

REPORT OF GENERAL MANAGER

DATE September 18, 2013

APPROVED

SEP 18 2013

BOARD OF RECREATION
PARK COMMISSIONERS

NO. 13-242

C.D. 10

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LOS ANGELES CENTER FOR ENRICHED STUDIES – FACILITY USE PERMIT
FOR JOINT USE OF RECREATIONAL FACILITIES FROM JANUARY 2013
THROUGH JUNE 2014

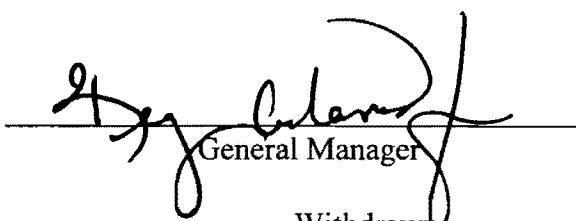
R. Adams
H. Fujita
*V. Israel

K. Regan
M. Shull
N. Williams

Approved _____

Disapproved _____

Withdrawn _____


General Manager

RECOMMENDATIONS:

That the Board:

1. Approve a proposed Facility Use Permit (FUP), substantially in the form as on file in the Board Office, issued by the Los Angeles Unified School District (LAUSD), defining details of the Department's joint use of aquatic and athletic facilities at the Los Angeles Center for Enriched Studies (LACES) from January 1, 2013, through June 30, 2014;
2. Direct the Board Secretary to transmit the proposed FUP to the City Attorney for review as to form;
3. Authorize the Department's General Manager to execute the FUP upon receipt of the City Attorney's approval; and
4. Authorize the Department's Chief Accounting Employee to make payment to LAUSD for reimbursement of maintenance-related services upon the receipt of invoices for periods between July 1, 2012, and June 30, 2014, from Fund 302, Department 88, Appropriation Account 3040, Contractual Services.

SUMMARY:

LACES is a LAUSD magnet middle school and high school, enrolling students in grades 6 through 12, located at 5931 West 18th Street in Council District 10. The campus encompasses a comprehensive athletic complex with an aquatics facility, a sports field, basketball courts, tennis

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courts, and an indoor gymnasium, a dance room, and a weight room, collectively called the Recreational Facilities. The Recreational Facilities in place today are the result of a significant capital improvement project funded in part by the City's Proposition K. Because of the Proposition K grant, a Joint Use Agreement was executed on June 4, 1998, between the City, acting through the Department of Recreation and Parks (RAP), and LAUSD. This Joint Use Agreement for LACES was substantially similar to other agreements executed at the time even though the manner in which the facilities were and have been operated is very different. The actual term of the joint use is for 15 years after completion of the improvements, which occurred in 2005; joint use of LACES began in 2006. The Joint Use Agreement terminates in June of 2020 unless extended by the parties.

The joint use activity at LACES is different from any other joint use relationship to date. At LACES, Department Aquatics staff provides lifeguard services for classes and school activities, as the Department does at a number of high schools citywide, where the subject pools, although physically located on LAUSD property, are owned by RAP; however a distinction at LACES from the other RAP operated pools is that LAUSD owns the LACES pool, not RAP. At LACES, a long tradition of public access to the facilities on weekends and other non-school days results in use by families for un-structured recreation, which differs from other joint use situations where access is strictly LAUSD or RAP. LACES has more extensive athletic programs than other schools, requiring more school use of the Recreation Facilities and diminished RAP time for programming. Also, the Joint Use Agreement for LACES stipulates that the Department should handle maintenance during public use time, while LAUSD handles maintenance during school time; however LAUSD has required RAP to pay school staff to perform all maintenance because of the integration of the facilities and overlap of use at the school.

