CITY OF BEVERLY HILLS
STAFF REPORT

Meeting Date:	June 22, 2010
To:	Honorable Mayor & City Council
From:	Steven Zoet, Assistant Director of Community Services/Recreation & Parks
Subject:	Joint Powers Agreement between the City of Beverly Hills and the Beverly Hills Unified School District – Annual Report
Attachment:	Letter from City Manager Jeff Kolin Dated May 24, 2010 School Library Operations and Staffing

INTRODUCTION

The City of Beverly Hills and the Beverly Hills Unified School District entered into a Joint Powers Agreement (JPA) in July, 2008 regarding the provision, use and maintenance of educational, recreational and community facilities and programs. Pursuant to the terms of the agreement, the Director of Community Services is required to provide an annual report to the City Manager on the level of compliance received from the School District. That obligation has typically been met in the format of presenting a report to City Council where all persons are advised as to any concerns or operational issues surrounding the JPA.

DISCUSSION

During the year, the City averages approximately seventy-five (75) hours per day of School District facility use. This includes, but is not limited to, preschool programs; after school childcare and enrichment classes; youth sports organization use; aquatic activities and adult sports. Without use of the School District's facilities, many of these programs could not be offered to the community or would be limited in participation numbers due to the lack of city-owned facilities in which to host them.

The current JPA concludes on June 30, 2012. The first year of the Agreement found both parties working well to comply with its incorporated terms and conditions. Nearing completion of the second year of the four year Agreement, the City has experienced some operational challenges as a result of poor

communication and other related issues between the City and District. A change to the bell schedule, scheduled and unscheduled maintenance issues and facility double-booking were some factors that contributed to the challenges. Timely communication of these issues on the part of the District was lacking this year causing the City to reschedule, cancel or refund revenue generating programs and contend with angry patrons and customer dissatisfaction.

Examples of impacted City services are:

- City staff was notified one week prior to the start of the fall session that numerous school-based recreation programs would have to be altered due to the new bell schedule. The change altered the high school's use of facilities during times that had historically been used by the City. This resulted in shortened schedules for aquatics, adult sports, and youth sports organizations and a corresponding loss in City revenue as a result. The bell schedule modifications continue to adversely affect City programs throughout the school year.

- Several times during the year and without sufficient advanced notification, City programs have been delayed or cancelled from their scheduled use time by District programs. This results in last minute calls to participants and the issuances of refunds if staff are unable to schedule make-up sessions. Late cancellations and schedule flux has resulted in declined enrollment, increased customer complaints, and additional staff time and costs to react to and accommodate these late changes.

- The District's implementation of a Master Calendar, as called for, is still not available for public on-line viewing or posting. There is a High School Athletic Calendar which is how City staff is usually made aware of conflicts. The scheduling conflicts stated in this report were not posted on this calendar or communicated to staff through any other means. City staff has accepted responsibility to initiate a Master Calendar pending assumed support and use by District staff.

- A failure of the Swim Gym floor motor closed the pool from January 28 thru March 2. Additionally, a scheduled repair to the Swim Gym floor in May shortened the spring aquatic session offering by four weeks. The start of the repair project was delayed causing operational impacts and a revised completion date of June 27. This is one day prior to the start of the City's busy summer aquatic program and is causing staff concern as to whether summer programming will also be affected. Although program and facility administrators can't always control these issues, they are brought to the Council's attention to indicate the challenges faced with the reliance and use of aging and overused facilities, over which we exercise no control, for use in accommodating community recreational programs. The financial information below indicates the effect of the above mentioned impacts thus far to this year's aquatics program.

REVENUE	2008-2009	2009-2010
Fall	$29,375.35	$22,777.63
Winter	$26,422.16	$5,873.33
Spring	$37,640.90	$11,540.83
TOTAL	**$93,438.41**	**$40,191.79**

Total Registered Participants	2008-2009	2009-2010
Fall	248	155
Winter	132	54
Spring	340	117
TOTAL	**720**	**326**

- Also adversely affecting aquatics operations, the District historically reduces the pool temperature when our summer programs commence to save on energy costs. This practice causes numerous public complaints and refunds. District staff has been asked to maintain the temperature at 84 degrees year round but it should be required to do so in the next Agreement.

- The School District has been contacted this year regarding the continued use of the High School field by unauthorized adult/instruction groups and the lack of supervision provided by the District to monitor field usage. Third party use of District fields is generally reviewed by the City. This avoids double-booking facilities or duplication of services. Third party usage of the District's facilities without complying with the District's "Application and Agreement for the Use of Facilities" and set fees also compromises the contractual and financial agreements the City has with authorized groups/instructors making use of District and City facilities. This year the City has requested District clarification on some of the third party uses.

The City is fully aware and acknowledges that District facilities are already extensively used by the School District for their own day-to-day classes, programs, extra-curricular activities and related needs. The provisions of the JPA allowing City use results in many of these facilities being open for up to 15 hours a day leaving little time for needed cleaning and preventive maintenance. Response from the School District for most facility use and maintenance issues has been timely.

