



Joint Use Agreement History and Successor Negotiations

From the City:

The City first entered into a Master Joint Use Agreement (JUA) in 1959 with what was then called the Mountain View School District (MVSD). The school locations associated with this agreement include Bubba, Castro, Cooper, Graham, Huff, and Slater (now Vargas). In 1960, the City entered into a very similar master joint use agreement with the former Whisman School District, which included Monta Loma, Theuerkauf, Whisman, Crittenden, former San Ramon, and Stevenson Schools. Over the years, the JUA with MVSD has been updated twice since 1959, and the most recent agreement term is from September 26, 2000, to June 30, 2025. The 1960 JUA with the Whisman School District is no longer in effect, with all site-specific agreements under that JUA having expired; however, the City has continued to maintain the fields and manage reservations as it did during the term. Measure C was passed in 2000, and the MVSD and Whisman School District were merged to form the Mountain View Whisman School District. At various points in time, separate joint use, maintenance, and easement agreements have been entered into at Graham and Crittenden Middle Schools, including agreements for joint ownership of the gymnasiums at these locations. These agreements are further described in the Analysis section below.

Current Negotiations:

Since 2017, MVWSD has expressed an interest in creating a Master Agreement that encompasses all of its sites. Due to unforeseen circumstances on both sides, negotiations have paused. The last time the negotiation teams from each side met was prior to May 2022. Staff-scheduled leave, as well as staff turnover and the COVID pandemic have resulted in stalled negotiations. Most recently, Mountain View City Council voted 6-0 to discontinue the Joint Use agreement. However, a majority of Council expressed an interest in resolving the issue.

Final two Issues left in the agreement

Indemnification and Civic Center Act.

Indemnification.

At the September 12, 2023, meeting of the Mountain View City Council, Council's legal counsel introduced different language that appears to be more robust and acceptable to MVWSD. This language actually reflects similar language found in neighboring school district Joint Use agreements (Sunnyvale City and Sunnyvale Elementary Schools).

Civic Center Act:

At the September 12, 2023 meeting, City Council members as well as City staff indicated that if the Joint Use Agreement were to continue that they have no intention of violating the Civic Center Act. This movement now opens the door to resolve the final issues that exist.

MVWSD maximum rate charge:

1. The Civic Center Act requires that Districts and their third party administrators comply with the CCA and to ensure its fields are maintained for its students, even as the City would be the District's agent managing the use for portions of the District's facilities.
2. The Joint Use Agreement in its current negotiated version with minor tweaks would allow MVWSD and City to continue their partnership. MVWSD requested from the City the maintenance costs to determine the maximum rate that would be charged in order to maintain the field (<https://www.cde.ca.gov/ls/fa/sf/ccaregulations.asp>). It is worth noting that the Civic Center Act does not require MVWSD Trustees to charge the maximum rental rate.
 - a. The following actions are needed
 - i. MVWSD staff needs to calculate the maximum rate based on information received from the City.
 - ii. MVWSD Board of Trustees to pass a Board policy on the Joint Use Agreement and set its rental rate for all facilities.

1. The Board of Trustees affirmatively declare their desire to continue the Joint Use Agreement in a Board policy.

City Policy H-7

City Council has inquired about how it could come into compliance with the Civic Center Act. The final hurdle for compliance is to ensure the process for using school fields limits liability and adheres to the various legal precedents and the Civic Center Act. Considering that this policy was last amended on October 9, 2012, MVWSD has looked to the [City of Sunnyvale policy](#) on renting fields. Sunnyvale's policy was updated on April 19, 2023, and illustrates what changes could be made for compliance.

It is worth noting that MVWSD staff is unaware whether this policy requires City Council to vote or if it is updated by staff. It is the opinion of MVWSD staff and legal counsel that the following two adjustments are needed.

- **Recognized Youth Service Organizations**

- In order to comply with the Civic Center Act, MVWSD will need the City of Mountain View to amend its [policy H-7](#). Currently, the City's process appears to use a subjective criteria to determine whether a group can become a recognized group. This subjective criteria is likely not to withstand legal challenges and would imperil both the City and MVWSD. MVWSD recommends that the City update H-7 to include a set of objective criteria, similar to the verification process that Sunnyvale uses. To assure that volunteer youth groups, which lack full time staff, are not overwhelmed, MVWSD also recommends that the City of Mountain View apply this process moving forward. All existing recognized groups would be grandfathered into the updated verification process.

- **Field Allocation**

- MVWSD agrees that it is beneficial for the City of Mountain View athletic field coordinator to have some input / discretion on how to best use the fields. This is beneficial not only to the MVWSD field turf health, but also to the youth service organizations who are vying to schedule the fields in a fair process.

MVWSD recommends that City staff update H-7 to include more information about the process in which recognized or verified groups can schedule a field as any group that meets the criteria to become a verified group must be afforded the opportunity to schedule at the same time.

Next Steps / Recommendations:

1. Board of Trustees adopt Policy 1330.1a
2. Board of Trustees update their fee structure for fields
 - a. this should reflect the City of Mountain View's contribution to defer the cost
3. Authorize MVWSD Legal to finalize the following items in the latest JUA agreement
 - a. update the indemnification clause to include the language City Staff presented on September 12th.
 - b. Work with City of Mountain View legal counsel to include
 - i. updated H-7 as an attachment to the agreement
 - ii. relevant site maps

Staff questions for the Board:

1. Does the Board wish to continue the Joint Use Agreement with the City of Mountain View?
2. Is the Board amenable to including the updated indemnification language, which mirrors Sunnyvale, and authorize MVWSD legal to add this to the working draft of the Joint Use Agreement?
3. Does the Board authorize MVWSD legal counsel to finalize the agreement and bring back a final version for ratification prior to the end of year deadline provided by the city?