

**MEASURE YY/ GS MASTER FACILITIES USE AGREEMENT  
SUPPLEMENTAL FACILITIES USE AGREEMENT FOR LOS AMIGOS PARK**

THIS MEASURE YY/GS MASTER FACILITIES USE AGREEMENT SUPPLEMENTAL FACILITIES USE AGREEMENT LOS AMIGOS PARK (“Agreement”) is entered into                     , 2018, by and between the CITY OF SANTA MONICA, a municipal corporation and charter city (“City”), and the SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT, a public school district (“District”), each duly organized and existing under the laws of the State of California (referred to collectively as the “Parties” or individually as a “Party”).

**RECITALS**

A. The City and District share a strong commitment to meeting the community’s needs and enhancing its future through civic partnership.

B. The City’s use of District property for community programs during non-school hours is one way that the City and District can achieve their mutual goals and fulfill their separate needs.

C. The City needs access to recreational space and facilities, because its own parks, fields, and recreational facilities are limited in size and number and are heavily utilized.

D. The District owns Los Amigos Park suitable for these purposes, including a youth baseball field, basketball, tennis court, handball courts, playground, and open green space which are unused or underutilized during non-school hours.

E. The City and District entered into that certain Measure YY/GS Master Facilities Use Agreement (“Measure YY/GS Agreement”), dated concurrently herewith, to allow the City and community continued use of Los Amigos Park during non-school hours.

F. Consistent with the Measure YY/GS Agreement, the City and District desire to enter this Agreement to outline the administrative and operational conditions for City use of Los Amigos Park, on the terms and conditions set forth below.

NOW THEREFORE, the Parties mutually agree as follows:

1. SCOPE

The Measure YY/GS Agreement is incorporated by reference as though fully set forth herein.

2. TERMS AND CONDITIONS

Except as otherwise expressly provided, herein, the terms of the Measure YY/GS Agreement are applicable to this Agreement.

3. LOS AMIGOS PARK FACILITIES

3.1 Premises. Los Amigos Park facilities include a youth baseball field, basketball courts, tennis court, handball courts, playgrounds, open green space, ancillary facilities and structures, including restrooms, storage space, and parking areas within and appurtenant to Los Amigos Park (collectively referenced herein as "the Premises").

3.2 Use of the Premises. The City may use the Premises during designated times when school is not in session for supervised and unsupervised recreational opportunities as specified in the attachments to this Agreement.

3.3 Rules of Use of Facilities. City's use of the Premises shall be pursuant to the District's then existing rules for use of the Premises ("District Use Rules"), as may be amended from time to time. City shall use reasonable efforts to exclude persons and entities whom City is aware have violated the District Use Rules from using the Premises. The District's current District Use Rules can be found here:

[http://www.smmusd.org/facility\\_permits/index.html](http://www.smmusd.org/facility_permits/index.html)

#### 4. FACILITY OPERATIONS

4.1. Facilities Use Plan. The specific facilities and time periods of use of the Premises pursuant to this Agreement are described in the Facilities Use Plan included as Attachment A to this Agreement and incorporated by this reference.

4.2. Facilities Use Guidelines. Staffing requirements and certain priorities for use of the Premises pursuant to this Agreement are set forth in the Facilities Use Guidelines included as Attachment B to this Agreement and incorporated by this reference.

4.3. Facilities Operations Plan. The District and City shall provide services to maintain and operate the Premises pursuant to this Agreement as detailed in the Facilities Operations Plan included as Attachment C to this Agreement and incorporated by this reference.

4.4. Program Coordination Plan. The District and City shall work collaboratively to ensure a high level of communication between City and District staff regarding facility use for City programs and community use. Specific responsibilities of the District and City are included in Attachment D and incorporated by this reference.

4.5. Civic Center Act/Community Recreation Act. All scheduling, use, fee/admission fee collection, and other activities shall be compliant with the Civic Center Act, Education Code sections 38130, et seq. and Community Recreation Act, Education Code sections 10900, et seq.

#### 5. ENTIRE AGREEMENT OF PARTIES

The Master Agreement, this Agreement and all attachments hereto, constitute the entire agreement between the Parties concerning the Premises and supersedes all prior discussions, negotiations, and agreements, whether oral or written.

