



Children & Families
Commission of Orange County

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Agenda Item No. 8
May 7, 2008 Meeting

CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

DATE: April 29, 2008

TO: Children and Families Commission of Orange County

FROM: Michael M. Ruane, Executive Director

SUBJECT: YMCA Santa Ana Facilities Funding Agreement

SUMMARY:

The Children and Families Commission of Orange County has taken preliminary action to fund the new YMCA facility in Santa Ana to serve as a venue to promote health, physical fitness and nutrition programs for young children and families. This project is consistent with the Commission's effort to invest in programs to prevent the early onset of obesity and the associated health risks. This report includes a summary of previous Commission actions to support the YMCA project and a recommendation to approve a phased funding plan for the construction project scheduled to begin in summer 2008.

YMCA Project Update

The Commission initiated several actions since November 2007 and progress continues to move forward on the project. The following is an update on the previously approved items.

- The *Updated Terms & Conditions* (Attachment 1 - April 2008) is the foundation for the final construction agreement with the YMCA of Orange County. The document identifies the three separate funding categories: the designated agency fund at the Orange County Community Foundation; the facilities construction funds; and the program funds. The document specifies the Commission's expectations for the facility design and development; the joint use plan for the facility; appropriate recognition for Commission support; allocation of space for Commission programs; and the governance for the designated agency fund.
- The *YMCA Updated Funding Plan* (April 2008) designated the contribution amounts for the Commission's \$8 million investment. The Health and Fitness fund at the Orange County Community Foundation (\$1 million); capital investment for facilities including the aquatics complex and health center (\$5 million); and the long-term program sustainability fund with the YMCA (\$2 million).
- The *YMCA Planning Agreement* (\$80,000) to develop and implement the joint use plan between the YMCA and the Santa Ana Unified School District/Segerstrom High School and technical expertise for the design of the Children's Health & Wellness Center.
- The *Health and Fitness Fund* (\$1 million) established at the Orange County Community Foundation to support the sustainability of physical fitness programs when the facility is operational. In the meantime, the fund will collect interest earnings and will be used as leverage to draw additional donations.
- Establishing the *Health and Nutrition Fund* (\$2 million) with the YMCA is in progress. The fund will start with an initial allocation of \$1 million to draw interest and leverage

donations in advance of building the facility. The second \$1 million will be presented for Commission action at a later date.

Pending Actions

The YMCA anticipates breaking ground for the Santa Ana facility this summer, 2008. The Commission has committed \$5 million for the construction project, which also has additional funding sources including a \$4 million donation from the Van Cleve Foundation Trust, for which the building will be named.

Commission approval is requested to negotiate an agreement with the YMCA of Orange County for a total amount of \$5 million for the construction of the YMCA facilities including the building and the aquatics complex. The funds will be distributed upon completion of specific milestones as identified in the attached Fund Distribution Plan (Attachment 2). The majority of the facility funds will be distributed upon completion of the aquatics complex.

Facility Funding Plan

The Commission's budget of \$5 million in facility funds are allocated for the joint aquatics complex and the new facilities for commission sponsored/approved programs, such as the Children's Health & Wellness Center (minimum amount \$1 million). Any amount obtained from other sources to complete these facilities will allow the YMCA to increase the endowment fund for the health and fitness programs.

The agreement will require that a final plan be approved by the Executive Director which provides the final allocation of funds to each individual program and project. However, the Commission funding for the aquatics complex requires that both pools be under construction or guaranteed to be under construction in order to implement a joint use aquatics complex.

Compliance with California Environmental Quality Act (CEQA)

The facility funding agreement will require satisfaction of all required CEQA and city approvals prior to the disbursement of funds for construction of a facility. The agreement will allow for phased and/or separate construction projects for the overall YMCA Santa Ana campus to reflect financing and CEQA/land use entitlement. Commission Counsel will incorporate or reference the following documents as necessary in the facilities agreement:

- Conditions of Approval by the city of Santa Ana for the YMCA project.
- California Environmental Quality Act (CEQA) documents related to the project, including any Environmental Impact Report (EIR) and Negative Declaration documents.
- City of Santa Ana and Santa Ana Unified School District actions related to the YMCA project.

