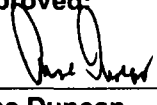
Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

Approved for Consideration:



Sean P. Murphy
Chief Operating Officer

Approved:



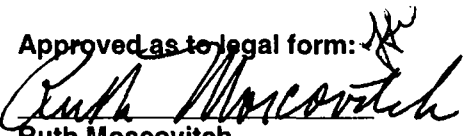
Arne Duncan
Chief Executive Officer

Within Appropriation:



John Maiorca
Chief Financial Officer

Approved as to legal form:



Ruth Moscovitch,
General Counsel

EXHIBIT A-2

SCHOOL-RELATED FACILITIES SITES - FISCAL YEAR 2005

CPS School	Parish Name	Parking Spaces	Annual Base Rent	Nine Monthly Payments	Monthly Janitorial	Monthly Electric	Monthly Heat	Total Monthly Rent	Total Annual Rent
SCHOOL RELATED SITES									
Hubbard	St. Nicholas of Tolentine	34	19,380.00	\$ 2,154.00					\$ 19,380.00
Perez	Holy Trinity	40	18,700.00	\$ 2,078.00					\$ 18,700.00
	SUB-TOTAL								
	GRAND TOTAL		38,080.00						\$ 38,080.00