

**MASTER FACILITIES USE AGREEMENT**  
**FIRST MODIFICATION TO LINCOLN MIDDLE SCHOOL PROGRAM**  
**SUPPLEMENTAL USE AGREEMENT NUMBER 9589 (CCS)**

This First Modification to Lincoln Middle School Program Supplemental Use Agreement Number 9589 (CCS) ("First Modification"), entered into as of \_\_\_\_\_, 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 unified school district ("District"), is made with reference to the following:

**RECITALS**

- A. On or about June 11, 2015, the City and District entered into that certain Lincoln Middle School Program Supplemental Use Agreement Number 9589 (CCS), pertaining to the City's and community's use of the District's school facilities in Santa Monica during non-school hours ("Original Agreement").
- B. The City and District desire to replace Attachment "A", Attachment "B", Attachment "C", and Attachment "D" to the Original Agreement with the attachments referenced, below, to reflect the City's and District's mutual agreement with respect to the community's use of the District's school facilities in Santa Monica during non-school hours.

**TERMS AND CONDITIONS**

Now, therefore, the undersigned parties do hereby mutually agree to modify the Original Agreement as follows:

- 1. Section 2 of the Original Agreement shall be deleted in its entirety and replaced with the following text:
  - 2. Term.  
The term of this Agreement run concurrently with the term of the Master Facilities Use Agreement, dated July 1, 2012.
- 2. All references to Attachment "A", Attachment "B", Attachment "C", and Attachment "D" in the Original Agreement shall mean and refer to Attachment "A", Attachment "B", Attachment "C", and Attachment "D", which are attached to this First Modification.
- 3. Attachment "A", Attachment "B", Attachment "C", and Attachment "D" are attached hereto and incorporated herein by this reference.

4. Except as expressly modified by this First Modification, all other terms and conditions of the Original Agreement shall be and remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Modification as of the date and year first written above.

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:** Youth Sports Leagues, Camps and Field Permitting

**School Sites:** Lincoln Middle School

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### Facility Access

#### Middle School Youth Sports Program

The following applies during the school year, unless otherwise noted.

- Track, playfield, hardscape area including fixed sports equipment, gymnasium, swimming pool, cafeteria, and restrooms, *August to June, Monday – Friday, school dismissal to 5:00 pm*
- One table and three chairs
- Parking lot
- Classrooms for enrichment classes; number and size will vary by session
- Year round space for storage container if provided by the City
- Land-line access telephone for emergencies and parent noticing. *Monday – Friday, 2 hours 30 minutes following school dismissal*
- Lincoln Middle School field and other facilities may be shared with District programs as outlined below and on an as-needed basis provided City programs are not negatively impacted.

#### Seasonal Camps

The following applies at either John Adams or Lincoln Middle School site during Winter, Spring and Summer Breaks.

- ❑ One home base room for up to 75 children, with access to a phone. *Monday – Friday, 6:30 am – 6:30 pm*
- ❑ Five tables and thirty chairs. *Monday – Friday, 6:30 am – 6:30 pm*
- ❑ Cafeteria and kitchen access, including refrigerator. *Monday – Friday, 6:30 am – 6:30 pm*
- ❑ Exclusive use of playground and play field, with the exception of District-run programs and field trip days. *Monday – Friday, 6:30 am – 5:00 pm*
- ❑ Gymnasium, swimming pool and courts. *Specific dates and times will be provided two months prior to the start of each break*
- ❑ The District will work cooperatively with the City to provide facility access for City camps during days the District is unstaffed.

#### Lincoln Middle School Play Field

The City and District will ensure public access to playing field, track, and blacktop during non-permitted times. The public access schedule will be determined on a quarterly basis

and will consist of a minimum of six hours per week. The City and District will post public access schedule onsite and electronically on the City and District websites. The City will issue play field permits for City programs and to organized youth sports groups during the following time periods:

- ❑ Monday – Friday during the school year from 5 pm – 10 pm.
- ❑ Monday – Friday during school breaks from 8 am – 10 pm.
- ❑ Saturdays and Sundays year-round from 8 am – 10 pm.

All adult permits will be issued by the City.

The City and District will work cooperatively to address occasional play field requests from Santa Monica College (SMC). The City will issue play field permits to SMC as applicable.