Fund Development

The final draft grant to the LA84 (LA Olympics Committee) Foundation is complete. This Foundation awards grants in southern California primarily for the development of youth sports in underserved communities. Proposals to the PepsiCo and the Ralph M. Parsons Foundations are in process. There has been no response to date on the Kresge and S. Mark Taper Foundation grant proposals.

STRATEGIC PLAN & FISCAL SUMMARY:

This program has been specifically reviewed in relation to the Strategic Plan and is consistent with the Healthy Children goal. The total project budget of \$8 million (\$4 million MAA matching funds) was approved by the Commission in November 2007. Funding for this item is included in the FY2007-2008 Budget and will be transferred to the Fitness/Nutrition budget category as part of the mid-year budget adjustments.

PRIOR COMMISSION ACTIONS:

1. April 2008 – Approved updated YMCA Santa Ana Terms & Conditions, Facilities Funding Plan, and YMCA Planning Agreement
2. March 2008 – Authorized agreements with the Orange County Community Foundation to establish two funds to support Health and Nutrition program services in an initial amount not to exceed \$1,000,000, and Health and Fitness program services in an initial amount not to exceed \$1,000,000.
3. February 2008 – YMCA Update/Executive Officer's Report
4. January 2008 – Approved establishing two endowment funds to support health, nutrition and fitness programs at the YMCA facility.
5. November 2007 – Approved a funding partnership with the YMCA and the Santa Ana Unified School District for one-time funding support for a joint use aquatics complex, and health and fitness programs.
6. October 2007 – YMCA project was presented as an emerging opportunity at the Commission's *Childhood Obesity Prevention & Nutrition* workshop.

RECOMMENDED ACTIONS:

1. Approve the YMCA Santa Ana Fund Distribution Plan (Attachment 2).
2. Adopt resolution (Attachment 3) authorizing the Executive Director or designee to enter into a two-year agreement FC-YMCA-01 from June 1, 2008 to July 31, 2010 with the YMCA of Orange County for the construction of new facilities to house the health, nutrition and fitness programs for young children and families.

ATTACHMENTS:

1. YMCA of Orange County Updated Terms & Conditions
2. YMCA of Orange County Santa Ana Facility Fund Distribution Plan
3. Resolution authorizing agreement with YMCA of Orange County for the construction of the new YMCA facility in Santa Ana.

Contact: Kelly Pijl



YMCA OF ORANGE COUNTY UPDATED TERMS & CONDITIONS	
Designated Agency Fund –Orange County Community Foundation – \$1,000,000 <i>(Funding Source: MAA Revenues)</i>	
<ul style="list-style-type: none"> • YMCA Health and Fitness Fund established at the Orange County Community Foundation to support the long-term operation and maintenance of fitness/aquatics programs and facilities. 	
Planned Facilities - \$5,000,000 <i>(Proposed Funding Source: \$2 million Proposition 10/\$3 million MAA Revenues)</i>	
<ul style="list-style-type: none"> • Construction of a joint use aquatics center including an Olympic size pool and a pool for safety/fitness programs. • New facilities to house operating programs. • Donations from other organizations for the planned facilities will be pursued in lieu of Commission funds. Commission funds will be allocated to the program fund budget. 	
Program - \$2,000,000 <i>(Funding Source: Proposition 10 Revenues)</i>	
<ul style="list-style-type: none"> • YMCA programmatic operating endowment to include programs promoting health and nutrition. • Fund established at YMCA of Orange County. 	
Terms of Funding:	
Facility Design & Development	Commission, Santa Ana Unified School District and the YMCA will have an established committee to oversee the design and construction of the joint use aquatics center. The Commission will appoint a designee to oversee this process to ensure design elements are met.
Joint Use	A joint use agreement will be established between the Santa Ana Unified School District and the YMCA of Orange County for the aquatics center and associated facilities. The agreement must include, but is not limited to issues such as frequency and eligibility of uses, maintenance, and safety responsibilities.
Recognition	Permanent recognition of the Commission’s financial support will be included in the facility(ies).
Programmatic Space	<p>Within the YMCA Santa Ana Branch facility the Commission, or its designee, will have the following:</p> <ul style="list-style-type: none"> • Up to 2,000 square feet of dedicated space to house a program focused on prevention and treatment of obesity within families that have children ages 0-5. • Access to common areas to host meetings for Commission initiatives such as school nurse training. • Use of space to host auxiliary programs targeted at the surrounding community such as family literacy and programs promoting fitness and nutrition.
Governance of Designated Agency Fund	The Designated Agency Fund will be held by the Orange County Community Foundation. There will be a governing committee established that reviews funding expenditures from the fund in accordance with the approved guidelines.



