

**MEASURE YY/GS MASTER FACILITIES USE AGREEMENT  
SUPPLEMENTAL FACILITIES USE AGREEMENT SANTA MONICA HIGH SCHOOL**

THIS MEASURE YY AND GS MASTER FACILITIES USE AGREEMENT SUPPLEMENTAL FACILITIES USE AGREEMENT FOR SANTA MONICA HIGH SCHOOL ("Agreement") is entered into [REDACTED], 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 and operates facilities at Santa Monica High School ("Samohi") suitable for these purposes, including Samohi's swimming pool, play fields, courts, tracks, gymnasium, and other facilities which are unused or underutilized during non-school hours ("Samohi Facilities").

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 Samohi Facilities 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 Samohi Facilities, 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. SAMOHİ FACILITIES

3.1 Premises. The Samohi Facilities, which include outdoor tennis courts, outdoor basketball courts, a track, a football field, a swimming pool, a dance studio, a gymnasium, and ancillary facilities and structures, including restrooms, parking areas, (which may be limited during periods of construction), and storage space (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. Additionally, to facilitate the City's use of the Premises, the District shall also make available program-related equipment and furnishings, such as basketball and volleyball nets.

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

**ATTACHMENT A**  
**FACILITIES USE PLAN**  
**for City Programs and Community Use at Samohi**

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

- Football/Soccer Field
- Track
- Outdoor Basketball Courts
- Tennis Courts
- South Gymnasium
- Dance Studio
- Wrestling Room
- Drake Pool and Natatorium

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.

The following restrictions apply to all permits:

- City programs may operate and community use permits may be issued on School District Holidays or Furlough Days when a District monitor is available. Overtime rates may apply.
- City programs may not operate and community use permits may not be issued during the following major school events:
  - Back to School Night
  - Open House
  - Senior Honors Night
  - Graduation

Additional events may be added pursuant to BOE Policy 1330.

- **Community Use Permit Required.** A permit is required for use of:

- Football/Soccer Field
  - South Gymnasium
  - Dance Studio
  - Wrestling Room
  - Drake Pool and Natatorium
  - Groups over 10 and uses for compensation (including but not limited to trainers, coaches, and instructors) for Track, Tennis Courts, and Outdoor Basketball Courts
- **Community Use Permit Not Required.** 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:
    - Track
    - Tennis Courts
    - Outdoor Basketball Courts

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.** Specific times are available for City programs and community use 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.

**Synthetic Football/Soccer Field.** The Football/Soccer 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
  - Fall Sports Season 7:00 p.m. – 10:30 p.m.
  - Winter Sports Season 6:00 p.m. – 10:30 p.m.
  - Spring Sports Season 6:00 p.m. – 10:30 p.m.

- Monday – Friday during school breaks
  - 5:00 p.m. – 10:30 p.m.
- Saturdays during the school year and during school breaks
  - 12:00 p.m. – 10:30 p.m.
  - 10:00 a.m. – 10:30 p.m. (late February – mid June)
- Sundays during the school year and during school breaks
  - 8:00 a.m. – 10:30 p.m.

**Track.** The track will be available for City programs and community use. Non-permitted community use will be allowed only when the site is open for a field permit or track permit and non-permitted community use does not interfere with programmed or permitted use or create an unsafe condition as determined by the District's monitor.

- Monday – Friday during the school year
  - Fall Sports Season 6:00 p.m. – 10:00 p.m.
  - Winter Sports Season 6:00 p.m. – 10:00 p.m.
  - Sprint Sports Season 6:00 p.m. – 10:00 p.m.
- Monday – Friday during school breaks
  - 5:00 a.m. – 7:00 a.m.
  - 6:00 p.m. – 10:00 p.m.
- Saturdays during the school year and during school breaks
  - 12:00 p.m. – 10:00 p.m.
  - 10:00 a.m. – 10:00 p.m. (late February – mid June)
- Sundays during the school year and during school breaks
  - 7:00 a.m. – 10:00 p.m.
- Early morning times may be available on school days, depending upon District staff availability

**Outdoor Basketball Courts.** The 3 outdoor basketball courts will be available for City programming and community use. Non-permitted community use will be allowed only when the site is open and non-permitted community use does not interfere with programmed or permitted use or create an unsafe condition as determined by the



District's monitor.