Resolving these new joint use circumstances which are unique to LACES, and determining clear protocols and formulas by which LAUSD would be reimbursed by RAP for maintenance, while RAP would be reimbursed for lifeguard services to students, required some time. Ultimately, the parties agreed on using an LAUSD annual Facilities Use Permit (FUP) to capture the unique specifics of joint use at this site. The 1998 Joint Use Agreement allows the parties to confer and make adjustments to benefit the joint use activity and staff believed that FUPs could be approved by the General Manager under the umbrella of the Joint Use Agreement. In 2010, the City Attorney opined that authority is not sufficient to approve FUPs at the staff level under the Joint Use Agreement. From that time, the FUPs have been presented to the Board for approval, starting with FUPs covering calendar years 2010 and 2011 approved on June 2, 2010 (Board Report No. 10-142). Approval for a FUP covering January 1, 2012, through December 31, 2012, was granted by the Board on March 14, 2012 (Board Report No. 12-077).

The proposed FUP has only two material changes from past versions. One change is to clarify the lines of communication between the school and RAP staff for daily operations by specifying the positions of the persons responsible for communicating. The other change is from a 12-month to an

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18-month term. Most of the FUPs have been for calendar years, January to December, while the billing and budgeting for both LAUSD and RAP has been on a fiscal year basis. This has created confusion in processing payments; for example, the authorization granted by the Board in Report No. 12-077 for the calendar 2012 FUP was used to reimburse maintenance costs for July 1, 2011 to June 30, 2012. The payment approval recently granted by the Board, on June 27, 2013, (Board Report No. 13-180) will fund reimbursement for the fiscal year July 1, 2012 to June 30, 2013. The proposed FUP, by covering all of 2013 through June 30, 2014, will effect a permanent adjustment so that future FUPs up to the conclusion of the Joint Use Agreement term in June 2020 will be for a July to June fiscal year, and therefore match both agencies' billing and budget cycles. With approval of this FUP, staff requests as well Board authorization for the Chief Accounting Employee to pay LAUSD on invoices received for reimbursement of LAUSD maintenance costs for July 2012 to June 2013 and for July 2013 to June 2014. In negotiating the new FUP, staff has worked with LAUSD officials to refine the line items in the maintenance reimbursement estimate, removing costs and making adjustments to ensure that there is no overlap between maintenance costs reimbursed by RAP with those funded annually by Proposition K maintenance funds.

This FUP continues the limited weekday operations for RAP during the school year, in which public programming cannot begin until 6:00 p.m., and it continues the lifeguard services provided to LACES by RAP for physical education classes and athletic competition and events. The estimated cost for RAP to provide this service to LAUSD at LACES for the 18-month term of this FUP is \$122,134.49. Because these services to LACES are not provided to the school in a pool owned by RAP on school property, billings for LACES lifeguard services had not been included in the annual billing to LAUSD. Separate LACES-only invoices were prepared and sent to LAUSD for the 2006-07, 2007-08, and 2008-09 fiscal years only. Staff has prepared an invoice covering the 2009-10, 2010-11, 2011-12, and partial 2012-13 fiscal years to catch up to the proposed January 2013 to June 2014 FUP term. Henceforth, as of the term of this Permit, this location will be included in the RAP billing to LAUSD for all lifeguard services.

The Assistant General Manager, Operations Branch, the Superintendent of the Pacific Region and the Office of Council District 10 support continued joint use at LACES under these terms.

ENVIRONMENTAL IMPACT STATEMENT

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

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FISCAL IMPACT STATEMENT:

The Department's obligations related to public operations and reimbursement for maintenance at LACES are funded through the Department's regular budget approval process. LAUSD has estimated annual maintenance reimbursement costs to be \$103,695.83; the estimate for reimbursement of maintenance for the term of the January 2013 to June 2014 FUP will be adjusted with refinements to the line items billed and final bills will be reconciled with Department records of actual use.

RAP will bill LAUSD approximately \$178,423.84 for unbilled lifeguard services from June 2009 through December 2012. The estimate for lifeguard services for which LAUSD will be charged for the 18-month FUP (January 2013 to June 2014) is \$122,134.49

This report was prepared by Joel Alvarez, Senior Management Analyst, Partnership Division