

DATE ISSUED: October 23, 2001

REPORT NO. 01-232

ATTENTION: Natural Resources and Culture Committee
Agenda of October 31, 2001

SUBJECT: Memorandum of Understanding between the City of San Diego and the
San Diego Unified School District related to Joint Use Facilities

REFERENCE: Council Policy 700-35, City Development of School Sites for Park
Purposes
Council Policy 700-13, Capital Improvements Program for Park and
Recreation Facilities
1948 Recreation Agreement with the San Diego Unified School District

SUMMARY

Issue - Should the City enter into a Memorandum of Understanding with the San Diego Unified School District for the design, construction and maintenance of joint use facilities and modify Council Policy 700-35, CITY DEVELOPMENT OF SCHOOL SITES FOR PARK PURPOSES?

Manager's Recommendation - Enter into a Memorandum of Understanding with the San Diego Unified School District for the design, construction and maintenance of joint use facilities and modify Council Policy 700-35, CITY DEVELOPMENT OF SCHOOL SITES FOR PARK PURPOSES.

Other Recommendation(s) - The San Diego Unified School District, Board of Education will consider adoption of this Memorandum of Understanding at their meeting of November 27, 2001. Alternative recommendations, if any, from the Board will be expressed to the full Council.

Fiscal Impact - According to the terms of this policy, the maintenance of the joint use area will be shared when each agency has contributed an equal amount of benefit to the joint use project based upon land value, capital improvements and maintenance costs. Prior to parity, the agency who has not contributed equally will be required to fund the maintenance costs related to the joint use.

BACKGROUND

The City's Progress Guide and General Plan standards call for a 10 usable acre neighborhood park (or 5 usable acres of park if located adjacent to an elementary school) for every 3,500 to 5,000 residents. In areas of the city where parkland is deficient under the City's General Plan standards, joint use facilities have provided a venue for city recreation programs typically provided at neighborhood parks. A joint use facility is defined as land or facilities that are shared between agencies to meet the needs of both agencies. In 1948, the city and the San Diego Unified School District entered into an agreement declaring the city's and district's intentions to

improve and maximize the shared use of public facilities and resources to meet the recreational and physical education needs of the communities both public agencies serve. However, the 1948 Recreation Agreement primarily addresses recreation programming on school sites and is outdated for today's needs.

As of July 2001, the City and various school districts have entered into 93 joint use agreements pertaining to recreation programs, lighted and unlighted multi-purpose turf fields, parking lots, swimming pools, tennis courts, playgrounds and gymnasiums. Approximately eighty percent (80%) of the existing agreements relate to turf fields. As the region grows, the public demand for joint use development is expected to increase. Therefore, the purpose of the proposed Memorandum of Understanding is to provide the foundation upon which expiring and new joint use agreements will be based.

Existing agreements have begun to expire. In an effort to update the policy with the school district, staff presented the issue to the Public Safety and Neighborhood Services Committee for policy direction. The Committee directed staff to return to the Committee with a policy that ensures financial equity between the two entities.

The city and the district have met on numerous occasions since that date. The city and district staff who met to negotiate this policy included a representative from the Mayor's office, the City Manager's office, the City Attorney's office, the Park and Recreation Director and Deputy Director and senior staff from Park Planning, the school district's Assistant Superintendent, the Facilities Department Director, Property Manager, Attorney and Board Analyst. As a result of these meetings, the attached Memorandum of Understanding (MOU) outlines the criteria to be used to determine the suitability of a site for joint use and the factors to be considered to ensure equity of contributions from each agency towards the maintenance of the facility. The policy relates to joint use agreements with the San Diego Unified School District, however, the criteria of the policy will be utilized when negotiating agreements with other school districts, such as San Ysidro Unified, Del Mar Union, Solana Beach and Poway.

In tandem with the approval of this MOU, we are proposing updates to the existing Council Policy 700-35, CITY DEVELOPMENT OF SCHOOL SITES FOR PARK PURPOSES that will align the council policy with today's needs.

DISCUSSION

The following summarizes the contents of the proposed MOU.

