

Council Meeting of
December 21, 2010

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

**SUBJECT: Parks and Recreation Commission and Community Services –
Approve agreement amendment to provide clarification of scheduled
use of City and Torrance Unified School District (TUSD) facilities.**

RECOMMENDATION

Recommendation of the Parks and Recreation Commission and the Community Services Director that City Council approve an amendment to the existing Recreation Agreement (C-2080) between the City of Torrance and the Torrance Unified School District to provide clarification of scheduled use of City and TUSD facilities and for the agreement to remain in full force and effect.

Funding

Not Applicable.

BACKGROUND/ANALYSIS

The City of Torrance and the Torrance Unified School District (TUSD) entered into a Recreation Agreement effective August 11, 1986, whereby the City agreed to allow the District to use City property for education and recreational purposes, and the District agreed to allow the City to use District property for community recreation activities. In addition, a separate agreement setting the terms and prices for use of TUSD's gymnasiums was entered into on September 19, 2000 and is still in effect (Attachment A). At this time, both the City and TUSD now desire to add language to the Agreement to clarify the use by both parties of the other's property.

On December 10, 2008, Community Services staff presented an agenda item to the Joint Committee of the Torrance Unified School District and the Torrance City Council Citizen Development and Enrichment Committee recommending that they reaffirm the Recreation Agreement for Joint-Use of Facilities. The committee requested staff from both organizations to meet to review the existing agreement and make modifications necessary in order to amend the existing Recreation Agreement.

On February 24, 2009, Community Services Staff met with TUSD Administrators to review the existing Recreation Agreement. At that time, both parties agreed in principle

to the existing Recreation Agreement confirming that the primary provision for the joint-use agreement was that after each organization's own event and program needs are met at their respective facilities, the other organization is next in line to be offered priority use.

Community Services Department staff worked with the City Attorney's Office to draft an amendment to the current Recreation Agreement for TUSD review and revision as needed. On December 7, 2009, the Board of Education approved this Amendment to the original Recreation Agreement between the City of Torrance and the Torrance Unified School District. (Attachment B) recommending the item be brought before the City Council for final approval.

On January 13, 2010, the Parks and Recreation Commission approved this Amendment to the original Recreation Agreement between the City of Torrance and the Torrance Unified School District.

At the September 27, 2010, joint meeting between the City Council's Citizen Development and Enrichment Committee and TUSD, staff reviewed the Recreation Agreement amendment and mentioned that the City and TUSD are currently following the conditions of the amended language for the Recreation Agreement. The Community Services Department and Parks and Recreation Commission is bringing this amendment forward for approval at this time so that cooperation between the City and TUSD can be formalized and efficiencies between operations can be explored.

Respectfully submitted,

PARKS & RECREATION COMMISSION

Unavailable for Signature

KERI GILBERT
Chairperson



JOHN JONES
Community Services Director

Noted



LeROY J. JACKSON
City Manager

Attachments: A. Amendment One to the COT/TUSD Recreation Agreement
 B. Agreement C-2080 with Torrance Unified School District

ATTACHMENT A

AGREEMENT BETWEEN THE TORRANCE UNIFIED SCHOOL DISTRICT
AND THE CITY OF TORRANCE SETTING FORTH PROCEDURES FOR THE
REIMBURSEMENT OF MAINTENANCE AND OPERATIONAL COSTS RESULTING
FROM THE USAGE OF HIGH SCHOOL GYMS BY PARKS AND RECREATION PROGRAMS

This Agreement is made and entered into this 19th day of September 2000, by and between the Torrance Unified School District, (TUSD) and the City of Torrance (CITY).

WHEREAS, the CITY has been using TUSD gymnasium facilities for Parks and Recreation youth and adult sports programs since 1951; and

WHEREAS, beginning in 1994 TUSD asked for assistance from the CITY, and the City agreed, to help offset the financial burden of maintaining its gymnasium facilities and to help with the operational costs of custodial cleaning and paper supplies; and

WHEREAS, the City has requested annual use of the District's gymnasium facilities totally 1,360 hours to achieve its programs; and

WHEREAS, in June, 1999 at a meeting between TUSD and the CITY it was agreed that a long-term solution be developed and agreed upon.

