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OFFICE OF THE CITY CLERK  
OAKLAND

**CITY OF OAKLAND**  
**AGENDA REPORT**

2009 DEC 21 PM 1:44

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Office of Parks and Recreation  
DATE: January 12, 2010

RE: **Resolution Authorizing The City Administrator To Propose An Amendment To The Joint Facilities Use Agreement With Oakland Unified School District To Include Public Access To School Playgrounds**

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**SUMMARY**

Staff requests the City Council adopt a resolution authorizing the City Administrator to propose an amendment to the Joint Facility Use Agreement (JFUA) between the City of Oakland (City) and the Oakland Unified School District (District) to include general public access to school playgrounds outside of school hours. The City and District have reached an agreement that the District will allow reasonable year-round public access to school playgrounds after school hours and on weekends. School playgrounds will be opened from 10 a.m. to dusk on weekends and available 30 minutes after student dismissal until dusk on school days. Exceptions may exist for individual school sites where budgetary restraints, security and/or public safety requires the school's playground to be closed after school hours by the Superintendent or Superintendent's designee who shall notify City of the decision.

**FISCAL IMPACT**

The existing Joint Facilities Use Agreement is in effect; the addition of playground access has no new fiscal impacts to the General Purpose Fund.

**BACKGROUND**

The JFUA implemented the fall of 2002 included language relating to after school hours public access to school playgrounds. Due to irreconcilable difference during the negotiation of the current JFUA in effect since the spring of 2009, the section titled "Public Access To School Playgrounds After School Hours" was reserved to be addressed at a later date. During the Oakland City Council approval process of the 2009 JFUA it was requested that a method be identified to have public access added back into the agreement. The proposed amendment and resolution is in response to Oakland City Council's November 2009 request.

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## KEY ISSUES AND IMPACTS

The District is in agreement to open its facilities to the general public at times when they would otherwise be closed; however the District will not provide playground supervision on weekends or weekdays after 3:30 p.m. At certain school sites this may create a security issue as well as an unsafe environment for youth to play, and for personnel securing the playground. Additionally, the District is faced with budgetary restraints and may not have the increased funding necessary to support expanded weekend custodial services or increased weekday workload required to operate extended playgrounds hours. The afore mentioned situations may lead to the Superintendent or Superintendent's designee having to close certain playground sites during non-school hours. Additionally, the proposed amendment must be presented and approved by the Board of Directors of the Oakland Unified School District before it can be implemented.

## SUSTAINABLE OPPORTUNITIES

**Economic:** As with parks, maintained open space and school playgrounds lead to greater community participation, a healthier community and increased quality of life adding to the economic value of a community.

**Environmental:** Creating available green space in the community supports the National Parks and Recreation standard of park and open space access within a five mile radius of every community, thereby creating and encouraging family walks, bike rides and more at home activities, reducing the numbers of vehicles on the road, fuel consumption and exhaust pollutants.

**Social Equity:** Several district playground sites are located in neighborhoods lacking nearby parks. Providing general public access to the playgrounds for recreational activities and physical exercise will benefit the surrounding neighborhoods by providing a safe and healthy space to play. In addition, access to open space supports and alleviates community social problems.

## DISABILITY AND SENIOR CITIZEN ACCESS

District facilities conform to the requirements of the Americans with Disabilities Act, the Older American Act, and other applicable laws.

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**RECOMMENDATION AND ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends and requests that the City Council adopt the resolution authorizing the City Administrator to propose an amendment to the Joint Facility Use Agreement with the Oakland Unified School District to include public access to school playgrounds.

