

APPROVED
JAN 23 2008

REPORT OF GENERAL MANAGER

**BOARD OF RECREATION
and PARK COMMISSIONERS**

NO. 08-21

DATE January 23, 2008

C.D. All

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: MEMORANDUM OF UNDERSTANDING WITH THE LOS ANGELES UNIFIED SCHOOL DISTRICT FOR THE DEVELOPMENT OF A YOUTH AND COMMUNITY AQUATICS PROGRAM, DEVELOPMENT OF AQUATICS FACILITY INFRASTRUCTURE IMPROVEMENT PROJECT(S), AND THE PREPARATION OF JOINT USE AGREEMENTS AT SPECIFIED POOL SITES

R. Adams	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
V. Israel	_____	*M. Shull	<u>On file</u>


General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the proposed Memorandum of Understanding (MOU), substantially in the form on file in the Board Office, between the Department of Recreation and Parks and the Los Angeles Unified School District, specifying the mutual goals and objectives for the development of youth and community aquatics programs, pool infrastructure capital improvement projects, and the execution of site specific joint-use agreements at specified pool sites, subject to the approval of the Mayor and of the City Attorney as to form;
2. Direct the Board Secretary to transmit forthwith the proposed MOU concurrently to the City Attorney for review as to form and to the Mayor in accordance with Executive Directive No. 3; and,
3. Authorize the Board President and Secretary to execute the MOU upon obtaining the required approvals.

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SUMMARY:

The Department of Recreation and Parks (Department) and Los Angeles Unified School District (District) have maintained a working, joint-use relationship dating back to the 1970's, with the Venice High School Pool Agreement (1972) being one of the very first. Since then, the Department and District have worked together to develop capital improvements projects and joint use-agreements at both schools and park sites. Over the years, the Department and District have collaborated on many joint-use projects, with many being related to the Proposition K (Prop-K) grant cycle which occurs every two years. The District is the applicant for City Prop-K competitive funds, which are conditioned upon allowing the general public to have access to the facilities improved with City Prop-K funds. In partnership with the District and subject to the award of funds, the Department provides recreational programming to the public to ensure compliance with Prop-K public access requirements. The Department and District have entered into forty-two (42) long-term Joint-Use Agreements, primarily for creating or improving sports fields, ball courts and gyms. Because the actual development of each project is contingent upon the award of the respective grant funds, the purpose of almost all of these agreements has been to provide evidence of long-term District site control (applicant) and public access, as required by the grant funding source (primarily Proposition- K or Proposition 40). Selected projects are awarded competitive grant funding and are developed by the District, while the proposed projects that do not receive awards are possibly considered by the City for a subsequent Prop-K competitive grant cycle or alternate funding source. Separate, but directly related, the Department and District are also working together to establish a joint-use document (Master Joint-Use Agreement) which will encompass all elements of joint-use between the Department and District (public use of fields, tracks, gymnasiums, etc.). The Master Joint-Use Agreement, prepared by District staff, is presently under review by District legal counsel and Board of Education staff, and will be presented for consideration by this Board at a future date.

Although the Department and District have entered into various pool agreements in the past, there has never been a "Master Aquatics Agreement" applicable to all the pools jointly used by the Department and District. The proposed MOU will serve as a master agreement to set forth the intentions of the Department and District for the joint use of pools in the City of Los Angeles. It will set forth the frame work to update and reconcile existing pool agreements, and for future pool agreements of which several sites are already being considered. In addition, the proposed MOU will add certain components to the Department-District joint-use relationship that had not been included in past agreements; such as a junior lifeguard program to promote employment opportunities among the City's youth, and the expansion of aquatic instruction for the District's K-12 student population and neighborhood community members during the instructional day, before and after school, and during weekends and summers. The proposed MOU will also delineate the District's intent to invest capital funds in improving several of their pools to make them more conducive to joint-use by modifying their infrastructure (layout, design, etc.) to make the facilities more accessible to the general public and more user-friendly for Department-staffed pool operations.

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Although the proposed MOU in itself does not obligate the Department or District to the expenditure of funds for the planning and development of programming or capital improvements, as specific future projects and agreements will be subject to approval by the Board of Recreation and Park Commissioners (Board) and the District Board of Education, and does not specify the exact terms and conditions of each pool agreement for each respective site, it does delineate the path that the Department and District intend to travel while working together in collaboration towards their mutual objective.

