

RESOLUTION NUMBER R- 313767

DATE OF FINAL PASSAGE NOV 08 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE MAYOR TO ENTER INTO
A MEMORANDUM OF UNDERSTANDING WITH
SAN DIEGO UNIFIED SCHOOL DISTRICT FOR
DEVELOPMENT AND MAINTENANCE OF JOINT USE
FACILITIES AND RENAMING AND AMENDING COUNCIL
POLICY 700-35 REGARDING DEVELOPMENT OF THE
CITY'S JOINT USE PROGRAM WITH SCHOOL DISTRICTS.

WHEREAS, the City of San Diego (City) partners with multiple school districts to maximize the shared use of public facilities for recreational purposes using one or more joint use agreements (Joint Use Program); and

WHEREAS, joint use facilities are open to the public when school is not in session, filling an essential gap in addressing the City's need for more park land and additional recreational opportunities in our communities; and

WHEREAS, San Diego Unified School District (SDUSD) has been a key partner in the City's Joint Use Program since 1948; and

WHEREAS, the City and SDUSD entered into a Memorandum of Understanding for Development and Maintenance of Joint Use Facilities filed with the Office of the City Clerk as Document No. RR-297149 on October 7, 2002 (2002 MOU); and

WHEREAS, the 2002 MOU did not accurately capture the benefits and goals of the Joint Use Program and the parties' desire to establish a mutually beneficial arrangement that provides for the shared use of public land and facilities to best maximize public use; and

WHEREAS, the 2002 MOU contained financial parity terms that were complex and problematic to implement because parity calculations were done on a site-by-site basis and did not consider the overall contributions from the City and SDUSD at all joint use locations; and

WHEREAS, the City and SDUSD have each made significant financial contributions to the Joint Use Program, but as the primary landowner and capital funding source, SDUSD has outpaced the City for overall financial contributions to the Joint Use Program; and

WHEREAS, the Office of the City Auditor (Auditor) issued Audit Report #19-016 in April 2019, in which the Auditor recommended that the City revise the 2002 MOU to more accurately reflect the shared benefits of the Joint Use Program and amend Council Policy 700-35; and

WHEREAS, the City and SDUSD negotiated a Memorandum of Understanding for Development and Maintenance of Joint Use Facilities (MOU) intended to replace the 2002 MOU and provide a foundation for joint use agreements between the parties; and

WHEREAS, under the MOU, the City and SDUSD acknowledge that both parties are satisfied with the consideration provided by the other party and that, within the scope of the Joint Use Program, any and all monies that may be owed by one party under the terms of the 2002 MOU are forgiven by the other party; and

WHEREAS, on May 25, 1977, the Council of the City of San Diego (Council) adopted Resolution No. R-218460 adding Council Policy 700-35 titled "City Participation in School Turfed Areas" into the City Council's Policy Manual; and

WHEREAS, on August 24, 1981, the Council amended and renamed Council Policy 700-35 to "City Development of School Sites for Park Purposes;" and

WHEREAS, Council Policy 700-35 establishes guidelines for the Joint Use Program; and

WHEREAS, in response to the Auditor's recommendation, City staff proposed certain amendments to Council Policy 700-35 to include guidelines for the strategic vision,

objectives, authority, responsibility, and accountability for the development, administration, and ongoing operations of the Joint Use Program; and

WHEREAS, the amended Council Policy 700-35 will work in conjunction with the MOU and will guide the City's joint use endeavors with school districts; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego (Council), that the Mayor, or designee, is authorized to enter into the Memorandum of Understanding between the City and SDUSD for Development and Maintenance of Joint Use Facilities on file with the Office of the City Clerk as Document No. RR-313767-1 (MOU).

BE IT FURTHER RESOLVED, that the Memorandum of Understanding between the City and SDUSD for Development and Maintenance of Joint Use Facilities, on file in the Office of the City Clerk as Document No. RR-297149, is terminated upon the effective date of the MOU authorized by this Resolution.

BE IT FURTHER RESOLVED, that Council Policy 700-35 titled "City Development of School Sites for Park Purposes" is renamed "Development of the City's Joint Use Program with School Districts" and is amended as set forth in the Council Policy filed in the Office of the City Clerk as Document No. RR-313767-2

BE IT FURTHER RESOLVED, that the City Clerk is instructed to update the Council Policy Manual to include the amendments to Council Policy 700-35.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Marco A. Verdugo
Marco A. Verdugo
Deputy City Attorney

MAV:nja
10/12/2021
Or. Dept: Park & Rec.
Doc. No.: 2783981

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 02 2021.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/01/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 02 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 08 2021.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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