

REPORT OF THE GENERAL MANAGER

NO. 03-332

DATE: October 15, 2003

CD. All

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PROPOSED PROCESS FOR NEGOTIATING AND EXECUTING JOINT USE AGREEMENTS (JUAs) BETWEEN THE CITY AND SCHOOLS OR SCHOOL DISTRICTS APPLYING FOR '03 COMPETITIVE PROP K GRANTS IN THE CATEGORY REQUIRING JUAs WITH SCHOOLS

L. Barth _____
J. Combs _____
A. Corrales _____
H. Fujita _____

J. Kolb _____
*B. Lukehart BSSL
R. Reyes _____


General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

It is recommended that the Board:

1. Authorize the General Manager to sign and transmit a "Letter of Commitment to Enter Into Good Faith Negotiations" for each Proposition K grant proposal submitted by the Los Angeles Unified School District (LAUSD) and other youth schools proposing projects under the Prop K funding category that requires a Joint Use Agreement (JUA) with the Department of Recreation and Parks (RAP) for consideration in response to the current "Request for Proposals" (RFP) for competitive Proposition "K" applications;
2. Authorize staff to negotiate a Master JUA between the Department and LAUSD and other schools or school districts; as may be necessary, to be approved by the Board and executed by the City and the LAUSD by or prior to January 17, 2004; the agreement to delineate areas of consensus on general deal points; and this Master JUA to identify each LAUSD proposed joint use project that is still under consideration, having satisfied initial threshold submittal requirements;
3. Authorize staff to negotiate a project-specific and site-specific JUA for each joint use project recommended by The LA for Kids Steering Committee; the JUA to be approved by the Board and City Council as a precondition to the execution of the Proposition K grant award; and,

REPORT OF THE GENERAL MANAGER

PG. 2

NO. 03-332

4. Request the Office of the Mayor to create a City/LAUSD Joint Oversight Committee to encourage collaborative planning between the City and the District for future joint use submittals.

SUMMARY:

The Prop K ballot measure contains a competitive funding category in the total amount of \$20,000,000 for recreational improvements at schools under joint use agreements with RAP. Private and public schools are eligible to apply for funding under this category. It is unclear at this time whether any private schools will apply for funds under this category. RAP has been advised by LAUSD that there may be twenty (20) or more applications submitted by the District for Steering Committee, VNOC and City Council consideration for funding award in this current Prop K competitive grant cycle. The School District staff is working to complete the list of potential projects that will be submitted as grant applications.

Each application must ultimately be accompanied by a JUA with RAP to ensure that the project is conceptually sound and programmatically useful as a resource to the community and an amenity that is truly a public asset as well as a school facility enhancement.

The present RFP requirement that a JUA be executed by and between the City and the school district as a threshold requirement at the time of submission perpetuates a problem that has been noted in the two previous Proposition K competitive grant cycles, in as much as the previous agreements have vague or incomplete provisions. On October 3, 2003, the Proposition K "LA for Kids" Steering Committee adopted a report presented by RAP that modified the procedure, in line with the recommendations in this Board Report.

The parties to the JUA recognize and acknowledge that, prior to undertaking the activities set forth in the JUA, that one or both of the parties must perform, complete and certify the adequacy of environmental review in accordance with the California Environmental Quality Act ("CEQA"). The parties further recognize that, as a result of information obtained by means of the CEQA process, the parties may decide to modify, condition or disapprove the activities set forth in the JUA. Nothing in the JUA shall limit or hinder the parties' exercise of their independent judgment and discretion with respect to these activities. In particular, the parties' obligations under the JUA are subject to, and shall not arise until after, completion of the CEQA process and Prop K grant approval by the Los Angeles City Council.

The City Attorney has advised that each JUA should include the following paragraph:

RAP and LAUSD have entered into twenty-four (24) JUAs that were executed in conjunction with LAUSD's applications for Proposition K funding in previous competitive grant cycles.

