

OAKLEY



CALIFORNIA

Agenda Date: _____

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STAFF REPORT

Date: August 13, 2019
To: City Council
From: Bryan Montgomery, City Manager
Kevin Rohani, Public Works Director/City Engineer
Jesse Delacruz, Parks Superintendent
Subject: **Consideration of Cancellation of Agreement for Park Facilities between the City and Oakley Union Elementary School District**

Background and Analysis

Prior to the City of Oakley's incorporation, Contra Costa County and the Oakley Union Elementary School District (hereinafter referred to as "the District") jointly funded and developed various park areas on District property. At that time it was of considerable public benefit for the Oakley area as there was really only one significant park area for the residents of unincorporated Oakley to use. The County established an agreement with the District to share in the cost of on-going maintenance and needed repair. Upon the City's incorporation, the County's agreement transferred to the City. In 2002, the City renewed the prior commitment and entered into its own "Agreement for Park Facilities" (hereinafter referred to as "the Agreement") with the District that defined the areas and set forth some clear and important maintenance standards.

Currently, the City is contributing over \$150,000 per year, plus additional repair costs, to the District "in exchange for allowing recreational use by the public of various District school grounds." It is important to note that pursuant to the California Education Code, Article 2, Section 38130 et seq., the school facilities are to be available for use by the public and school districts are allowed to charge users a "fair rental value":

"Every public school facility is considered a civic center where citizens, school-community councils, and clubs as well as senior, recreation, education, political, artistic, and other organizations may meet. The school district may grant the use of school facilities and grounds upon certain terms and conditions deemed proper by the governing board and subject to specified limitations, requirements, and restrictions set forth within the law."

Facilities covered under the existing agreement include joint use areas at Oakley Elementary, Gehringer Elementary, O'Hara Park Middle School, and Vintage Parkway Elementary (see Attachment #3). As has been discussed with District

officials over the years, the maintenance of these areas has not met the standards and expectations set forth in the Agreement. Furthermore, residents are often confused about who is responsible for the park areas and the City frequently receives calls and social media messages about concerns with the safety and condition of these park areas. We refer these residents to the District, but the complaints are common and the maintenance of the areas has not significantly improved and has even deteriorated.

More recent discussions with District officials have been more direct about our recommendation that the Agreement be cancelled. The safety and maintenance are significant concerns and the reality is that the City now has a large number of parks. Including the East Bay Regional parks, but not counting the joint-use areas of the Agreement with the District, there are 35 public parks in the City and two more are currently under construction. This number is more than what many larger cities have (for example, the City of Concord has 26 parks). The park areas referred to in the Agreement are arguably no longer needed by the City, are not well maintained, and the funds currently sent to the District can be much better utilized with the park and landscape areas the City must maintain – providing a greater benefit to the community.

If the Agreement is cancelled, we do recommend that the District remove any unsafe and damaged playground equipment and utilize the properties as it sees fit. The one area that needs the playground equipment removed, but could still be a consideration to have as an open, public park area would be the approximately three areas on the southeast corner of O'Hara Ave. and W. Cypress Rd. We have asked the District to work on an estimate for what the ongoing maintenance of that open park area would be and a new cooperative agreement could be reached at a future date. Staff does not recommend that we continue the joint-use of the other areas and the District can schedule and charge for any usage pursuant to State law and its Board's policies. The Agreement calls for 180 days' notice of cancellation and, if approved, the cancellation can be effective as of February 17, 2020.

Fiscal Impact

Cancellation of the Agreement would allow the City to retain \$150,000+ per year for use at City parks and landscape facilities, minus any negotiated cost to pay for the maintenance of the open turf park area on School District property located at the southeast corner of O'Hara Ave and W. Cypress Rd., if desired.

Recommendation

Adopt the resolution providing notice to the School District of the cancellation of the Agreement effective February 17, 2020.

Attachments

1. Resolution
2. Agreement for Park Facilities signed September 23, 2002
3. Aerial views of the joint-use areas.
4. City park map