City Criteria for Selection of Joint Use Areas

Not all school sites are appropriate for joint use. Prior to developing a school site for recreational use, the site is evaluated against the following criteria:

The City's General Plan guidelines and standards for population based parks and recreation facilities (10 usable acres of neighborhood park for every 3,500 to 5,000

residents, or 5 usable acres if located adjacent to an elementary school)
Parkland deficiency (the area does not meet the General Plan standards for parkland)
Radius of service area (the joint use should be within 1/2 mile of the residents to be served)
Adequate land space available at the school (there should be a minimum of 2 acres in order to provide optimal recreational programming)
School population (the number of students per acre should not exceed California State Department of Education Guidelines in order to avoid excessive use)
Financial resources for capital, operational and maintenance costs are available

School District Criteria for Selection of Joint Use Areas

The District will continue to investigate joint use opportunities with the City of San Diego on all new and existing school sites to maximize the combination of resources for the benefit of the City, District and the community.

When criteria for both city and the district are met, properties eligible for joint use shall be considered. If both parties agree to joint use of a particular site the guidelines for contribution towards maintenance will apply as follows.

Equity of Contribution towards Maintenance of Joint Use Areas

Currently, per existing agreements, the city pays for 100% of the improvements and maintenance of joint use facilities that the city requested on school district property; and the school district pays for 100% of the improvements and maintenance of joint use facilities that the district requested on city property. Per the proposed MOU, when the agreements expire, the total financial contribution will be calculated relative to land ownership, improvements and maintenance of the asset made by each party over the life of the expiring agreement. When the contributions reach parity, then the maintenance will be shared equally between the city and the school district. The value of each party's contribution will be calculated based upon whether the agreement is existing and being renewed, or is a new agreement.

Expiring Agreements being Renewed

Each acre of land will be assigned a value of five hundred thousand dollars (\$500,000).
Design and construction costs will be assigned a value of two hundred thousand dollars (\$200,000) per acre.

Maintenance costs will be assigned a value of \$8,000 per acre per year.

When the contribution of each party becomes equal, the maintenance will be shared equally.

Agreements for New Locations

Land will be assigned a value of fifty percent (50%) of its actual or appraised value, as appropriate.

The actual design, construction and related non-construction costs will be the assigned improvement value.

The value of annual maintenance costs will be established at the time the agreement is negotiated and modified every 5 years according to the Consumer Price Index.

When the contribution of each party becomes equal, the maintenance will be shared equally.

Third Party Contributions toward Improvements

Oftentimes, a party other than the city or the school district financially contributes to the improvements of the joint use area. Examples of this are the State of California (grants), school foundations, parent teacher associations, recreation councils, consultants (pro bono design) and private donors. For the purposes of establishing value towards the improvement, third party contributions will be applied toward the financial contribution of whichever entity is taking the lead responsibility for implementation of the joint use project.

Other Provisions of the MOU

Although 80% of our joint use agreements relate to the use of turf facilities, the MOU includes language pertaining to various other types of joint use agreements, such as those for gymnasiums, swimming pools, and high school sites, where community use is minimal. When the joint use is for a facility other than turf, the maintenance costs to the city will be prorated based upon the percentage of use of the facility by the city in relation to its total use.

CONCLUSION

The joint use of community assets benefits both the City and the San Diego Unified School District. The Council Policy and Memorandum of Understanding is designed to clarify each parties contribution to the provision of additional recreational opportunities to the community and the criteria upon which we decide whether a site is appropriate for joint use. Both the city and the district have met in good faith to reach a compromise on this proposal. We believe that the MOU is equitable for each agency.

ALTERNATIVE(S)

1. Adopt the proposed Memorandum of Understanding and revised Council Policy 700-35 with modifications.
2. Do not adopt the proposed Memorandum of Understanding and revised Council Policy 700-35.

Respectfully submitted,

Marcia C. McLatchy
Park and Recreation Director

Approved: George I. Loveland
Senior Deputy City Manager

LOVELAND/MCLATCHY/DVW

Note: The attachments are not available in electronic format. Copies of the attachments are available for review in the Office of the City Clerk.

Attachments: Inventory of Joint-Use Facilities Benefitting Park Standards
Park Lands Leased by Others
Revised Council Policy 700-35, CITY DEVELOPMENT OF SCHOOL
SITES FOR PARK PURPOSES
Memorandum of Understanding between the City of San Diego and the San
Diego Unified School District