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

**Tennis Courts.** The 6-7 tennis courts will be available for City programming and community use. Permits issued during the below times to the Samohi Tennis Team and to individual tennis team athletes are exempt from the permit fee. Non-permitted community use will be allowed only when the site is open and no-permitted community does not interfere with programmed or permitted use or create an unsafe condition as determined by the District's monitor.

- Monday – Friday during the school year
  - Fall Sports Season 6:00 p.m. – dusk
  - Winter Sports Season 6:00 p.m. – dusk
  - Spring Sports Season 6:00 p.m. – dusk
- Monday – Friday during school breaks
  - 8:00 a.m. – dusk
- Saturdays during the school year and during school breaks
  - Fall & Winter Season 7:00 a.m. – dusk
  - Spring Sports Season 7:00 a.m. – dusk
- Sundays during the school year and during school breaks
  - 8:00 a.m. – dusk

**South Gymnasium (Practice Gym).** The South Gymnasium contains 1 full or 2 practice basketball courts, and 1 full or 3 practice volleyball courts. The gym will close

periodically to maintain the gym floor. The South Gymnasium will be available for City programs and permitted community use as follows:

- Tuesday, Thursday & Friday during the school year
  - Fall Sports Season 6:00 p.m. – 10:00 p.m.
  - Winter Sports Season 7:00 p.m. – 10:00 p.m.
  - Spring Sports Season 6:00 p.m. – 10:00 p.m.
- Monday – Friday during school breaks
  - 6:00 p.m. – 10:00 p.m.
- Saturdays during the school year and during school breaks
  - Fall Sports Season 12:00 p.m. – 10:00 p.m.
  - Winter Sports Season 2:00 p.m. – 10:00 p.m.
  - Spring Sports Season 12:00 p.m. – 10:00 p.m.
- Sundays during the school year and during school breaks
  - 8:00 a.m. – 10:00 p.m.

**Dance Studio.** The Dance Studio will be available for City programs and permitted community use as follows:

- Monday – Friday during the school year
  - Fall Sports Season 6:30 p.m. – 10:00 p.m.
  - Winter Sports Season 6:30 p.m. – 10:00 p.m.
  - Spring Sports Season 6:30 p.m. – 10:00 p.m.
- Monday – Friday during school breaks
  - 6:00 p.m. – 10:00 p.m.
- Saturdays during the school year and during school breaks
  - 2:00 p.m. – 10:00 p.m.
- Sundays during the school year and during school breaks
  - 8:00 a.m. – 10:00 p.m.

**Wrestling Room.** The Wrestling Room will be available for City programs and permitted community use as follows:

- Monday – Friday during the school year
  - Fall Sports Season 6:30 p.m. – 10:00 p.m.
  - Winter Sports Season 6:30 p.m. – 10:00 p.m.
  - Spring Sports Season 6:30 p.m. – 10:00 p.m.
- Monday – Friday during school breaks
  - 6:00 p.m. – 10:00 p.m.
- Saturdays during the school year and during school breaks
  - 12:00 p.m. – 10:00 p.m.
- Sundays during the school year and during school breaks
  - 8:00 a.m. – 10:00 p.m.

**Drake Pool & Natatorium.** The Drake Pool will be available for City programs and permitted community use as follows:

- Monday – Friday during the school year
  - Fall Sports Season 6:00 p.m. – 10:00 p.m.
  - Winter Sports Season 6:00 p.m. – 10:00 p.m.
  - Spring Sports Season 6:00 p.m. – 10:00 p.m.
  - School Days 5:00 a.m. – 7:00 a.m.
- Monday – Friday during school breaks
  - 6:00 p.m. – 10:00 p.m.
- Saturdays during the school year and during school breaks
  - 12:00 p.m. – 10:00 p.m.
  - 10:00 a.m. – 10:00 p.m. (late February – mid June)
- Sundays during the school year and during school breaks
  - 8:00 a.m. – 10:00 p.m.

A District Lifeguard is required for all community use of the pool. The City may use City lifeguards for City programs.