6. AMENDMENTS TO AGREEMENT

Any amendments, revisions, and or modifications to this Agreement, and its attachments may be made upon mutual written agreement of the Superintendent of the District, or his or her designee, and the City Manager, or his or her designee. Any such amendments, revisions, and modifications of this Agreement and its attachments shall be in writing and shall be effective only upon written execution signed by the Parties hereto.

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7. TERMINATION

This Agreement shall terminate concurrently with the termination of the Master Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

ATTEST:

CITY OF SANTA MONICA  
A municipal corporation

\_\_\_\_\_  
DENISE ANDERSON-WARREN  
City Clerk

By: \_\_\_\_\_  
RICK COLE  
City Manager

APPROVED AS TO FORM:

SANTA MONICA-MALIBU UNIFIED  
SCHOOL DISTRICT, A unified school  
district

\_\_\_\_\_  
LANE DILG  
City Attorney

By: \_\_\_\_\_  
BEN DRATI  
Superintendent

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## Facilities Use Plan

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**Program:** For City Programs and Community Use at Los Amigos Park

**School Sites:** Los Amigos Park

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**Available Facility Use List.** The following Los Amigos Park Facilities will be available for recreational use for City programs and community use:

- Baseball Field
- Basketball Courts
- Tennis Court
- Handball Courts
- Playgrounds
- Open green space

The Available Facility Use List may be updated from time to time to incorporate new or renovated recreational facilities on the campus as they become available

**Community Use.** The park facilities are available for community use when not in use the schools in these categories:

- **City Programs.** Programs provided by the City may operate as scheduled.
- **Recreational Use.** Permits are not required for individuals and groups of 10 people or less for the following facilities, provided that use is recreational and not for compensation:
  - Baseball Field
  - Tennis Court
  - Handball Courts
  - Basketball Courts
  - Playground
  - Open green space
- **Permitted Use.** The City will issue permits for:
  - Baseball Field - Youth baseball practices and games
  - Tennis Court, Handball Courts, Basketball Courts, Playground and Open green space - Groups over 10 and uses for compensation (including but not limited to trainers, coaches, and instructors)

The District reserves the right to disallow non-permitted community use without notice

when the facilities are needed for school use. [BOE Policy 1330]

**Facility Access.** City programs may operate and community use permits may be issued at each facility as noted below. Times indicated represent general availability for each facility. Additional time periods may become available depending upon District needs. When feasible, District and City programs may share facility use. City programs may not operate and community use permits may not be issued during dates and time listed on the District's blackout calendar. City use will be allowed on District holiday and furlough days.

**Baseball Field.** The Baseball Field will be available for City programs and community use based upon the below schedule. Additionally, the District and City will work together to establish a refined mutually agreeable schedule of availability for each season on an annual basis.

- Monday – Friday during the school year 3:00 p.m. to dusk
- Monday – Friday during school breaks and holidays 9:00 a.m. to dusk
- Saturdays during the school year and during school breaks 8:00 a.m. – dusk
- Sundays during the school year and during school breaks 9:00 a.m. – dusk

**Open Green Space.** The open green space will be available for City programs and community use based upon the below schedule. Additionally, the District and City will work together to establish a refined mutually agreeable schedule of availability for each season on an annual basis.

- Monday – Friday during the school year 6:00 p.m. to dusk
- Monday – Friday during summer school 1:00 p.m. to dusk
- Monday – Friday during school breaks and holidays 9:00 a.m. to dusk
- Saturdays during the school year and during school breaks 8:00 a.m. to dusk
- Sundays during the school year and during school breaks 9:00 a.m. to dusk

**Basketball Courts.** The 1 full and 4 half-courts will be available for City programming and community use.

- Monday – Friday during the school year 6:00 p.m. to 11:00 p.m.
- Monday – Friday during summer school 1:00 p.m. to 11:00 p.m.
- Monday – Friday during school breaks and holidays 9:00 a.m. to 11:00 p.m.
- Saturdays during the school year and during school breaks 8:00 a.m. – 11:00 p.m.
- Sundays during the school year and during school breaks 9:00 a.m. – 11:00 p.m.

