RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN LEANDRO UNIFIED SCHOOL DISTRICT RESOLUTION NO. 19-29

RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN LEANDRO UNIFIED SCHOOL DISTRICT REGARDING NON-USE OF FARRELLY COMPLEX

WHEREAS, Section 10900 et seq. of the Education Code (the Community Recreation Act) authorizes cities and school districts to organize, promote and conduct programs of community recreation for the promotion and attainment of general educational and recreational objectives and to construct, maintain and operate recreation centers, including playgrounds and outdoor playing fields; and

WHEREAS, Section 10910 of the Education Code provides that the governing body of any school district may use or grant the use of grounds of the school district to any other public authority for the purposes of such act, whenever such use does not interfere with school uses; and

WHEREAS, since at least March 17, 1975; the Farrelly Pool Complex located at Roosevelt Elementary School in San Leandro ("Pool") and owned by the San Leandro Unified School District ("District") has been subject to a cost sharing agreement ("Agreement") between the District and the City of San Leandro ("City") (collectively "Parties"); and

WHEREAS, for many years, under the Agreement, the Pool has been used exclusively by the City; and

WHEREAS, the Pool is currently undergoing renovations; and

WHEREAS, District and City are preparing to enter into a master agreement for the use of certain District properties which will include the Pool ("Master Agreement"); and

WHEREAS, it is the Parties' intent that under the Master Agreement the Pool will continue to not be used by the District; and

WHEREAS, while the District owns the Pool, it has no plans or intention to use the Pool in the future for District activities and therefore, agrees that the renovations taking place should not be subject to the public school construction requirement set forth in Education Code sections 17070.10 et. seq.; and

NOW, THEREFORE, it is found, determined and resolved by the Governing Board of the District as follows:

1. The above recitals are true and correct.

2. Per the terms of the Master Agreement, the District shall not use the Pool for any District purposes.

3. The District may utilize the City's facility use process to rent the Pool for special events.

4. Per the terms of the Master Agreement, the District gives up the right to use the Pool during the 20-year term of the Master Agreement.

5. Per the terms of the Master Agreement, the City shall bear complete responsibility for the use and maintenance of the Pool and therefore, it shall not be subject to any of the public school construction requirement set forth in Education Code sections 17070.10 et. seq.

6. Per the terms of the Master Agreement, the City has agreed to hold the District harmless for all claims arising out of the City's use and management of the Pool.

PASSED AND ADOPTED by the Governing Board of Education of the San Leandro Unified School District, this 7th day of May, 2019, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

CERTIFICATION

I, Monique Tate, Clerk of the Governing Board of Education of the San Leandro Unified School District, Alameda County, State of California, do hereby certify that the foregoing Resolution was duly approved and adopted by the Board of Education of said district at a meeting thereof held on the 7th day of May, 2019, with a copy of the Resolution being on file in the Administrative Office of the District.

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Clerk, Board of Education