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

## **ATTACHMENT B**

### **FACILITIES USE GUIDELINES**

#### **for City Programs and Community Use at Samohi**

**Priority Use of Facilities.** Samohi 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., playoff games or other 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 recreational facility needs by Santa Monica College that may arise due to maintenance issues at SMC facilities.

#### **Use of Samohi Facilities Permit**

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

1. **Field:** 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. The Field Permitting Guidelines identify priority sports by season, user categories, and priority hours.
2. **Track:** Track permits will be issued in the following
  - a. District activities
  - b. City programs
  - c. Santa Monica non-profit youth organizations
  - d. Other Santa Monica non-profit organizations

- e. Non-Santa Monica non-profit organizations
  - f. Other
3. Tennis Courts: Tennis courts 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.

**B. District-Issued Permits.** The District will issue permits for recreational use of the gymnasium, pool, dance studio, wrestling room, and outdoor basketball courts according to the following priorities:

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

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.

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

**Field Lighting.** An hourly field lighting fee will be assessed for permitted community use of the fields when lights are needed, as determined by the City.

**Monitoring of Permitted Recreational Facilities.** The District will provide roving monitors at Samohi for all community use permits requiring a staffing fee. The monitor

will be responsible for checking the Samohi Facilities and condition of included equipment (e.g., goals, nets, basketball hoops, overseeing all permits, enforcing rules and minor maintenance to support use). The monitor will be the District representative in case of emergency. City programs are exempt from the District monitor requirement and hourly staffing fee when a City representative (e.g., employee, contractor or volunteer) is on-site running the program.

**Hourly Staffing Fee.** Each community use permit for use of the field, track, gymnasium, dance studio, and wrestling room will include an hourly staffing fee to support the hiring of a District monitor. An hourly staffing fee may be required for tennis court permits as determined by the City, and for outdoor basketball court permits as determined by the District, depending on the scope and complexity of use. An hourly staffing fee is not required for non-permitted drop-in community use of the outdoor basketball courts, tennis courts, and track in accordance with Attachment A.

**Hourly Lifeguard Fee.** Each pool use permit will include an hourly lifeguard fee to support the hiring of a District lifeguard. City programs are exempt from the requirement of a District lifeguard and the hourly lifeguard fee when a City lifeguard is present.

**Setting of Fees.** The City and District will mutually agree upon setting permit fees, the hourly staffing fee, the hourly lifeguard fee, and field lighting fees for community use of the Samohi Facilities. District and City programs will be exempt from paying the permit fees and field lighting fees.

**Collection of Fees.** The City will be responsible for collecting required staffing fees, permit fees, and field lighting fees for permitted use of the field, track, and tennis courts. Such collected fees will be submitted to the District following the conclusion of each season. 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 be responsible for collecting required staffing fees, lifeguard fees, and permit fees for permitted use of the gymnasiums, pool, dance studio, wrestling room, and outdoor basketball courts. Fees collected will be retained by the District.

**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 Samohi 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 Samohi Facilities.

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

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

**ATTACHMENT C**  
**FACILITIES OPERATIONS PLAN**  
**for City Programs Community Use at Samohi**

The District will:

- Ensure facilities, fixtures, and equipment utilized for City programs and community use are maintained and kept in good repair, including walls, floors, tennis courts, football/soccer field, basketball courts, turf, lights, track, restrooms, swimming pool, changing room, gymnasium, and parking lots.
- Pay for all facility, fixtures, and equipment maintenance, repair, and replacement costs.
- 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.
- Monitor the progress of work orders submitted by City staff.
- Provide storage for Westside Special Olympics Track and Field.
- Ensure field lights are on as required for evening City programs and permitted community use.

The City will:

- 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.



**ATTACHMENT D**  
**PROGRAM COORDINATION PLAN**

**for City Programs and Community Use at Samohi**

**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 Samohi Facilities and any changes that may arise. The District Facility Permit Office will communicate with the City's Community Recreation Office regarding any feedback associates with the permittees' use of the Samohi Facilities.

**Annual District Calendar**

- By March 1st 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 Samohi.
- 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 Samohi Facilities.

**School Start and Dismissal Times**

- By July 1st 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 Samohi.
- 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 August 1st 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 Samohi.
- 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.

### **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 District at the District'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 Samohi 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.