A letter dated May 24 from City Manager Jeff Kolin to BHUSD Superintendent Dr. Jerry Gross (attached) requested confirmation from the District that $600,000 is being set aside in a separate fund and delineated in the District's budget as required by the terms of the JPA. The sole purpose of this requirement is to assure that sufficient funds are being set aside to cover the costs associated with the ongoing maintenance of the artificial turf at each of the District's four elementary schools and, if required, its removal, disposal,

and replacement. The letter also requested verification of the available use of school libraries by the public and current staffing levels. A response was requested by July 1, 2010.

Staff, including City Manager Jeff Kolin, Assistant City Manager Mahdi Aluzri, City Librarian Nancy Hunt-Coffey and myself met with City Council liaisons Mayor Jimmy Delshad, Councilmember William Brien, School Board members Steven Fenton and Lisa Korbatov, Superintendent Dr. Jerry Gross and Dr. Alex Cherniss on June 9 to discuss JPA and related City-District issues. Staff was presented with information that suggested compliance on the part of the District with the $600,000 set-aside requirement. District staff indicated that such purchases are allowable through Measure E bond proceeds and that funds are being set aside through that source to meet their obligation. Vice Mayor Barry Brucker previously requested that acknowledgement of the set-aside requirement and its current status be submitted to the City in writing by the District and provided to City Council for their information. Staff asked that further verification be provided to meet that requirement and were assured that that information would be forthcoming.

Information involving the hours of operation and the levels of staffing associated with each school's library was also addressed and is attached for your review. City Council liaisons asked that staffing and operations of school libraries meet the minimum requirements of the JPA as they currently do not. District representatives gave their commitment to make each school's library resources more accessible to and used by the public and to assess possibilities associated with all facilities being staffed by professional librarians.

FISCAL IMPACT

The City has budgeted to pay the School District $10,300,000 for Fiscal Year 2010/11 per the terms of the JPA.

RECOMMENDATION

Staff is not providing or making any specific recommendations as this is not a policy issue at this time but rather an informational update on the management, use and operational compliance of the two-party agreement.

Steve Zoet
Approved By

Attachment 1

Jeffrey Kolin, City Manager

May 24, 2010

Dr. Jerry Gross
Superintendent
Beverly Hills Unified School District

Dear Dr. Gross,

Pursuant to the agreement between the City of Beverly Hills and the Beverly Hills Unified School District for the provision of, use and maintenance of educational, recreational and community facilities and programs for the years 2008 through 2012 the City of Beverly Hills is requesting that information for the annual compliance review for 2009/2010 be submitted to the City before July 1, 2010. The requirement for the annual report is contained on pages 9 and 10, Section 7, A and B. Please include a list of the library facilities maintained by the District under section 1, C, 1-4. The hours they were made available to the public, the staff assigned and their status as either an employee or volunteer.

The City would also like to request written verification of the separate fund that delineates and sets aside amounts for the sole purpose of ongoing maintenance of turf by the District as required in Section 3, D, 1 – 4. The District should also include information on any ongoing maintenance efforts completed during the year, including the replacement of any turf areas which would satisfy the need to reserve funds for their replacement. Please let me know if you have any questions regarding the requests.

The City is deeply appreciative of the use of facilities provided for under the agreement and their importance to the success of our recreational and community service programs. Our community enjoys tremendous benefits from the joint use provided under that agreement. I look forward to receiving the information and including the information in the annual report for the Liaison Committee and City Council.

Very Truly Yours,

Jeffrey Kolin
City Manager

BCCC

Attachment 2

Beverly Hills
Unified School District
CREATING A WORLD CLASS EDUCATION

255 South Lasky Drive
Beverly Hills, CA 90212
www.bhusd.org

310-551-5100 main
310-286-2138 fax

2009-10 School Year
JPA: Library Facilities
After School Operation to the Public

Beverly Hills High School: Monday and Tuesday, until 6:00 PM
Staffed by Certificated Teacher: Karen Boyarski
Staffed by Security Employee: Chris Anderson

Beverly Vista: Monday through Thursday, until 4:00 PM
Staffed by Library Technician: Jonathan Sandler

El Rodeo: Tuesday, until 6:00 PM
Staffed by Certificated Teacher: Jean Nelson
Staffed by Library Technician: Estella Castaneda

Hawthorne: Tuesday, until 5:00 PM and Thursday, until 5:00 PM
Staffed by Library Technician: Jo Roberts

Horace Mann: Wednesday, until 6:00 PM:
Staffed by Certificated Teachers: Afarin Deljani and Lori Levi
Staffed by Library Technician: Pam Marshak

BEVERLY HILLS HIGH SCHOOL • HORACE MANN • BEVERLY VISTA • HAWTHORNE • EL RODEO

Board of Education President - Steven Fenton • Vice President - Lisa Korbatov • Brian David Goldberg, Ph.D. • Myra B. Lurie • Jacob (Jake) Manaster
Superintendent Jerry C. Gross, Ph.D.