

**City of Culver City, California
Agenda Item Report**

Meeting Date: 06/11/12		Item Number: C-11	
CITY COUNCIL AGENDA ITEM: Approval of an Amended and Restated Agreement for the Joint Use of Properties, Facilities, and Assets by and between the City of Culver City and the Culver City Unified School District.			
Contact Person/Dept.: Martin R. Cole, Assistant City Manager		Phone Number: 310.253.6000	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☐ Attachments: ☒	
Public Notification: (E-Mail) Agendas and Meetings – City Council (06/08/12); Culver City Unified School District (06/07/12)			
Department Approval: Martin R. Cole (06/07/12)		City Attorney Approval: Carol Schwab (by H. Baker) (06/07/12)	
Chief Financial Officer: Jeff Muir (06/07/12)		City Manager Approval: John M. Nachbar (06/07/12)	
<u>RECOMMENDATION:</u> Staff recommends the City Council approve an Amended and Restated Agreement for the Joint Use of Properties, Facilities, and Assets by and between the City of Culver City and the Culver City Unified School District (the “Proposed Agreement”). <u>BACKGROUND:</u> The City and the CCUSD have been the parties to a Joint Use Agreement since 2002 (the “2002 Agreement”). Under the terms of the 2002 Agreement, either party may terminate such Agreement by providing the other party with at least six months’ notice. The CCUSD provided such timely notice and, in accordance with the terms of the 2002 Agreement, such Agreement would have expired on June 30, 2011. To allow for the parties to continue negotiations on the Proposed Agreement, the City Council and CCUSD Board both approved two extensions to the 2002 Agreement which is now scheduled to expire on June 30, 2012. <u>DISCUSSION:</u> During the extended term, the City Manager, Assistant City Manager, and Parks, Recreation, and Community Services Director met with the Superintendent and other CCUSD staff on several occasions to informally discuss how the two parties should proceed. From these meetings, it is evident that the terms under which the 2002 Agreement was originally formulated have undergone changes over the past years.			

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Both parties have repeatedly expressed a desire to continue working together cooperatively to provide services and facilities to our mutual customers and constituents. Also, both parties recognize that the facilities covered by the 2002 Agreement and Proposed Agreement are for the ultimate use of the Culver City community and, therefore, the circumstances under which one party would charge a fee for the other party's use of those facilities should be minimized. However, it was also recognized that there may be a small number of circumstances where such charges may be warranted.

The City Manager and Superintendent recommend both the City Council and CCUSD Board approve the Proposed Agreement to reflect the results of the discussions. The Proposed Agreement is based upon the 2002 Agreement with two major amendments:

- (1) To reflect the emphasis on continuing dialogue between the parties, the Proposed Agreement will contain a provision for the City Manager and Superintendent (or their designates) to meet on a quarterly basis, more often if requested by either party.
- (2) The Proposed Agreement also provides for a new per participant fee for certain programs administered by the City but held at CCUSD facilities. The Proposed Agreement will contain language similar to the following: "To help defray a part of the cost incurred by the District as a result of the recreational use of the High School Gymnasium and facilities at Linwood Howe, Blanco, and Culver City Middle School, the District hereby adopts a \$5 per player fee for use of the High School Gymnasium and \$3 per participant per week fee for the after school programs. In future fiscal years, these fees and others that may be deemed appropriate shall become part of the fee adoption process outlined herein. Such fees shall be collected by the City and remitted to the District on a periodic basis as agreed by the City Manager and the Superintendent.

Just as with the 2002 Agreement, the Proposed Agreement will be for an initial term of five years with an automatic extension for another five year term unless either party submits a notice of cancellation at least six months prior to expiration of any term of the Proposed Agreement.

The Proposed Agreement was discussed by the members of the City/CCUSD Liaison Committee at their recent meeting. Both parties' representatives expressed their support of the tentative agreement reached by the City Manager and the Superintendent.

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FISCAL ANALYSIS

There is no fiscal impact associated with this agenda item.

MOTION:

That the City Council:

1. Approve an Amended and Restated Joint Use Agreement with the Culver City Unified School District; and,
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute such documents on behalf of the City.