YMCA OF ORANGE COUNTY Santa Ana Facility Fund Distribution Plan \$5,000,000		
Maximum Amount	Criteria	Distribution ⁽¹⁾
\$500,000	Joint use plan for aquatics complex and associated facilities completed. Plan approved by Executive Director	10% Up-Front Payment
\$1,000,000	Approved construction plans & timeline: <ul style="list-style-type: none"> ○ Children's Health Club/Wellness Center ○ Fitness Areas ○ Learning Center ○ Multi-Purpose Areas 	20% Progress Payments
\$3,000,000	Aquatics Facilities <ul style="list-style-type: none"> ○ Olympic Pool (SAUSD) ○ Training Pool (YMCA) ○ Locker/Shower 	60% ⁽²⁾ Progress Payments
\$500,000	Construction Completed	10% Lump Sum
\$5,000,000		100%

Notes:

1. Commission will release payments based upon satisfactory documentation or monitoring of construction work.
2. Payment will require joint construction of both pool facilities or guarantee that both will be completed if construction is staged in phases.

CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY

RESOLUTION NO. ___-08-C&FC

May 7, 2008

A RESOLUTION OF THE CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY DIRECTING COMMISSION COUNSEL AND THE EXECUTIVE DIRECTOR, OR DESIGNEE, TO PREPARE AND NEGOTIATE AGREEMENT NO. FC-YMCA-01 WITH YOUNG MEN'S CHRISTIAN ASSOCIATION OF ORANGE COUNTY; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

WHEREAS, in order to facilitate the creation and implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development, the legislature adopted legislation set forth in the California Children and Families Act of 1998, Health and Safety Code Section 130100, *et seq.* (as amended, the "Act") implementing the Children and Families First Initiative passed by the California electorate in November, 1998 and establishing the California Children and Families Commission and County Children and Families Commissions, including this Children and Families Commission of Orange County ("Commission"); and

WHEREAS, Commission adopted its Strategic Plan to define how funds authorized under the Act and allocated to the Commission should best be used to meet the critical needs of Orange County's children prenatal to five years of age as codified in the Act; and

WHEREAS, the Executive Director and Commission Counsel have prepared a standard Master Agreement for Services ("Master Agreement"), which was approved by the Commission; and

WHEREAS, the Commission desires to authorize Commission Counsel and the Executive Director, or designee, to prepare and enter into Agreement No. FC-YMCA-01 with Young Men's Christian Association of Orange County in an amount not to exceed \$5,000,000 for the term June 1, 2008 through July 31, 2010 for the construction of new facilities to house the health, nutrition and fitness programs for young children and families in support of the Commission's efforts to prevent the early onset of obesity and the associated health risks as specified in the May 7, 2008 staff report for this Agenda Item; and

WHEREAS, Commission has reviewed the staff report relating to the Scope of Services to be provided and hereby finds and determines that the proposed Agreement is in furtherance of and consistent with the Commission's Strategic Plan; and

NOW, THEREFORE BE IT RESOLVED BY THE COMMISSIONERS OF THE CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY AS FOLLOWS:

Section 1 Commission finds and determines the foregoing Recitals are true and correct and are a substantive part of this Resolution.

