



# County of Santa Cruz

0181

---

## PARKS, OPEN SPACE & CULTURAL SERVICES

979 17th AVENUE, SANTA CRUZ, CA 95062

(831) 454-7900 FAX: (831) 454-7940 TDD: (831) 454-7978

BARRY C. SAMUEL, DIRECTOR

October 10, 2001

AGENDA: October 23, 2001

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

SUBJECT: **APTOS HIGH SCHOOL TRACK**

Dear Members of the Board:

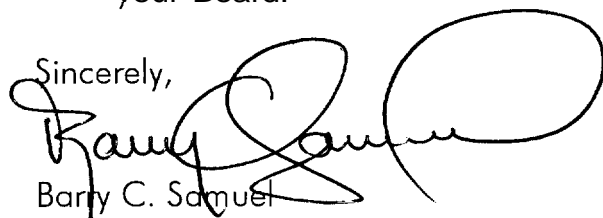
During Budget Hearings, your Board approved partial funding for the Aptos High School track project in the amount of \$10,000 from the Aptos Park Dedication District.

The Director of the Parks Department has been in contact with Mark Dorfman, Aptos High School Athletic Director, and has expressed the County's willingness to enter into a Joint Powers Agreement to provide partial funding for the track (not to exceed \$10,000) from Aptos Park Dedication funds. It was determined that the school would have exclusive use of the track during normal school hours and after school during track practice and meets and the community would have unrestricted access at all other times.

Mr. Dorfman is very excited about this project and the high school has already broken ground on Phase I of the project. They hope to have it completed this fall.

It is therefore RECOMMENDED that your Board:

- 1) Direct the Parks Department to work with Aptos High School and the Pajaro Valley School District to develop a Joint Powers Agreement (see attached) which would provide partial funding for the construction of an all-weather track at the Aptos High School.
- 2) Authorize the Director of Parks to sign the Joint Powers Agreement on behalf of your Board.

Sincerely,  
  
Barry C. Samuel  
Director

RECOMMENDED:

  
\_\_\_\_\_  
SUSAN A. MAURIELLO  
County Administrative Officer

Attachments: Joint Powers Agreement, ADM 29  
cc: CAO, Parks, Auditor-Controller, County Counsel, Mark Dorfman

**COUNTY OF SANTA CRUZ**  
**REQUEST FOR APPROVAL OF AGREEMENT**

0183

TO: Board of Supervisors  
County Administrative Officer  
County Counsel  
Auditor-Controller

FROM: Parks, Open Space & Cultural Services (Dept.)

Clinton Murphy (Signature) 8/7/01 (Date)

The Board of Supervisors is hereby requested to approve the attached agreement and authorize the execution of the same.

1. Said agreement is between the County of Santa Cruz (Agency)

and, Pajaro Valley School District (Name & Address)

2. The agreement will provide funding not to exceed \$10,000.00 for an all-weather track at  
Aptos High School

3. The agreement is needed because the County cannot provide the service

4. Period of the agreement is from September 1, 2001 to June 30, 2002

5. Anticipated cost is \$ 10,000.00 (Fixed amount; Monthly rate; Not to exceed)

6. Remarks: See Joint Powers Agreement

7. Appropriations are budgeted in 194950 (Index#) 6610 (Subobject)

NOTE: IF APPROPRIATIONS ARE INSUFFICIENT, ATTACH COMPLETED FORM AUD-74

Appropriation are available and have been encumbered. Contract No. 12571 Date 8-15-01

GARY A. KNUTSON, Auditor - Controller

By F. Silbanel Deputy.

Proposal reviewed and approved. It is recommended that the Board of Supervisors approve the agreement and authorize the Parks Dept to execute the same on behalf of the County of Santa Cruz (Agency).

Remarks: \_\_\_\_\_ (Analyst) By [Signature] Date 10/12/01  
County Administrative Officer

Agreement approved as to form. Date \_\_\_\_\_

**Distribution:**

Bd. of Supv. - White  
Auditor-Controller - Blue  
County Counsel - Green  
Co. Admin. Officer - Canary  
Auditor-Controller - Pink  
Originating Dept. - Goldenrod

\*To Orig. Dept. if rejected.