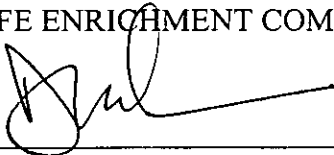
Respectfully submitted,



Audree V. Jones-Taylor  
Director, Office of Parks and Recreation

Prepared by:  
Dana Riley, Assistant to the Director  
Office of Parks and Recreation

APPROVED AND FORWARDED TO THE  
LIFE ENRICHMENT COMMITTEE:



Office of the City Administrator

Attachments:

Exhibit A. Amendment No. 1 to the Joint Facilities Use Agreement between the City of Oakland and the Oakland Unified School District

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EXHIBIT A  
OPR: OUSD Joint Facilities Use Agreement Amendment No. 1

**Proposed  
Amendment No. 1  
To The  
Joint Facilities Use Agreement  
Between  
City Of Oakland And Oakland Unified School District**

This Amendment No. 1 to the Joint Facilities Use Agreement ("Agreement") Between City of Oakland ("City") and Oakland Unified School District ("District") for the joint use of facilities is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010. Amendment No. 1 is the addition of language to be added to the Agreement and pertains only to Section I, "Public Access to School Playgrounds After School Hours", (page 6 of the original agreement). There is no deleted language. The language to be added to Section I is as follows:

The DISTRICT agrees to allow reasonable year-round public access to school playground after school hours and on weekends. By this agreement, the DISTRICT is agreeing to open its facilities to the general public at times when they would otherwise be closed. No supervision will be provided on weekends or after 3:30 p.m. by the District. School grounds will be opened from 10 a.m. to dusk on weekends and available 30 minutes after student dismissal until dusk on school days. Exceptions may exist for individual school sites where budgetary restraints or security and/or public safety requires the school's playground to be closed during non-school hours by the Superintendent or Superintendent's designee who shall notify City of the decision.

Except as amended herein, all other terms and conditions of the original Agreement shall remain unchanged and in full force and effect.

CITY OF OAKLAND

OAKLAND UNIFIED SCHOOL DISTRICT

\_\_\_\_\_  
City Administrator                      Date  
City of Oakland

\_\_\_\_\_  
President                                      Date  
Board of Education

\_\_\_\_\_  
Director                                      Date  
City of Oakland,  
Office of Parks and Recreation

\_\_\_\_\_  
Assistant Superintendent                      Date  
Facilities Planning and Management,  
Building & Grounds and Custodial Services

Approved for Form & Legality:

Approved for Form & Legality:

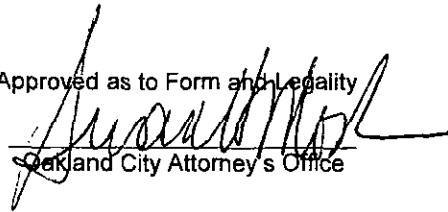
\_\_\_\_\_  
Office of the City Attorney      Date

\_\_\_\_\_  
District General Counsel                      Date

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OFFICE OF THE CITY CLERK  
OAKLAND

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Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

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### RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO PROPOSE AN AMENDMENT TO THE JOINT FACILITIES USE AGREEMENT WITH OAKLAND UNIFIED SCHOOL DISTRICT TO INCLUDE PUBLIC ACCESS TO SCHOOL PLAYGROUNDS

**WHEREAS**, it is in the best interest of the City of Oakland (City), the Oakland Unified School District (District) and the citizens of Oakland to provide the general public access to school playgrounds during non-school hours; and

**WHEREAS**, the District has agreed to allow reasonable year-round public access to school playgrounds during after school hours and on weekends; and

**WHEREAS**, school playgrounds will be opened from 10 a.m. to dusk on weekends and available 30 minutes after student dismissal until dusk on school days; and

**WHEREAS**, exceptions may exist for individual school sites where budgetary restraints, security and/or public safety requires the school's playground to be closed during non-school hours; now, therefore, be it

**RESOLVED**: That the City Administrator is authorized to propose an amendment to the Joint Facilities Use Agreement with the Oakland Unified School District to include public access to school playgrounds; and be it

**FURTHER RESOLVED**: That the Office of the City Attorney has approved this resolution as to form and legality, and a copy will be on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

#### PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California