Section 2 Commission hereby authorizes Commission Counsel and the Executive Director, or designee, to prepare and negotiate the terms, conditions and final form of Agreement FC-YMCA-01 with Young Men's Christian Association of Orange County, in an amount not to exceed \$5,000,000 for the term June 1, 2008 through July 31, 2010 for the construction of new facilities to house the health, nutrition and fitness programs for young children and families in support of the Commission's efforts to prevent the early onset of obesity and the associated health risks consistent with the May 7, 2008 staff report and scope of services referenced therein; and

Section 3 The form of Agreement FC-YMCA-01 with Young Men's Christian Association of Orange County shall be substantially similar to the form of the standard Master Agreement, subject to minor, non-substantive revisions as reviewed and approved by Commission Counsel and the Executive Director or designee. The approval by Commission Counsel and the Executive Director of Agreement FC-YMCA-01 shall be conclusively evidenced by the execution and delivery of the Agreement by the Commission Chair to the Commission Clerk.

Section 4 Commission hereby approves Agreement No. FC-YMCA-01 with Young Men's Christian Association of Orange County for the construction of new facilities to house the health, nutrition and fitness programs for young children and families in support of the Commission's efforts to prevent the early onset of obesity and the associated health risks as specified in the May 7, 2008 staff report for this Agenda Item.

Section 5 The Commission Chair and the Clerk of the Commission are hereby authorized to execute and attest, respectively, Agreement FC-YMCA-01 on behalf of the Commission.

Section 6 A copy of the final Agreement FC-YMCA-01 with Young Men's Christian Association of Orange County, when executed by the Commission Chair and attested by the Clerk of the Commission shall be appended hereto as a part of Exhibit A to this Resolution. Exhibit A is hereby fully incorporated as a part of this Resolution by this reference and made a part hereof. The final executed Agreement shall be placed on file in the office of the Clerk of the Commission.

Section 7 In addition to the authorization of Section 2 above, the Executive Director (or his designee) is hereby authorized, on behalf of the Commission, (i) to sign all documents necessary and appropriate to carry out and implement the Service Agreement, (ii) to cause the issuance of warrants, (iii) to administer the Commission's obligations, responsibilities, and duties to be performed under such agreement, and (iv) during the term thereof to provide waivers, administrative interpretations, and minor modifications of the provisions of such agreement in the furtherance thereof.

Section 8 The Clerk of the Commission shall certify to the adoption of this Resolution.

The foregoing resolution was passed and adopted by the following vote of the Children and Families Commission of Orange County on May 7, 2008 to wit:

AYES: Commissioners: _____

NOES: Commissioner(s): _____

EXCUSED: Commissioner(s): _____

ABSTAINED: Commissioner(s) _____

CHAIR

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, DARLENE J. BLOOM, Clerk of the Commission of Orange County, California, hereby certify that a copy of this document has been delivered to the Chair of the Commission and that the above and foregoing Resolution was duly and regularly adopted by the Children and Families Commission of Orange County.

IN WITNESS WHEREOF, I have hereto set my hand and seal.

DARLENE J. BLOOM
Clerk of the Commission, Children and Families Commission of
Orange County, County of Orange, State of California

Resolution No: __-08-C&FC

Agenda Date: May 7, 2008

Item No. ____



I certify that the foregoing is a true and correct copy of the Resolution adopted by the

DARLENE J. BLOOM, Clerk of the Commission

By: _____
Deputy

EXHIBIT A TO RESOLUTION OF COMMISSION

(Attach copy of final executed Agreement No. FC-YMCA-01 with Young Men's Christian Association of Orange County)