

APPROVED

REPORT OF GENERAL MANAGER

JUN 02 2010

NO. 199142

DATE _____

BOARD OF RECREATION and PARK COMMISSIONERS

C.D. 10

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LOS ANGELES CENTER FOR ENRICHED STUDIES – FACILITIES USE PERMIT FOR THE CONTINUED SHARED USE OF LOS ANGELES UNIFIED SCHOOL DISTRICT AQUATICS AND RECREATION FACILITIES

R. Adams _____
H. Fujita _____
S. Huntley _____
V. Israel _____

F. Mok _____
K. Regan _____
*M. Shull *ms* _____

[Signature]
General Manager

Approved

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the proposed Facilities Use Permit (Permit), substantially in the form on file in the Board Office, from the Los Angeles Unified School District (LAUSD), specifying the terms and conditions for the Department of Recreation and Parks (RAP) use of certain recreational and athletic facilities at LAUSD's Los Angeles Center for Enriched Studies (LACES), subject to the approval of the City Attorney as to form;
2. Direct the Board Secretary to transmit the proposed Permit to the City Attorney for review and approval as to form; and,
3. Authorize the General Manager to execute the Permit upon receipt of the necessary approvals.

SUMMARY:

For more than forty (40) years, the City of Los Angeles (City) RAP and LAUSD have entered into various agreements involving capital improvements and the shared use of related recreation and athletic facilities at school and park sites.

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LACES is a 6th through 12th grade magnet middle-high school, established in September of 1977, located at 5931 West 18TH Street, Los Angeles, California 90035, in Council District Ten (CD10). The LACES campus contains a comprehensive athletic complex which RAP shares as a recreation center for the recreational benefit of the community. It includes a fifty-six thousand (56,000) square foot building comprised of one large gymnasium (divisible into two smaller court areas), an auxiliary gymnasium, an indoor swim center, locker rooms, a stage, staff offices and a community/team meeting room. Outside, adjacent to the building, there is an athletic field and track, tennis, handball, and basketball courts, a parking lot, and restrooms.

The City and LAUSD started collaboration on the shared use of the recreational and athletic facilities at LACES in 1998, when RAP and LAUSD began working together on the design of the new school so that it would accommodate the public's shared use of the recreation and athletic facilities. The school's construction was completed in 2004. The Joint Use Agreement (JUA) between the RAP and LAUSD for the joint use of the recreational facilities at LACES was executed on June 4, 1998, and approved by the Board of Recreation and Park Commissioners (Board) on April 15, 1998 (Board Report No. 134-98 Revised). Joint-Use operations of the recreational facilities began on June 27, 2006 and RAP and LAUSD have continuously shared the site ever since, as a school for the academic and physical education of LAUSD students, and as a recreational hub for the general public's recreational enjoyment.

LAUSD uses the site during normal school hours Monday through Friday from 6:00 a.m. to 3:00 p.m. for physical education classes and after school from 3:00 p.m. to 6:00 p.m. for athletic events (practice and competition) and after-school programs. RAP uses the pool and athletic facilities during non-school hours from 6:00 p.m. to 9:00 p.m. Monday through Friday, and from 11:30 a.m. to 5:30 p.m. on weekends. Although the text of the JUA identifies that RAP will use the facility from 8:00 a.m. to 9:00 p.m. on weekends, LAUSD and RAP have determined that the weekend use of the facility will be from 11:30 a.m. to 5:30 p.m. This change in the scheduled weekend use of the facility will be amended at the time this Permit is executed to reflect the actual hours of use.

On April 15, 1998, the Board approved a twenty-five (25) year JUA for LACES (Board Report No. 134-98 Revised), spelling out the terms and conditions for the shared use of the school's pool and athletic facilities. However, over time it was discovered that certain JUA provisions related to LAUSD and RAP finance and accounting procedures and requirements presented operational and finance issues, primarily due to the differences in operational agency policies and protocols. In order to renegotiate such provisions without interrupting RAP operations at LACES, a Facilities Use Permit (Permit) was executed on June 27, 2006 between the RAP and LAUSD, authorizing the RAP's continued use of LACES facilities.

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The initial Permit expired on December 31, 2006. RAP operations at LACES continued since then through the RAP General Manager's execution of five (5) Permit amendments, with the most recent expiring on December 31, 2009. A sixth amendment covering the period of January 1, 2010 through December 31, 2010 was prepared by the LAUSD for execution in the same manner as the prior amendments. However, recent City Attorney advice indicates that the General Manager does not have the authority to execute such documents without Board authorization due to budget expenditures for operations and maintenance that could exceed the limit provided by Los Angeles Administrative Code Sec. 50.1.1(a). Therefore, staff is requesting the Board's approval at this time so the Department's programmed athletic, aquatic and recreational operations at LACES may continue. Through the LAUSD letter attached hereto as Exhibit A, the Department's use of LACES has been authorized by LAUSD as an interim measure until the Permit is executed.

Department Staff determined that the approval of the proposed Permit is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1 (14) of the City CEQA Guidelines; this exemption allows for joint use of existing school facilities involving a negligible or no expansion of use.

The Assistant General Manager of Operations East, the Superintendent of Metro Region and the Office of Council District Ten concur with staff's recommendations.

FISCAL IMPACT STATEMENT:

The Department's obligations related to joint use operations and maintenance at the site shall be funded through the Department's regular budget approval process.

This report was prepared by Gregory Clark, Management Analyst II, Real Estate and Asset Management.