



CITY COUNCIL AGENDA ITEM NO. G.2
08/08/2023

SUBJECT: Report regarding City of Brentwood Joint Use of Facilities Agreements with Brentwood Union School District and Liberty Union High School District

DEPARTMENT: Parks and Recreation

STAFF: Bruce Mulder, Director of Parks and Recreation
Thien Nguyen, Recreation Manager

TITLE/RECOMMENDATION

Review and discuss report regarding City of Brentwood Joint Use of Facilities Agreements with Brentwood Union School District (BUSD) and Liberty Union High School District (LUHSD) and provide possible direction related to any future amendments to the Agreements.

FISCAL IMPACT

There is no fiscal impact associated yet with this report.

The General Fund is the source for payments made under the current agreements including the BUSD Annual Facilities Major Maintenance (referenced in Attachment 2 Joint Use Agreement – Brentwood Union School District, Exhibit E-4A). In addition, staffing costs (aquatics staff at Heritage Pool and staffing for City programs), and costs to execute the Liberty Adult Education (“LAE”) program at City facilities, are also funded by the General Fund.

If amendments to any of these agreements result in cost increases, the General Fund would be the source of any additional funding. With the General Fund projecting breakeven results from ongoing operations over the FY 2022/23 – 2023/24 two-year budget period, increased costs may result in deficit spending.

BACKGROUND

The City of Brentwood (“City”) has a long history of working with the local school districts under separate joint use of facility agreements. This includes Brentwood Union School District (“BUSD”), Liberty Union High School District (“LUHSD”), and an



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agreement with Liberty Union High School District’s Liberty Adult Education (“LAE”) (collectively “District(s)”). These agreements outline facilities from each party for joint use, dates and times for use, priority for facility use by each party, and overall terms and conditions of the use.

This report is separated out by each facility use agreement and contains data to offer some context into current use of facilities between the parties. The majority of the data provided is from the 2021-2022 fiscal year, as current fiscal year data is incomplete and prior data is inconsistent due to the COVID pandemic.

Brentwood Union School District (see Attachment 2)

The City and BUSD have a long history of joint use facilities agreements that originally started with separate agreements for individual schools, but is now one global agreement with BUSD and combines all facilities agreed upon for joint use referenced in “Exhibit A,” into the agreement. The agreement outlines days and times for the City to have “priority use” of BUSD facilities as the facilities are still used after school hours by a number of school/district programs (such as after school programs, school sports programs, and Expanded Learning Opportunities Programs). It is also important to note that as is common with schools and school districts, construction and maintenance of facilities are typically scheduled during non-school days making them unavailable during these annual maintenance and renovation times (especially scheduled during seasonal school breaks).

The times facilities are available for City use include:

- Regular School Days: 5:45 PM - 10:30 PM
- School Holidays/Non-School Days: 7:00 AM – 10:30 PM
- Saturdays/Sundays: 7:00 AM – 10:30 PM

The table below shows the number of hours the City used school facilities during the 2021-2022 fiscal year with the majority of hours used for programs such as Tiny Tots Basketball and the Jr. Warriors Basketball program. In the past, the City has used other facilities including theatres, fields, and multipurpose rooms for various City programs. The City also has used facilities at other sites listed in the agreement including Garin Elementary and Adams Middle School.

LOCATION	HOURS
Edna Hill Middle School Gym	279
Bristow Middle School Gym	386
Total	665

During the same period of 2021-2022, BUSD used 6 hours of City Facilities. This limited use could be attributed to a number of reasons including, but not limited to:

- The City no longer provides use of Mobile Bleachers (50+ hours annually in past)
- BUSD ran a Seamless Summer Community Lunch Program in 2019 (50+ hours annually in the past)



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- FY 2021-2022 did not see typical use of City Parks and the City Pool for field trips or end of year celebrations (attributed to impacts from COVID)

Unique to the BUSD agreement is history with the City as outlined in "Exhibit E-4" of the agreement in regards to shared fees for maintenance. This section of the agreement outlines shared costs of capital repairs and replacement to the middle school gymnasiums, with the City responsible for one-third (1/3rd) of the financial costs for these facilities.

Liberty Union High School District (see Attachment 3)

Similar to the BUSD Joint Use of Facilities Agreement, the City has a separate agreement for joint facilities use with LUHSD. The agreement includes use of facilities at Heritage High School and Liberty High School. Unique to the LUHSD agreement is the ability for the City to use the pools at Heritage and Liberty High School, and also the use of the tennis courts at Heritage High School (a full list of joint facilities is listed in "Exhibit A" of the agreement).

Most facilities listed in the agreement are available for use by the City, but due to school use, have fluctuating days and times for availability (full schedule of availability is detailed in "Exhibit E-1" of the agreement). Also unique to this agreement is the use of Heritage High Pool by local swim teams whose use is scheduled and staffed with City staff. Below is a table showing the hours of use of the aquatic facilities by the City during fiscal year 2021-2022.

LOCATION	HOURS
Heritage Pool	397
Liberty Union Pool	84
Total	481

Local swim and aquatic organizations that use the LUHSD pools include the Brentwood Dolphin Swim Club, River Otters Swim Team, Brentwood Seawolves, and Lamorinda-Brentwood Water Polo.

