



OFFICE OF THE CITY MANAGER

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December 7, 2023

Dr. Ayindé Rudolph
Superintendent
1400 Montecito Avenue
Mountain View, CA 94043

Dear Superintendent Rudolph:

On behalf of the City of Mountain View, I am writing to confirm that City staff has reviewed the Board of Trustees agenda items related to the Joint Use Agreement (JUA) for the December 7, 2023 meeting.

While staff is encouraged with the recommendation for the Board of Trustees (Board) to approve the JUA, I would like to share our concerns regarding the other related agenda item, XI.B. Specifically, the City has concerns that the updates included in agenda item XI.B are an attempt to impose requirements on the City that the District cannot impose by amendment to the last and final draft of the JUA presented by the City.

One of the values that has been discussed in recent months is the desire for having better communication between the agencies about significant matters. However, City of Mountain View staff have not been notified of the specific proposed policy changes before the Board this evening that may have a serious impact on the City and various community groups and organizations, and we are currently questioning how these proposed changes would impact the City's current role within the proposed JUA.

Agenda item XI.B, entitled "Board Policy (BP) 1330 use of School Facilities & Administrative Regulation (AR) 1330," provides the Board with new policies and regulations for approval that may impact the City's ability to implement the proposed JUA.

Notably, the proposed updated Board Policy and Administrative Regulation appears to impose fees for use of school facilities that are higher than what the City currently charges and regulate other matters such as priority of use that the City previously regulated. Because the posted updated Board Policy and Administrative Regulation does not show the proposed changes in redline and the staff report does not explain what changes are being recommended, it is impossible to determine without review of the prior policy/administrative regulation how these updated documents will impact the City's current process and procedures for managing use of school fields.

For example, Administrative Regulation No. 1330 provides a number of updates related to the District's use of school facilities, including, but not limited to, fees and payments, priority use of

District facilities and fields, and a section related to joint use. The proposed fee schedule within this administrative regulation includes increases to the hourly rate of field rentals. Based on the language within the proposed JUA, the City needs clarity from the District if the intent is to require the City to follow this fee schedule along with all the new updates. Implementing new, increased fees that may affect City policies and procedures and not discussing this with City staff in advance is problematic.

In addition to the Administrative Regulation cited above, the Board is also being asked to adopt Board Policy No. 1330, entitled "Use of School Facilities." This Board Policy reinforces the fee schedule in the Administrative Regulation and provides a section entitled "Joint Use Agreements." This section highlights that the Superintendent or designee shall work with the partner agency to develop a written site-specific joint use agreement that delineates the terms and conditions for joint use of the district or community facilities, the parameters related to the partner agency's assessment of fees, the responsibilities of all parties, and that the use will comply with the District's board policies, administrative regulations, and the Civic Center Act, California Education Code.

This section seems to allow for the Superintendent to work with the agency to determine fees and other terms while requiring adherence to the District's board policies, which includes the master fee schedule. It is unclear if other proposed changes would conflict with existing City policies or procedures related to the use of fields. Again, the City is unclear what the requirements would be for the City to comply with the language in the JUA and the new District regulations and policies being proposed.

While several concerns exist related to the proposed policies and regulations, the priority concern is related to the fee schedule. The City of Mountain View provides extensive services to maintain the recreational areas of District land. In turn, the City provides access to those fields at a subsidized amount to youth sports organizations. Should the City be required to follow the updated fee schedule, there would be significant impact to the sports organizations, as well as to the youth and families that rely on access to these limited community resources. The City is currently undertaking a fee study with a municipal consulting firm to assess fees Citywide, which is expected to come before City Council for review and adoption in spring 2024.

Additionally, the proposed JUA includes Section 11, entitled "Rules and Regulations," which includes the following section:

"11. Rules and Regulations. City's use of the Recreational Areas shall be pursuant to District's current Policies and Regulations for Use of District Facilities pertaining to the use of the Recreational Areas ("**District Use Rules**"), as may be amended from time to time.

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11.1. Within 15 days of the Effective Date of this Agreement District shall provide City with a copy of the current District Use Rules. In the event District modifies, amends, or updates the District Use Rules, District shall provide City with a copy of the new rules within 15 days after adoption. City's obligations under this Section 11 shall not be enforceable if District fails to provide City with a copy of the current or any amended District Use Rules as required by this Subsection 11.1.

11.2. City agrees use reasonable efforts to exclude persons and entities whom City knows has violated District Use Rules from using the Recreational Areas.

11.3. The Parties understand and agree that District does not permit the possession, use, sale or consumption of tobacco products, or of any controlled substance on District property, including the School Sites and Recreational Areas, provided that controlled substances may be used pursuant to a valid prescription."

We believe the District fully expects the City to comply with the updated Board Policy and Regulation in light of Section 11 in the JUA, cited above. Considering Section 11, it is particularly important that the City understand whether and how the updated Policy and Regulation will impact the City's school field use management before the City signs and executes the JUA.

At this time, I do not recommend that the City execute the JUA until City staff, including the City Attorney, can determine if the District intends to require the City to comply with its updated Board Policy and Administrative Regulation, which we have not heard about or discussed, and whether compliance will substantively change the way the City is currently managing use of school fields. The City considers this a significant issue to resolve and would like to discuss this further with the District.

Regards,



Kimbra McCarthy
City Manager

KMC/HM/4/MGR
611-12-07-23L

cc: Mountain View Whisman Board of Trustees

City Council

ACM—Andrews, CSD, CA