**Tennis Court.** The tennis court will be available for City programming and community use.

- Monday – Friday during the school year 6:00 p.m. to 11:00 p.m.
- Monday – Friday during summer school 1:00 p.m. to 11:00 p.m.
- Monday – Friday during school breaks and holidays 9:00 a.m. to 11:00 p.m.
- Saturdays during the school year and during school breaks 8:00 a.m. to 11:00 p.m.

- Sundays during the school year and during school breaks 9:00 a.m. to 11:00 p.m.

**Handball Courts.** The 4 handball courts will be available for City programs and permitted community use as follows:

- Monday – Friday during the school year 6:00 p.m. to 11:00 p.m.
- Monday – Friday during summer school 1:00 p.m. to 11:00 p.m.
- Monday – Friday during school breaks and holidays 9:00 a.m. to 11:00 pm
- Saturdays during the school year and during school breaks 8:00 a.m. to 11:00 p.m.
- Sundays during the school year and during school breaks 9:00 a.m. to 11:00 p.m.

**Playground.** The children’s playground will be available for City programs and permitted community use as follows:

- Monday – Friday during the school year 6:00 p.m. to 11:00 p.m.
- Monday – Friday during summer school 1:00 p.m. to 11:00 p.m.
- Monday – Friday during school breaks and holidays 9:00 a.m. to 11:00 p.m.
- Saturdays during the school year and during school breaks 8:00 a.m. to 11:00 p.m.
- Sundays during the school year and during school breaks 9:00 a.m. to 11:00 p.m.

**Parking.** On-site parking for City programs and community use is not guaranteed.

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## Facilities Use Guidelines

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**Program:** For City Programs and Community Use at Los Amigos Park

**School Sites:** Los Amigos Park

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**Priority Use of Facilities.** John Muir Elementary and the Santa Monica Alternative School House (SMASH) will have priority use of the recreational facilities for physical education, athletics, and activities. The City will have priority use of the facilities during the times designated in the Facilities Use Plan for City programs and community use [Attachment A].

When the District requires facility use during the times designated for City programs and community use, the District will request a permit through the City's Community Recreation Office for use of the facilities as applicable under the current procedures.

When a need for facilities occurs after permits have been issued (e.g., late scheduled events), the District and City will work to support the District's facility needs.

In extreme circumstances, any approved permit issued by the District or City may be revoked without prior notice if need of the facilities for school purposes subsequently develops. When this must occur, the District will notify the City and the permittee as soon as possible and will endeavor to assist the permittee to find a suitable alternative location or date. All fees will be refunded to the permittee.

The City and District will work cooperatively to address the maintenance needs that may arise.

### **Use of Los Amigos Park Facilities Permit**

**City-Issued Permits.** The City will issue permits for recreational use of:

1. **Baseball Field:** Baseball field permits will be issued according to the policies governing use of fields at City parks and according to the City's Field Permitting Guidelines.
2. **Tennis Court:** The tennis court will be permitted according to the City's Tennis Permitting Guidelines. The guidelines ensure a balance of use by City programs, drop-in users, and permitted users.

Insurance as determined by the City's Risk Manager will be required of permittees. Both the City and the District must be named as additional insureds. Permittees must indemnify both the City and District for any claims arising out of or related to

the permittee's occupancy or use of or activities at the permitted facilities.

**Community Use Permits.** An hourly permit fee will be assessed for permitted community use of the facilities.

**Setting of Fees.** The City will establish, collect, and retain permit fees. District and City programs will be exempt from paying the permit fees.

**Collection of Fees.** The City will be responsible for collecting required permit fees for permitted use of the baseball field, open green space, basketball and tennis court. The permit fees will be retained by the City.

**Reporting.** The City will provide the District with a quarterly or seasonal report of all permits issued by the City for City and community use of the Los Amigos Park Facilities. The District will provide the City with a quarterly or seasonal report of all permits issued by the District for City and community use of the Los Amigos Park Facilities.

**Access.** The City will ensure that access to the Los Amigos Park Facilities and restrooms are maintained throughout the duration of the permit.

