

REPORT OF GENERAL MANAGER

NO. 04-08

DATE: January 7, 2004


C.D. Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: APPROVAL OF MASTER AGREEMENT REGARDING JOINT USE WITH LAUSD FOR FIVE (5) POTENTIAL SCHOOL SITES UNDER CONSIDERATION FOR PROPOSITION K FUNDING

L. Barth _____
H. Fujita _____
J. Kolb _____
B. Lukehart _____

F. Mok _____
K. Regan _____
G. Stigile _____


General Manager

Approved: _____

Disapproved: _____

Withdrawn: _____

RECOMMENDATION:

It is recommended that the Board:

1. Approve the proposed Master Agreement Regarding Joint Use in a form substantially similar to the draft on file in the Board Office between the City of Los Angeles, acting by and through the Board of Recreation and Park Commissioners, and the Los Angeles Unified School District (LAUSD) for the joint operation, improvement, and maintenance of various facilities at LAUSD sites for a term of thirty-five (35) years based upon guidelines established by the City Council;
2. Direct the Board Secretary to expeditiously transmit this report and the Master Agreement Regarding Joint Use (Agreement) forthwith to the Mayor in accordance with Executive Directive No. 16, and concurrently to the City Attorney for review and approval; and, upon approval by the Mayor and City Attorney, expeditiously forward the Agreement to the City Council for approval; and,
3. Authorize the Board President and Secretary to execute the Master Agreement following its approval by the City Council, Mayor and City Attorney.

SUMMARY:

On October 15, 2003, the Board of Recreation and Park Commissioners adopted Board Report No. 03-332 that established a procedure for negotiating and executing Joint Use Agreements (JUAs) between the City and LAUSD. The process enumerated in the referenced Board Report is based upon the policy and procedures adopted by the Proposition K "LA for Kids" Steering Committee at their meeting of October 3, 2003.

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The Agreement delineates points of consensus between the City and LAUSD regarding prospective joint use operations at various LAUSD facilities for which Proposition K funding was requested pursuant to the recently promulgated competitive Request for Proposals (RFP) cycle.

At this time, five (5) JUA proposals submitted by LAUSD are under review, having satisfied eligibility and threshold requirements in the competitive process. The terms and conditions specified in the Agreement are applicable to each of the five school facilities.

The five (5) schools for which LAUSD submitted proposals and the Prop K projects are, as follows:

- (1) **Cleveland High School – CD 3** – application for baseball field lighting and a renovated weight room. Although the school is heavily programmed, there are potential opportunities for public access to and use of both venues.
- (2) **Hale Middle School – CD 3** – application for gymnasium upgrades and repairs. According to the on-site facility manager, the gym is used extensively by community groups via Civic Center permits.
- (3) **Hamilton High School – CD 5** – application for development of a tennis court (or, “courts”) on top of a parking structure currently in construction.
- (4) **Crenshaw High School – CD 8** – application for the development of an “Athletic Field Complex” at the high school, including funding for running track upgrading, security fencing (to secure the campus but facilitate public access and use of the proposed Prop K-funded improvements), upgrading the football field and adding an electronic scoreboard.
- (5) **Dayton Heights Elementary – CD 13** – application for a fenced, handicapped accessible children’s playground and 18,000 square feet of green space for passive and informal active recreational use. This will, in effect, become a neighborhood park during non-school hours in a park-poor, densely populated area.

The Master Agreement is for a term of 35 years to satisfy site access and public benefit requirements for any Site-Specific JUA that might be approved for funding award. The term of each individual school agreement will be dictated by the amount of Proposition K funds awarded. Per the RFP, the site-specific joint use term can range from five (5) years for a funding award up to \$49,999 to thirty (30) years for an award of \$1,000,000 or more.

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The Agreement addresses, in concept:

- (1) The use of the defined joint use areas by the school during its exclusive use period, during a potential shared City-school use period for collaborative or joint programming, and the City use period during which the defined premises are exclusively for public access and utilization. Site specific agreements will further refine and elaborate on the hours of use at each respective facility and how that facility will accommodate school and public time;
- (2) Maintenance, repair, and improvement responsibilities, in general, of the respective parties to the Agreement;
- (3) Restroom access and maintenance protocols;
- (4) Sharing of utility costs;
- (5) Indemnification and insurance requirements, acknowledging that each party to the Agreement is self insured, however, recognizing that risk management needs to be assessed and evaluated on a site-specific basis depending upon the type of facilities and activities that will be occurring at each campus under joint use;
- (6) Acknowledgement that a CEQA (California Environmental Quality Act) analysis and public finding must occur as a prerequisite to approving, executing and implementing a joint use program.

Subsequent to Board, Steering Committee, and Council approval of the Master Agreement (on or prior to January 17, 2004), a Site-Specific Joint Use Agreement must be negotiated and executed by and between the City and LAUSD for each of the proposed projects which is ranked competitively. The Site-Specific JUA(s) must be approved by the Board, Steering Committee, and City Council and submitted to the Commission for Children, Youth, and Their Families on or prior to March 15, 2004. The Site-Specific JUA(s) will address the planned public uses of the identified portions of each facility subject to the agreement. Included in the site-specific agreement will be hours of use, parking accommodations for staff and the general public, any maintenance requirements that are appropriate and necessary due to the types and intensity of public access and anticipated use, and any other matters that are unique to the specific facility.

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