



CITY COUNCIL AGENDA REPORT

MEETING DATE: DECEMBER 6, 2005

ITEM NUMBER:

SUBJECT: DRAFT JOINT USE AGREEMENT

DATE: NOVEMBER 21, 2005

FROM: ADMINISTRATIVE SERVICES DEPARTMENT, RECREATION DIVISION

PRESENTATION BY: JANA RANSOM, RECREATION MANAGER

FOR FURTHER INFORMATION CONTACT: JANA RANSOM, (714) 754-5654

RECOMMENDATION

Review Draft Joint Use Agreement, provide input and direct staff to finalize financing mechanisms to fund weekend District staff prior to taking final action.

BACKGROUND

A Joint Use Agreement (JUA) between the Newport Mesa Unified School District (NMUSD) and the City of Costa Mesa (City) has been in existence at least since 1990.

In August 2004, a meeting was called by then Mayor Monahan and Council member Mike Schaefer to address concerns regarding the Joint Use Agreement. Invited were key members of the Parks and Recreation Commission, the NMUSD School Board, City management and District administration.

Both NMUSD and the City agreed that the maintenance level of the District's fields needed to be addressed in the JUA. District wanted to be solely responsible for field maintenance. City wanted the District to take back permitting of buildings and facilities (pools, gyms, classrooms, etc).

These two elements, maintenance and permitting, led to this latest iteration of the Joint Use Agreement.

DISCUSSION

The attached DRAFT Joint Use Agreement contains several differences from the current document:

- Institutionalizes City-School staff quarterly operational meetings (different from the CITY-SCHOOL LIAISON MEETINGS).
- Institutionalizes agreement to start permitting high school fields after 5:00 p.m. during school session (was 4:00 p.m., although, by "gentleman's agreement, staff already are doing this).

- Provides for 15 calendar days notice for cancellation of activities previously permitted by either entity with provision that the party that cancels an approved reservation will assist in finding an alternate location for the party whose permit was cancelled.
- Allows District to set aside, during the CIF pre-season, season and post-season (if needed) their Varsity Baseball and Football fields for use by their teams.
- Makes District responsible for maintenance of fields. Includes by way of Exhibits, standards for Basic and Enhanced Levels of Field Maintenance; also includes a standardized form that will be used annually to assess field condition.
- Establishes a JUA Financing Mechanism for the City and District to jointly fund maintenance of permissible District fields.
 - District to fund 100% of Basic Level of Maintenance and City to fund 100% of differential costs for JUA Enhanced level of Maintenance.
 - Provides for annual joint inspection of school sites to certify that Agreement requirements are being met and allows City to withhold payment or terminate agreement early as penalties for non-compliance.
 - Establishes an annual meeting to discuss joint or City capital improvement projects on District fields.

What remains to be negotiated is the City's portion of the cost for District staff to provide roving custodial support on weekends. While the City agrees that having District staff on hand for weekend coverage is of benefit to the City and to community users permitted by the City, the formula to establish that cost has not been adequately addressed to date, and thus remains outstanding. The City is committed to funding a portion of the cost for this service, however, and has agreed to continue to negotiate with the District for implementation of this service next fiscal year (beginning July 1, 2006).

ALTERNATIVES CONSIDERED

The Council could choose one or more of the following alternatives:

- Provide input to staff of areas of concern and refer this Draft back to staff for further negotiation with the District on those items as well as the Financing Mechanisms for weekend roving custodial coverage.
- Take no further action until such time as Financing Mechanisms are finalized.

FISCAL IMPACT

The full fiscal impact will not be known until the final negotiation for the District's weekend roving crew is concluded. The annual cost is not expected to exceed \$200,000. The cost for future Capital Improvement Projects are unknown at this time but will be submitted annually during the regular budget process.

LEGAL REVIEW

The City Attorney will review the final Agreement prior to it being submitted for approval.

CONCLUSION

Staff requests the Council to review the draft Joint Use Agreement, provide input and direct staff to finalize financing mechanisms to fund weekend District staff prior to taking final action.

JANA M. RANSOM
Recreation Manager

STEPHEN N. MANDOKI
Director of Administrative Services

MARC PUCKETT
Director of Finance

WILLIAM J. MORRIS
Director of Public Services

ATTACHMENTS: 1. [DRAFT Joint Use Agreement](#)