The City will not issue permits for the use of Lincoln Middle School gym, or other recreational facilities.

### **Lincoln Middle School Pool and Facilities**

The District will issue permits for Lincoln Middle School Pool for City programs and community use as follows:

- ❑ Monday – Friday during the school year
  - Fall Sports Season 3:00p – 10:00p
  - Winter Sports Season 3:00p – 10:00p
  - Spring Sports Season 3:00p – 10:00p
  - School Days 5:00a – 7:00p
- ❑ Monday – Friday during school breaks
  - 7:00a – 10:00p
- ❑ Saturdays during the school year and during breaks
  - 7:00a – 10:00p
- ❑ Sundays during the school year and during breaks
  - 7:00a – 10:00p

### **School Site Access**

The following will be distributed to the onsite City staff as designated by the City:

- Phone numbers for District staff who shall be at the school site at all times specified in Attachment A.
- 3 keys to site emergency bins
- Access to bathrooms, blacktop areas and/or courts used by program
- 2 gate keys for each site
- 2 restroom keys for each site
- Cafeteria and kitchen access (including refrigerator) for seasonal camps

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.

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## **Facilities Use Guidelines**

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**Program:** Youth Sports Leagues, Camps and Field Permitting

**School Sites:** Lincoln Middle School

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### **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 Lincoln Middle School Fields. Data regarding no-shows will be tracked by the District and submitted to the City quarterly.

The District will provide the City with a quarterly or seasonal report of all permits issued by the District for City and community use.

### **Access**

The District will ensure that access to the Lincoln Middle School field and restrooms are maintained throughout the duration of the permit and ensure field lights are on as required.

### **Insurance**

Insurance as determined by the District will be required of permittees. Both the City and 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.

### **City Middle School Youth Sports Programs and Crest Camp**

#### **Priority Use of Facilities**

Facilities used by the Middle School Youth Sports Program will not be made available to non-City permit groups or programs during the hours indicated in the Facilities Use Plan unless mutually agreed upon by the City and District. The City will have priority over any non-District programs.

#### **Scheduling of Non-City Uses**

The District will work closely with the City when considering adding new or expanded non-City after school and seasonal break programs utilizing District facilities to ensure that potential new or expanded programs do not conflict or compete with City programs.

#### **Displacement of Middle School Youth Sports Programs and CREST Camp**

The District may, on ten (10) days' written notice to the City, displace a Youth Sports Program up to three (3) days per semester per school site, and up to one (1) day in summer for CREST Camp. No displacement for league games shall take place. No

displacement of City Camps is permitted during winter and spring breaks.

## **Play Fields**

### **Use of Play Fields by Permit (Youth and Adult)**

The City will issue play field permits for use during hours specified in the Facilities Use Plan. Such permits will specify the time periods when use is authorized. Permits will be issued according to the policies governing use of play fields at City parks, school district policies, and according to the City's Field Permitting Guidelines.

### **Play Field Permit Fees**

The City will establish, collect, and retain play field permit fees. City programs are exempt from the field permit fee.

### **Monitoring of Permitted Use of Play Fields**

The District will provide on-site monitoring of Lincoln Middle School field during all times the City issues permits to Organized Youth Sports Groups.

### **Hourly Staffing Fee**

Each organized youth sports group permit for use of an artificial turf field will include an hourly staffing fee to support the hiring of a District Field Attendant. The staffing fee will be established and charged by the City.

### **Field Lighting**

An hourly field lighting fee will be assessed for permitted organized youth sports group use of the fields when lights are needed, as determined by the City. The lighting fee will be assessed by the City and submitted to the District following the conclusion of each season. Other than collecting and forwarding this fee to the District, the City will not be responsible for further compensation to the District for use of the field. City programs are exempt from the field lighting fee.

**Collection of Fees.** The City will be responsible for collecting required staffing fees, permit fees, and field lighting fees for permitted use of the fields. Such collected fees will be submitted to the District at the conclusion of fiscal year. Other than collecting and forwarding these fees to the District, the City will not be responsible for further compensation to the District to support the hiring of monitors. The permit fees will be retained by the City. The District will receive the staffing fees and the lighting fees.

**Access.** The District will ensure that access to the Lincoln facility and restrooms are maintained throughout the duration of the permit and ensure field lights are on as required.