There were ten (10) JUAs executed in June of 1998 as part of the first round of Proposition K competitive grants:

REPORT OF THE GENERAL MANAGER

PG. 3

NO. 03-332

1. **San Pedro High School, CD 15** – awarded \$1,000,000 to partially finance the construction of a sports and recreational complex
2. **Washington Irving Middle School, CD 13** – awarded \$1,374,700 to create a park and sports fields (long-term bond funded)
3. Cleveland High School, CD 3
4. Sylmar High School, CD 7
5. Monroe High School, CD 12
6. Thomas Starr King Middle School, CD 4
7. **Los Angeles Center for Enriched Studies (LACES), CD 10** – awarded \$856,361 to partially finance construction of a new facility
8. **El Camino Real High School Boosters, CD 3** – awarded \$185,504 for stadium lighting
9. **Birmingham High School, CD 3** – awarded \$110,481 for lighting
10. **Reseda High School, CD 3** – awarded \$64,465 to build a weight room & obstacle course for physical fitness

Of these ten schools, six (6) were awarded Proposition “K” funds and the proposed improvements have been substantially completed. The successful applications are bolded, underlined and the funding awards noted.

Of the above list, four (4) were not awarded funding.

There were fourteen (14) additional JUAs executed by the City and LAUSD in conjunction with Proposition K funding requests submitted by LAUSD in the second round of Prop K competitive grants. Each of these was executed on September 24, 1999, in order to satisfy the Proposition K eligibility requirement in effect at that time. The fourteen are, as follows:

1. **Fairfax High School, CD 5** – awarded \$384,000 for athletic field lighting
2. Birmingham High School, CD 3
3. Welby Way Elementary School, CD 3
4. **Lincoln High School, CD 1** – awarded \$165,000 for athletic field lighting
5. Verdugo Hills High School, CD 2
6. Fremont High School, CD 9
7. Pomelo Drive Elementary School, CD 3
8. Sylvan Park Child Care Center, CD 11
9. Woodlake Avenue Elementary School, CD 3
10. Olive Vista Middle School, CD 7
11. Mount Washington Elementary School, CD 13
12. **Patrick Henry Middle School, CD 12** – awarded \$211,270 to construct a fitness center
13. Reseda High School, CD 3
14. Virgil Middle School, CD 13

Of these 14 applications, only three (3) were approved for Proposition K funding.

REPORT OF THE GENERAL MANAGER

PG. 4

NO. 03-332

Each of the 24 executed JUAs is effective contingent upon the award of Proposition K funding, completion of the project and acceptance of the completed project by the City. There are nine (9) JUA projects (of the 24 total) that are either in effect or which will take effect when development is complete.

With three exceptions (San Pedro High School, LACES and Washington Irving Middle School), the remaining JUAs were developed by LAUSD with little or no City involvement. JUA templates used were standardized and non-specific as to how the joint use premises would be shared and programmed. The term of each agreement was keyed to the dollar amounts requested pursuant to the Prop K requirements for public use (ranges from 10 years to 30 years). These agreements may not facilitate meaningful non-school public use and RAP programming of the specific facility. The nature of the Prop K competitive cycle, requirements and deadlines, particularly as it pertains to "joint use," perpetuates this inadequate process. Executing JUAs that are not mutually developed and "scoped" to ensure genuine public use and participation does not fully satisfy goals of joint use.

The Department and LAUSD have entered into other joint use agreements that are far more comprehensive and designed to address the circumstances of each specific facility and its constituency. The agreement for joint use of facilities at Benjamin Franklin High School in Highland Park, for example, entailed much discussion and negotiation to arrive at a mutually beneficial plan for shared use of this very heavily programmed year-round school.

The efforts put forth to create mutually supportable joint use plans for two new LAUSD schools (North Hollywood Elementary School #4, at Tiara & Lankershim, and Jefferson Elementary, at Martin Luther King, Jr. Blvd. and Avalon Street) have been painstaking and lengthy. The end result, however, will justify the investment of time and staff resources by better benefiting the community.

This proposed plan for negotiating and executing joint use agreements will provide both the City and the Los Angeles Unified School District ample time to create a workable shared use plan that will result in a far better product that serves the interests of the community as a whole.

This report was prepared by Gene Dudley, Senior Management Analyst II, of the Department's Real Estate and Asset Management Section.