There are two basic elements to the Program as described in the MOU; (1) Programming, and, (2) Infrastructure Pool Improvements. The Department and District have existing pool agreements at seven (7) pool sites, including the Los Angeles Center for Enriched Studies (LACES), and the District is in the midst of constructing nine (9) new schools intended for joint-use with the City. In anticipation of entering into joint-use agreements at the new school sites, the Department has been included in the design process to ensure that the Department's needs and requirements for joint-use will be accommodated. Such a process has proven to be very beneficial in catching problem areas early. For example, in the case of the South Region High School #12 (a.k.a. Green Meadows) project, certain design elements which had not been considered by District designers (due to non-familiarity with public operations) would have most likely gone unaddressed, eventually presenting operational difficulties for the Department, had they not been identified by the Department and corrected early on during design discussions.

Through the proposed MOU, the Department and District wish to further and improve both the programmatic and infrastructure offerings at the following fifteen facilities*:

- 1) Santee Education Complex
- 2) Miguel Contreras Learning Complex
- 3) Panorama Senior High School
- 4) West Adams Preparatory High School
- 5) Helen Bernstein High School
- 6) Central LA High School #9 (a.k.a. 450 N. Grand Ave. site)
- 7) Central LA New Learning Center (a.k.a. Ambassador site)
- 8) East Valley High School (a.k.a. East Valley HS #1B)
- 9) South Region High School #12 (a.k.a. Green Meadows)
- 10) Banning Senior High School
- 11) Cleveland Senior High School
- 12) Fremont Senior High School
- 13) Roosevelt Senior High School
- 14) Venice Senior High School
- 15) Eagle Rock High School (Yosemite Pool – City Property)

* Note: LACES is not included in the above list as it is a relatively new facility with an existing joint-use agreement in place with Prop K funding requirements associated with it.

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The intent of the MOU is to improve the necessary capital infrastructure to accommodate Department facilitated community use of District-owned pools, improve the quality of District-owned aquatic facilities, and expand and/or establish instructional, competitive and recreational aquatic programming to K-12 students and members of the community at the fifteen (15) pools for the purpose of providing a range of aquatic programming including, but not limited to:

- a) basic water safety instruction,
- b) beginner to advance swim instruction,
- c) competition play, and
- d) recreation/free play.

Infrastructure improvements to the pools shall include, but may not be limited to:

- a) safe, secure student and public access points,
- b) restrooms,
- c) shower station,
- d) changing station,
- e) personal storage station,
- f) first aid station,
- g) lifeguard/aquatic staff station and,
- h) aquatic plumbing, electrical, and mechanical systems.

Subject to appropriate reviews and approvals, the Department and District mutually propose to develop the program whereby the District provides appropriate funding to improve the capital infrastructure at each of the pools to accommodate community use and improve the quality of its aquatic facilities; and the Department provides appropriate funding to expand and/or establish instructional, competitive and recreational aquatic programming to the K-12 student population and members of the community through the hiring of lifeguards and any necessary aquatic staff to facilitate the Program for a period of five years from the point of operation commencement at each of the pools.

Upon execution of the proposed MOU, the Department and District will conduct a feasibility study to determine specific requirements and costs associated with the Program including, but not limited to: infrastructure improvements at each of the pools; aquatic program operations, logistics, schedules, personnel, activity types, project staging, and any other components necessary to implement the Program. Upon conclusion of the feasibility study, the Department and District will discuss the Program's implementation, funding, and operations, which may involve, but not be limited to, joint use agreements, leases and licenses. Upon coming to terms, the Department and District will engage their respective governing bodies to consider fiscal support of the Program and any associated legal instruments required. The Department and District shall prorate all operational and maintenance costs associated with their respective periods of use of each facility, as has been done on previously executed joint-use agreements.

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Approval of this MOU will only involve feasibility and planning studies for possible new joint-use aquatic facilities and the enhancement of programming at existing facilities. Site-specific MOUs and project-related CEQA will be required and performed as each project comes forward for review and approval. Therefore, the current MOU is generally exempt from the provisions of CEQA pursuant to Article II, Section 2.d. of the City CEQA Guidelines.

The Assistant General Manager of Operations East, the Assistant General Manager of Operations West, and the Superintendents of the Metro, Pacific, West, Valley, and Griffith Regions concur with staff's recommendations.

FISCAL IMPACT STATEMENT:

There is no anticipated impact to the Department's General Fund associated with the proposed MOU, as all future commitments and obligations related to future joint-use activities with the District are subject to prior Board approval and will be considered individually as the project(s) develop.

Report prepared by Joel Alvarez, Senior Management Analyst, Real Estate and Asset Management.