**Displacement of Lincoln Facilities Permits.** The District currently benefits from permitting its facilities for filming and large special events. The financial benefits help the District and Lincoln 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 process. 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.

### **Lincoln Middle School Pool and Facilities**

#### **Priority Use**

The District will issue permits for recreational use of the pool according to the following priorities:

1. District activities
2. City programs
3. Santa Monica non-profit youth organizations
4. Other Santa Monica non-profit organizations
5. Non-Santa Monica non-profit organizations
6. Other

#### **Community Use Pool Permit Fee**

An hourly permit fee will be assessed and retained by the District for permitted community use of the pool. City programs are exempt from the pool permit fee.

#### **Hourly Lifeguard Fee**

Each pool use permit will include a District hourly lifeguard fee to support the hiring of a District lifeguard. The lifeguard fee will be assessed and retained by the District. City programs are exempt from the requirement of a District lifeguard and the hourly lifeguard fee when a City lifeguard is present.

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## Facilities Operations Plan

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**Program:** Youth Sports Leagues, Camps and Field Permitting

**School Sites:** Lincoln Middle School

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### Facilities Maintenance Services

The District will:

- Ensure facilities, fixtures and equipment utilized by Youth Sports Programs are maintained and kept in good repair, including walls, floors, floor coverings, computers, heaters and air conditioners.
- Designate a staff person as the primary contact for City staff on major facility issues and follow through of corresponding work orders.
- Routinely inspect facilities and equipment used by Youth Sports programs.
- Identify and document needed repairs to maintain equipment and facilities in good working order on a District Work Order form and submit through the school site Office Manager.
- Complete all repair and maintenance work in a timely and professional manner.
- Monitor the progress of work orders submitted by City or school staff.
- Facility closures for maintenance will be coordinated with the City.

### Custodial Services

The District will:

- Provide regular custodial care of the pool, shower facilities, all rooms and rest-rooms used for City programs and community use to ensure that all indoor facilities used by these programs are clean, sanitary and ready for use at the start of each day's program or permit.
- Provide routine custodial services of indoor and outdoor facilities used by City pro-grams and community use during the following times:
  - School Year Programs: Daily, Monday – Friday, after 6 pm
  - Seasonal Camps: Daily, Monday – Friday, during the day
- Ensure that fields are clear of all debris and an adequate number of trash receptacles are placed in the field areas.
- Ensure that the pool and locker rooms are clean and in proper operating order.

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## Program Coordination and Outreach

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**Program:** Youth Sports Leagues, Camps and Field Permitting

**School Sites:** Lincoln Middle School

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### Staff Coordination

The Principal, or his/her designee, will:

- ❑ By July 15<sup>th</sup>, provide the City's Youth Sports Supervisor with the Annual Schools Event Calendar.
- ❑ Throughout the school year, provide timely revisions to the Calendar as new events are scheduled, and provide at least two (2) months' notice for any events that may significantly impact Youth Sports and Enrichment Programs' operations.
- ❑ Throughout the school year, provide at least two (2) weeks' notice of any changes to school dismissal times to the City's Youth Sports Supervisor.
- ❑ Include the City's Youth Sports Program staff and Enrichment Program Supervisor in school faculty meetings and trainings as applicable, with notification sent at the same time faculty are notified.
- ❑ Hold bi-weekly meetings with the City's Youth Sports Supervisor.
- ❑ Provide a mail slot/box for the City's Youth Sports Program in the school's main office.
- ❑ Distribute copies of all school bulletins, information, flyers and packets for teachers and parents to the Youth Sports Program mailbox.
- ❑ Discuss with the City any non-City proposals for use of the school facilities for any summer program/camp or after-school programs under consideration that could potentially compete or conflict with City' programs (Youth Sports and Enrichment Programs).

### Community Outreach

The Principal, or his/her designee, will:

- ❑ Distribute all Middle School Youth Sports and Enrichment Programs' outreach materials to all students within five days of receipt by each school.
- ❑ Include Middle School Youth Sports and Enrichment Programs' information provided by the City in the school's directory and any other major school publications.

The Superintendent, or his/her designee, will:

- ❑ Review and approve all Middle School Youth Sports and Enrichment Program materials prior to distribution to all SMMUSD schools in Santa Monica.