

## RESOLUTION 2017-063

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE EXISTING JOINT USE AGREEMENT BETWEEN THE CITY OF SAN PABLO AND THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT FOR USE OF DISTRICT RECREATIONAL FACILITIES AT HELMS MIDDLE SCHOOL

WHEREAS, Joint Usage Agreement is an adopted policy item under the FY 2015-17 Council Priority Workplan, effective October 1, 2016;

WHEREAS, on July 6, 2009, Staff presented a study session to City Council with options to assist the West Contra Costa Unified School District (WCCUSD) with grant funding shortfalls in the After School program for the 2009-2010 school year;

WHEREAS, as part of the assistance option, City Council directed Staff to work with WCCUSD to establish a Joint Use Agreement (JUA) of School Recreational Facilities at Bayview, Downer, Lake, and Riverside elementary schools as well as Helms Middle School;

WHEREAS, the City desired to expand its recreational services for the benefit of its residents and the City Council through Resolution 2009-014 had already recognized that fact and committed funds to the District for the 2009-2010 fiscal year in exchange for the District providing certain services, including use of certain school facilities free of charge;

WHEREAS, in December of 2013 several City of San Pablo staff members met with WCCUSD staff members to discuss the possibilities of finalizing a (JUA) between the City and the WCCUSD but unfortunately, a resolution could not be reached during the meeting. Staff members from both agencies continued to communicate and again work towards creating an agreement that would be jointly beneficial to both parties;

WHEREAS, In January of 2016 the City of San Pablo and the WCCUSD entered into an agreement for the joint use of District and City Facilities with a separate agreement for the Helms Middle School site;

WHEREAS, the Joint Use Agreement for Helms Middle School allowed the City to utilize the outdoor playfields, outdoor basketball courts, multi-purpose rooms, and the gymnasium at Helms Middle School by reserving these facilities in accordance with the WCCUSD District Use Rules that are outlined in the Agreement.

WHEREAS, the governing bodies of the City and District may lawfully cooperate with each other to carry out the purposes of community recreation, and to that end, may enter into an agreement with each other and may do any and all things necessary to aid and cooperate in carrying out the purposes of improving community recreational and educational needs as outlined in Education Code of the State of California. Section 10900

of the Education Code of the State of California states that the purpose of this chapter is to promote and preserve the health and general welfare of the people of the state and to cultivate the development of good citizenship by provision for adequate programs of community recreation. Further, California Education Code Section 38131(a) sets forth a broad policy of access to school facilities if not conflicting with the School District's educational purposes, with particular emphasis on allowing uses pertaining to youth and school activities "by a nonprofit organization, or by a club or an association organized to promote youth and school activities." In addition, such shared use would be consistent with the significant investment of the City in the Community Schools Collaborative;

WHEREAS, the term of the Joint Use Agreement for Helms Middle School expired on December 31, 2016 and needs to be extended;

WHEREAS, Staff presented this First Amendment to the Agreement to the Community Services City Council Standing Committee (Calloway/Morris) on April 11, 2017 for their review where they supported the recommendation;

WHEREAS, as part of the recommendation, the City Manager and City staff will continue to work with the WCCUSD to obtain greater accessibility to the multi-purpose track/field and overflow parking area after school hours;

WHEREAS, this First Amendment to the Agreement will be effective January 1, 2017 and has a term of 5 years that can be extended by another five years upon the approval of the District;

WHEREAS, based upon this agreement, staff projects that there will be a minimal impact to the City when reserving some WCCUSD facilities. The request for facilities will be funded pending approval and adoption of the FY 2017/21 budget from the recreation program (account number 100-5210-43500);

WHEREAS, staff is projecting the cost to be minimal due to the approximate \$10 per hour average cost to the City for usage of WCCUSD facilities for Recreation programming. Staff feels, however, that this cost can be offset by revenue that will be generated from the additional programs that staff can offer on WCCUSD facilities; and

WHEREAS, this is not a project as defined by CEQA.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings, and

BE IT FURTHER RESOLVED that the City Council of San Pablo authorizes the City Manager to execute a First Amendment to the Joint Use Agreement between the City of San Pablo and the West Contra Costa Unified School District for the use of District Recreational Facilities at Helms Middle School.

\* \* \* \* \*

Adopted this 17<sup>th</sup> day of April, 2017, by the following vote:

AYES:	COUNCILMEMBERS:	Cruz, Kinney, Morris, Calloway and Valdez
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

APPROVED:

/s/ Ted J. Denney  
Ted J. Denney, City Clerk

/s/ Cecilia Valdez  
Cecilia Valdez, Mayor