**Displacement of Los Amigos Park Facilities Permits.** The District currently benefits from permitting its facilities for filming and large special events. The financial benefits help the District and Los Amigos Park maintain its facilities and purchase needed equipment. Due to the short time frame for scheduling these events, these events cannot be permitted within the normal time frame of the permit. The District may displace permits with at least a 3 days' written notice to the City, up to 20 days per year per facility. All attempts will be made to notify permit users promptly and to find a suitable alternative location or date. Additional costs for alternative locations will be paid by the filming or special event production company. All fees will be refunded to the permittee by the District if a suitable alternative location or date cannot be found.

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## Facilities Operations Plan

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**Program:** For City Programs and Community Use at Los Amigos

**School Sites:** Los Amigos Park

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The District will:

- Pay for all facility, fixtures, and equipment maintenance, repair, and replacement costs at school portion of the site.
- Designate a staff person as the primary contact for City staff on major facility issues and follow through on corresponding work orders.
- Routinely inspect facilities and equipment used by City programs and the community.
- Identify and document needed repairs to maintain equipment and facilities in good working order on a District Work Order form and submit through the District Facility Permit Office.
- Complete all repair and maintenance work in a timely and professional manner at the school portion of the site.

The City will assume all maintenance responsibilities for facilities used by Playground Partnership and will:

- Ensure that facilities, fixtures and equipment utilized by City programs and community use are maintained and kept in good repair, including hardscape, permanent play structures and fixtures, fencing and gates, signage, outdoor restrooms and storage/office buildings.
- Designate a staff person as the primary contact for District staff on major facility issues and follow through of corresponding work orders.
- Routinely inspect facilities and equipment used by City programs and community use
- Identify and document needed repairs to maintain equipment and facilities in good working order.
- Complete all repair and maintenance work in a timely and professional manner.
- Monitor the progress of work orders submitted by District staff.
- Facility closures for maintenance will be coordinated with the District.
- Please refer to the John Muir/Smash/Los Amigos Park Plan Map, which designates District and City maintenance boundaries.

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## Program Coordination and Outreach

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**Program:** For City Programs and Community Use at Los Amigos Park

**School Sites:** Los Amigos Park

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**Staff Coordination.** The City's Community Recreation Office will timely provide the District Facility Permit Office access to permit information for permits issued for the Los Amigos Park Facilities and any changes that may arise. The District Facility Permit Office will communicate with the City's Community Recreation Office regarding any feedback associated with the permittees' use of the Los Amigos Park Facilities.

### Annual District Calendar

- By July 15<sup>th</sup> of each year, the District will provide the City's Community Recreation Manager, with the District's Calendar for the ensuing fiscal year.
- The Calendar shall include dates for the start and end of the school year, vacation, and holidays, and shortened and pupil-free days for Los Amigos Park.
- The District shall transmit to the City any and all revisions to the Annual District Calendar within adequate time for the City to make any necessary changes to Community and Cultural Services Department operations or use of the Los Amigos Park Facilities.

### School Start and Dismissal Times

- By July 15<sup>th</sup> of each year, the District will provide in writing to the City's Community Recreation Manager, the Start and Dismissal times for the ensuing school year, including times for late start and early dismissal, for Los Amigos Park.
- The District shall provide the City's Community Recreation Manager with 2 weeks' prior notification of any changes in school dismissal times during each school year.

### School Events Calendar

- By July 15<sup>th</sup> of each year, the District will provide the City's Community Recreation Manager with an annual School Events Calendar and any additional information regarding all events planned for the Los Amigos Park.
- Throughout the school year, the District will provide timely revisions to the School Events Calendar as new events are scheduled, and provide 2 months' notice for any events that impact City and community use. If two months' notice is not given, the City and District will work cooperatively to address the District's needs.

**Facility Maintenance Schedule**

- The City and District will cooperatively establish an annual schedule governing facility or field closures for scheduled maintenance and renovation to be performed by the City and at the City's expense. Revisions to the Facilities Use Plan may be necessary due to facility or field maintenance and renovation. Additionally, revisions may be necessary, without notice, for unscheduled maintenance and repair and because of rain or other inclement weather conditions.

**Other**

- The District will discuss with the City's Community Recreation Manager any non-City proposals for use of the Los Amigos Park Facilities that could potentially compete or conflict with City programs and community use of the facilities.
- The District will provide the City with a contact person who will be responsible for notifying the City if any situation arises that necessitates closing a facility, thereby denying access to the City and community.