

**Santa Monica-Malibu Unified School District  
Board of Education Meeting  
ADDENDUM TO THE AGENDA**

**June 30, 2011**

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Closed Session

- Closed Session, Superintendent's performance evaluation pursuant to GC §54954.5 as cited in the Brown Act.  
**ADD:** This item has been added to the closed session agenda.

**CONSENT ITEMS**

**MAJOR ITEMS**

- A.35 Ratify and Approve a Memorandum of Understanding (MOU) Regarding the Civic Center Joint Use Agreement (CCJUP) by and among the City of Santa Monica, the Redevelopment Agency of the City of Santa Monica, and the Santa Monica-Malibu Unified School District  
**ADD:** This item has been added to the open session agenda. *(pages 2-4 of this addendum)*

**DISCUSSION ITEMS**

**INFORMATION ITEMS**

SW

TO: BOARD OF EDUCATION  
FROM: TIM CUNEO / JANECE L. MAEZ  
RE: RATIFY AND APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) REGARDING THE CIVIC CENTER JOINT-USE PROJECT (CCJUP) BY AND AMONG THE CITY OF SANTA MONICA, THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA MONICA, AND THE SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

ACTION/MAJOR  
06/30/11  
ADDENDUM

RECOMMENDATION NO. A.35

It is recommended that the Board of Education ratify and approve a memorandum of understanding regarding the civic center joint-use project (CCJUP) by and among the city of Santa Monica, the redevelopment agency of the city of Santa Monica, and the Santa Monica-Malibu unified school district. District and City staff have been working together to reach an acceptable agreement for both parties prior to the signing of the 2011-12 State budget. As it appeared the State budget process would be completed on June 28, 2011 it was necessary to obtain the signature of Superintendent Cuneo and bring this item to the Board for ratification. The Superintendent has the authority to enter into contractual agreements and obtain Board ratification at the next possible Board meeting.

COMMENT:

On June 21, 1994, the City approved and adopted the Redevelopment Plan (the "Redevelopment Plan") for the Santa Monica Earthquake Recovery Redevelopment Project (the "Project Area") by adoption of Ordinance No. 1747 (CCS), which results in the allocation of tax increments from the Project Area to the Agency for purposes of redevelopment.

In December 2007, staff from the Agency and the School District met to explore joint-use opportunities on the Civic Auditorium and the Santa Monica High School (the "Samohi") campus. Subsequent to that meeting, the Agency issued a Request for Qualifications for a joint-use planning study for such joint-use opportunities and in January 2008 awarded the work to Koning Eizenberg Architecture ("KEA").

In the spring of 2008, staff from the Agency and the School District worked together in reviewing the work performed by KEA on this study effort. This included holding focus group meetings with interested groups. The Board of the School District awarded a contract to R.L. Binder Architecture and Planning ("Binder") to do a full siting study of the Samohi campus and to examine joint-use opportunities for the Samohi campus.

The KEA joint-use study sought to incorporate the goals and objectives of the City's Open Space Element, Civic Center Specific Plan, Creative Capital, draft land use and Circulation Element, and the School District's draft Facilities Master Plan. The KEA joint-use study and Binder Concept A were presented to the City Council on July 23, 2008, and to the Agency Board on July 23, 2008.

Agency staff requested from the School District a list of potential joint-use/community benefit projects and an assessment of current and future community access opportunities of these facilities. Those reports and the Joint Use Opportunities and Summary of School Use and Community Use of Santa Monica High School Facilities were prepared and included as part of the information provided to the Agency Board on July 23, 2008.

In February 2009, the School District submitted a proposal to the Agency seeking Agency funding for the Civic Center Joint Use Project (the "CCJUP") outlined in the proposal (the "Proposal"). The proposed CCJUP would be located within the Project Area.

In November 2009, the Agency adopted its Five-Year Implementation Plan for Fiscal Year 2009-2010 through Fiscal Year 2013-2014, with established goals to support affordable housing, disaster prevention and mitigation, community revitalization, commercial revitalization, and institutional revitalization to support joint-use opportunities on the Samohi campus.

In May 2009, the City and the Agency prioritized (but did not encumber) Fifty-Seven Million Dollars (\$57,000,000) of Agency funding capacity to the CCJUP.