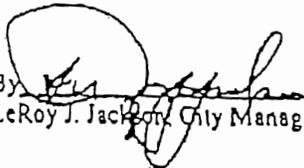
NOW, THEREFORE, the CITY and District hereby agree as follows:

1. The CITY agrees to pay \$10 per hour for each hour of use, adjusted annually based on actual costs for maintaining the high school gymnasium floors not to exceed 5%.
2. The City agrees to pay \$100 for each month of usage of the gyms at each of the four high schools to help defray the costs of custodial cleaning and paper supplies.
3. The annual payment for usage as stated above shall be reviewed on an annual basis and adjusted as mutually agreed upon by the CITY and TUSD.
4. Use of these funds will be held in a restricted account solely to offset costs directly related to maintenance and other operational costs of the District's gymnasium facilities.
5. This agreement will remain in force until such time as amended by mutual consent.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this 19th day of Sept., 2000.

APPROVED:

CITY OF TORRANCE

By 
LeRoy J. Jackson, City Manager

TORRANCE UNIFIED SCHOOL DISTRICT

By 
Kevin E. Condon, Chief Business Officer

AMENDMENT TO RECREATION AGREEMENT (C-2080)

This Amendment to Recreation Agreement is made and entered into as of _____ 2009, by and between the CITY OF TORRANCE, a municipal corporation (“City”), and the TORRANCE UNIFIED SCHOOL DISTRICT (“District”).

RECITALS:

- A. City and District entered into a Recreation Agreement as of August 11, 1986, whereby the City agreed to allow the District to use City property for educational and recreational purposes and the District agreed to allow the City to use District property for community recreation activities.
- B. Both City and District now desire to add language to the Agreement to clarify the scheduling of use by both parties of the other’s property.

AGREEMENT:

- 1. Section 1(a) is amended to read in its entirety as follows:

- 1. The District agrees to make available to the City school playground areas and indoor school facilities for community recreation activities.

“(a) The specific areas to be used for such purposes shall be those mutually agreed upon between the City Manager of the City (“Manager”), and the Superintendent of the District (“Superintendent”). This schedule will be arranged so as to avoid conflict between District and recreation use; that in the scheduling of said facilities, District-operated events and programs will have first priority and recreation programs, established by the Community Services Department, will have second priority and any other events by other groups, clubs or agencies will have third priority.

City will submit individual requests annually to District for the use of all school facilities on or before June 1 for the period of September 1 through August 31. District will notify City by July 1 regarding the approval or denial for each request.

In addition, District will give City at least two weeks notice if an approved request needs to be modified or cancelled. City will give District at least two weeks notice if an approved request is not going to be used. In both cases, each party will give as much advanced notice as possible to the other party regarding changes to the approved facility requests.”

- 2. Sections 1(g) and 2(g) of the Agreement are deleted in their entirety.

- 3. In all other respects, the Agreement entered into as of August 11, 1986, between City and District is ratified and reaffirmed and is in full force and effect.
- 4. The person(s) executing this Amendment on behalf of the District warrant that (i) the District is duly organized and existing; (ii) they are duly authorized to execute this Amendment on behalf of the District; (iii) by so executing this Amendment, the District is formally bound to the provisions of this Amendment; and (iv) the entering into this Amendment does not violate any provision of any other agreement to which the District is bound.

CITY OF TORRANCE,
a municipal corporation

TORRANCE UNIFIED SCHOOL DISTRICT

Frank Scotto,
Mayor

By: 

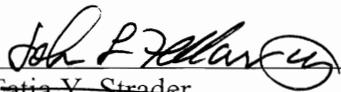
Donald Stabler
T.U.S.D. Deputy Superintendent

ATTEST:

Sue Herbers
City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: 

~~Patia Y. Strader~~
Deputy City Attorney