It is also important to note, that City staff is working with LUHSD and is offering tennis programs in Spring/Summer 2023 at the Heritage High Tennis Courts. Similar to the BUSD agreement, City priority use of facilities is subsequent to school use (i.e., after classes, summer school, school sports and programs, etc.). Facility maintenance and renovations are typically scheduled during seasonal school breaks which further limits facility availability for City use.

Another section of the LUHSD Joint Use of Facilities Agreement is the use of City facilities by LUHSD. Below is a chart showing location and hours used from 2021-2022 fiscal year with many hours at the park used by the Liberty High School Rugby team and many hours at the Brentwood Community Center used by the Liberty Dance Team. Other uses include miscellaneous hours for team banquet events, testing, and various meeting and events at City facilities.



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LOCATION	HOURS
Balfour Guthrie Park	158
Brentwood Community Center	114
Oak Meadow Park (Soccer)	50
City Park/Special Events/Streets	10
Total	332

Liberty Adult Education (see Attachment 4)

Separate from the Facility Joint Use Agreement with LUHSD is an agreement between the City and LUHSD, Liberty Adult Education. This agreement is relevant to this topic as the City has partnered with LAE for specialized services for adult programming that is hosted at City facilities. This agreement is annually reviewed and renewed with specialized instructors from LAE using City facilities for programs such as Stress Management, Ballroom Dancing, and Adult 50+ Exercise Classes. The use of these City facilities is separate from the hours of the joint use facility agreement with LUHSD. The LAE facility use hours are treated as contract services, with the City collecting fees from participants and offering facilities in exchange with the LAE to offer these programs to the community and not categorized as an exchange of "joint use."

Direct Financial Contributions to School Districts

In the past, the City has contributed directly to design and/or construction of facilities, different from shared maintenance costs currently agreed upon with BUSD facilities. The following lists the City's history of contributions to the following facilities:

BUSD:

- Bristow Middle School Gymnasium \$513,156 (1993)
- Edna Hill Middle School Gymnasium \$1,000,000 (2002)
- Adams Middle School Gymnasium \$1,500,000 (2009)

LUHSD:

- Liberty High School Gymnasium \$650,000 (2003)
- Heritage High School Ball Fields \$95,000 (2005)
- Heritage High School Pool/Gymnasium \$2,500,000 (2005)

Not included in these direct financial contributions are agreements involving land-use or land exchange such as the Bristow Middle School Theater.

Consideration for Discussion

The City Council may consider requesting staff to work with the school districts and return with possible amendments to the existing agreements for consideration. The joint use agreement between the City and BUSD was entered into in 2008, and renews annually on a fiscal year basis. Four amendments have been made to the



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2011 LUHSD agreement which also renews annually on a fiscal year basis.

As the City approaches amending the existing agreements, items to consider could include:

- Re-evaluate list and update list of facilities to use
- Dates and hours for "priority use"
- Ability to schedule and have programs at District facilities during maintenance periods
- Include language about staffing costs, as well as rising staff costs
- Rising janitorial costs and utility costs
- Staff capacity to expand programming
- Goals for youth and teen use of facilities

The environment in which the City and District's originally executed their current agreements is vastly different from today. Since the agreements were executed, changes to facilities available for joint use include the opening of the Liberty High School Pool (2020), new Bristow Middle School Theater (2023), and the City no longer making bleachers available (2023). Similarly, the City and Districts use of facilities have changed and can be discussed to ensure all parties have equitable opportunities to use available dates and times for the joint use of facilities. One of the challenges the City annually faces when attempting to schedule programs at District facilities during seasonal school breaks is the Districts needs for these times to do renovation and maintenance projects.

Other items that can be clarified in the agreements are how each party handles staff costs associated with the agreements for items such as lifeguard staff at the Heritage High Pool and/or City staff at sport fields. Another item that needs to be addressed consistently is how each party will handle the rising janitorial and cleaning costs of each party's facilities and the rising utility costs. The janitorial and utility cost increases have put a strain on operating budgets and needs to be considered for each party's annual budgets for facility use. In addition to considerations for staff costs, is the consideration for staff capacity. City staff currently has a range of programming they are responsible for at City facilities, in addition to programming at District facilities. Management of new and additional programming at District facilities will need the consideration of adding additional staffing to manage new programs.

Finally, overall consideration should be given to the fact that those who benefit from using the facilities, regardless of whether the District(s) or the City uses them, is that the majority of programmed use of these spaces are by Brentwood youth and teens. This should be kept in mind as additional amendments to the existing joint use facility agreements are considered. If a facility is currently unavailable due to use (i.e., Brentwood Community Center/Brentwood Family Aquatic Complex or BUSD/LUHSD facility), it is likely being rented out by a youth or teen organization from the community (such as youth sport teams).



CITY COUNCIL STRATEGIC INITIATIVE

Not applicable.

PREVIOUS ACTION

Previous Action by the City Council is included on Attachment 1.

ENVIRONMENTAL DETERMINATION

Not applicable.

ATTACHMENT(S)

1. Attachment 1: Previous City Council Actions
2. Attachment 2: Joint Use of Facilities Agreement – Brentwood Union School District
3. Attachment 3: Joint Use of Facilities Agreement and Amendments – Liberty Union High School District
4. Attachment 4: Agreement for Instructor Service – Liberty Adult Education