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Title: 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

Sponsors:

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Attachments: 1. RESO 2017-063 WCCUSD Joint Use Agreement 1st Amendment, 2. Attachment A 2016 WCCUSD-FUA - City San Pablo - Helms MS Original.pdf, 3. Attachment B Helms WCCUSD - First Amendment to FUA - City of San Pablo January 2017.pdf

Date	Ver.	Action By	Action	Result
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PREPARED BY: ANDREA MENDEZ **DATE OF MEETING:** 04/17/17

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

RECOMMENDATION

Adopt Resolution

COUNCIL PRIORITY WORKPLAN

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

CEQA Compliance Statement

This is not a project as defined by CEQA.

BACKGROUND

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. 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.

The City desired to expand its recreational services for the benefit of its residents. The City Council through Resolution 2009-014 had already recognized that fact and committed funds to the District for the 2009/10 fiscal year in exchange for the District providing certain services, including use of certain

school facilities free of charge.

For several years, facilities were shared without a formal agreement in place. The City and District tried to work together to further memorialize, continue and expand this arrangement but due to changing circumstances in facilities, personnel turnover, and changes in policies and procedures, both sides were unable to reach amenable terms for a Joint Usage Agreement.

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. 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.

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, which is attached (Attachment A). 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. The City of San Pablo reserves these facilities at Helms Middle School in accordance with the WCCUSD District Use Rules that are outlined in the Agreement.

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.

The term of the Joint Use Agreement for Helms Middle School expired on December 31, 2016 and needs to be extended pursuant to the attached First Amendment to the Joint Use (Attachment B). The First Amendment to the Agreement will amend the term of the Agreement 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.

Community Services Standing Committee Recommendation

Staff presented the extension of the Joint Use Agreement for Helms Middle School to the Community Services Standing Committee (Calloway/Morris) on April 11, 2017 where they reviewed and supported the recommendation. 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.

FISCAL IMPACT

This contract will be funded pending approval and adoption of the FY 2017/21 budget from the Recreation Program (account number 100-5210-43500).

Based upon this agreement, staff projects a minimal cost due to the approximate \$10 per hour average cost to the City for WCCUSD facility usage planned for some of our programs. Staff feels that this cost can be absorbed and potentially even offset by revenue that will be generated from the additional programs that staff can offer on WCCUSD facilities.

There also is the potential to generate a minimal amount of revenue when the WCCUSD reserves City facilities through the fees that the City would charge WCCUSD when they use City facilities.

ATTACHMENTS

Attachment A: Recreational Facilities Joint Use Agreement with WCCUSD

Attachment B: Recreational Facilities Joint Use Agreement with WCCUSD - First Amendment