ADM - 29 (6/95)

State of California )  
County of Santa Cruz ) ss

I \_\_\_\_\_ ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz,  
State of California, do hereby certify that the foregoing request for approval of agreement was approved by  
said Board of Supervisors as recommended by the County Administrative Officer by an order duly entered  
in the minutes of said Board on \_\_\_\_\_

By \_\_\_\_\_ Deputy Clerk

**40**

JOINT POWERS AGREEMENT

THIS AGREEMENT is entered into by and between the COUNTY OF SANTA CRUZ, hereinafter referred to as "COUNTY," and the Pajaro Valley School District, hereinafter referred to as "SCHOOL DISTRICT,

WITNESSETH:

WHEREAS, Section 6500 et seq. of the Government Code of the State of California authorizes certain public agencies, by agreement, to jointly exercise any power common to the contracting parties; and

WHEREAS, SCHOOL DISTRICT is empowered to establish and maintain recreation facilities and services and to cooperate with any County to do so (ED.C. § § 10902, 10905); and COUNTY is empowered to establish and maintain local park or recreation facilities and services within County Service Area No. 11 (Govt. C §25210.60); and

WHEREAS, SCHOOL DISTRICT may grant the use of school buildings or grounds for public recreational purposes when such use is not inconsistent with the use of said facilities for school purposes and does not interfere with regular conduct of school work (Ed. C. §§40053, 40054).

NOW, THEREFORE, in consideration of the mutual promises and conditions herein contained, it is mutually agreed as follows:

1. SCHOOL DISTRICT shall be the administering agency of this agreement and shall exercise the common power to establish and maintain recreational facilities in the manner set forth in this agreement, subject to the restrictions upon the manner of exercising the aforesaid power of COUNTY.

2. The purpose of this agreement is the development of the following recreation facility:

At the Aptos High School, an all-weather track for use by the school and the community.

SCHOOL DISTRICT agrees to provide all labor and materials necessary to complete said purpose.

3. COUNTY shall contribute up to \$10,000 to SCHOOL DISTRICT upon presentation of vendor's invoices to the County Department of Parks, Open Space and Cultural Services to assist with the financing of the cost of construction of the above-described park or recreation facilities. SCHOOL DISTRICT shall provide strict accountability of all funds and a report of all receipts and disbursements.

4. It is agreed that title to the recreation facilities constructed pursuant to this agreement shall be in SCHOOL DISTRICT. SCHOOL DISTRICT agrees to pay for any and all utilities and shall keep and maintain the above-described park and recreational facilities in a good state of condition and repair for the reasonable life of the facilities.

5. Parties agree that during the school year the use of the facilities for school purposes shall have priority over any other use; and when not used for such purpose, these facilities shall be made available for public use, subject to the provisions as prescribed in the Education Code, Sections 40040 - 40050 and the policies as established by the SCHOOL DISTRICT Board of Trustees.

6. SCHOOL DISTRICT shall maintain its liability insurance to provide coverage for the facilities. The COUNTY shall extend its liability insurance to provide coverage for any public use of the facilities during any period for which the COUNTY elects to provide supervision of public use. The COUNTY shall hold the school district harmless of any claims or damages

arising from the use by the public during such periods which are under the supervision of the COUNTY, except as to damages resulting from the dangerous condition of the property  
COUNTY agrees to notify school district of any condition of the facilities which appear to constitute any danger or hazard to the users of the facilities as soon as it has knowledge of any such condition.

7. Parties agree that no person shall, on the ground of race, color, national origin, or sex, be excluded from participation, be denied the benefits of, or be subject to discrimination in the use of the facilities

8. It is agreed COUNTY shall have the right to charge a user fee to cover its reasonable expenses for providing recreational programs or other supervision during periods of public use of the facilities.

IN WITNESS WHEREOF, the parties hereto execute this agreement on this \_\_\_\_\_ day of \_\_\_\_\_,

APPROVED AS TO FORM :

COUNTY OF SANTA CRUZ

*Janet McKinley 10-12-2001*  
Risk Management

APPROVED AS TO FORM:

*Marie Costa*  
County Counsel

By \_\_\_\_\_  
Barry C. Samuel  
Parks, Open Space and  
Cultural Services

By \_\_\_\_\_  
Pajaro Valley School District

DISTRIBUTION: CAO  
County Counsel  
Auditor-Controller  
Director - County Parks  
Pajaro Valley School District