In June 2010, the City adopted its budget for Fiscal Year 2010-2011, which included as part of its Capital Improvement Program up to One Million Eighty-Four Thousand Dollars (\$1,084,000) in general funds for planning and design of the CCJUP, which funding was included in the aforementioned prioritized \$57 million and did not represent additional funding.

The City and Agency (each on August 10, 2010) and the School District (on August 18, 2010) made required findings of benefit for the CCJUP pursuant to California Health and Safety Code Section 33445.

On or about September 1, 2010, the City and Agency entered into a Cooperation Agreement For Payment Of Costs Associated With Certain RDA Funded Capital Improvement And Affordable Housing Projects Agreement No. 9267 (CCS/RAS) (the "Cooperation Agreement"). On or about January 17, 2011, the City and Agency entered into an Implementing Agreement To Cooperation Agreement For Payment Of Costs Associated With Certain Redevelopment Agency Funded Capital Improvement And Affordable Housing Projects No. 9318 (CCS/RAS) (the "Implementing Agreement"). In the Cooperation Agreement and Implementing Agreement, the City agreed to assist and cooperate with the Agency to expeditiously implement and complete certain redevelopment projects, including the CCJUP. In consideration of the City's cooperation, the Agency pledged its net available tax increment to finance the redevelopment projects, including the aforementioned \$57 million for the CCJUP. In addition, California Health and Safety Code Section 33205 provides that a redevelopment agency may delegate to a community any of the powers or functions of the agency with respect to the undertaking of a redevelopment project, and thereafter such community is authorized to carry out and perform such powers or functions of the agency.

On or about January 24, 2011, the City and the School District entered into a Memorandum Of Understanding Regarding The Civic Center Joint-Use Project (CCJUP) By And Between The City Of Santa Monica And The Santa Monica-Malibu Unified School District, Contract Number 9287 (CCS/RAS) ("MOU 9287"), to provide for the City's reimbursement to the School District for additional planning, design and project definition work and initiation of environmental review in compliance with the California Environmental Quality Act ("CEQA") for the CCJUP, up to a maximum amount of One Million Eighty-Four Thousand Dollars (\$1,084,000).

On or about June 30, 2011, the City and School District entered into the Santa Monica High School Master Facilities Use Agreement, Contract Number 9377 (CCS) (the "SAMOHI MFA"), for the City and community to lease and utilize the Samohi facilities during non-school hours to meet the community's recreation needs.

On April 6, 2011, the School District Board approved the updated CCJUP project description, which has also been reviewed by City and Agency staff and is restated below.

The City, Agency and School District desire to enter into the MOU to provide a Stream of Payments to the School District from bond proceeds and Net Tax Increment, as outlined

in the Stream of Payments in Exhibit C, attached to the MOU and incorporated by reference, to provide funding for the completion of additional planning, environmental review, design, entitlements, project management, and other pre-construction work for the proposed CCJUP, and, if certain conditions are satisfied as set forth herein, to provide funding for the School District's completion of the CCJUP, subject to all the terms and conditions of the MOU, (including, without limitation, the Scope of Work and Budget ("Scope of Work") attached to the MOU and incorporated by reference as Exhibit A, and the "Schedule of Performance" attached to the MOU and incorporated by reference as Exhibit B). The funds provided pursuant to the MOU are for the purpose of improving certain public facilities on the Samohi campus, for use by the City and by the community when not in use by the School District, in accordance with the SAMOHI MFA and a Santa Monica High School Supplemental Facilities Use Agreement ("SFA") between the City and the School District that will be negotiated and approved separately from this MOU. The SFA will set forth specific facilities and available time periods for City and community use of certain public facilities on the Samohi campus and shall govern, among other things, program scheduling, maintenance, staffing, monitoring, permitting, priorities for use and all other administrative and operational aspects of the City's and community's use of the CCJUP facilities. .

The Agency shall reduce its pass through payments to the School District as required by California Health and Safety Code section 33607.5(a)(2); provided, however, that the reduction shall only be subtracted from the amount that otherwise would be available for use by the School District for educational facilities pursuant to California Health and Safety Code section 33607.5(a)(4).

The MOU will be available at the district office on the day of the board meeting.

MOTION MADE BY:  
SECONDED BY:  
STUDENT ADVISORY VOTE:  
AYES:  
NOES: