

LAS POSITAS TENNIS FACILITY

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SUMMARY

The 2014-15 Santa Barbara County Grand Jury (Jury) received a complaint alleging an unlawful transfer of the Las Positas municipal tennis facility (Facility) from the City of Santa Barbara (the City) to the Elings Park Foundation (Foundation), in violation of City Charter Section 520, Disposition of Real Property or a Public Utility. The complaint also stated the public had lost access to the Facility as a result of a rate increase by the Foundation, and that the Foundation failed to perform deferred maintenance.

The Jury found the transfer and lease of the Facility from the City to the Foundation properly documented, supported, and approved as per the City Charter. Daily prices for use of the courts are similar to or less than other city municipal tennis facilities. There are typically at least two courts open for drop-in public access. The maintenance issues are being addressed.

BACKGROUND

Elings Park (Park) is a 230 acre privately funded public park operated by the Elings Park Foundation. The Las Positas Park Foundation, predecessor to the Elings Park Foundation was renamed in 1999. The Park consists of two parcels. The Foundation leased 94 acres from the City in 1980 for \$1 per year through a 25 year lease. The current lease period for the original parcel is April 24, 2003-2028 (extended in 2003). When the Park was originally created, the Las Positas municipal tennis facility was excluded from the leased parcel and continued to be operated and maintained by the City's Parks and Recreation Department. In 1999 the Foundation purchased an additional 136 acres bringing the total to 230 acres. The Foundation operates solely on grants, donations, and revenues generated from park services.

The City operated the Facility and records reflect that it was subsidized by approximately \$15,000 per year through the general fund. Additionally, the City's capital improvement program identified the need for \$1.1 million to address deferred maintenance for the Facility.

In 2010, the City was experiencing budget challenges and had several meetings with community partners with the thought of transferring the Facility in order to continue offering tennis at this location. At that time, the Foundation was offering numerous recreational activities on the adjacent parcel. They believed that with the addition of the Facility, the overall recreational services offered would be enhanced. On December 7, 2010, the City initiated a lease agreement with the Foundation for the tennis facility for \$1 per year for 18 years with a onetime renewal option for an additional ten years. City Charter Section 520 states the City can lease property ".....compatible with and accessory to the purposes to which the property is devoted by the City

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and which are permitted by contract from and regulated by the City (approved by election held on November 2, 1982)”.

METHODOLOGY

The Jury reviewed records of the City Council meeting dated November 23, 2010, during which the lease and transfer were approved. The Jury also reviewed the contract transferring the Facility to the Foundation. It included approvals by the Parks and Recreation Director, City Administrator, City Council, City Attorney, and others. The contract with the City requires the Foundation to issue annual reports each year for the park. The Jury reviewed the Annual Report for 2012 issued by the Foundation. The Foundation received permission from the City to combine the 2013 and future Facility Annual Reports with the Foundation’s Annual Report.

The Jury interviewed the Foundation staff and the complainant, and also visited the Facility. The Jury observed the tennis courts and lighting to be in good condition. However, the restrooms, shower/locker rooms, storage/office rooms, and bleachers need repair. The parking lot is unpaved. In discussions with the Foundation staff, the Jury was shown remodel plans which are currently partially funded.

CONCLUSION

The 2014-15 Santa Barbara County Grand Jury found the transfer and lease of the Facility from the City of Santa Barbara to the Elings Park Foundation properly documented, supported, and approved. While the daily prices for use of the courts have gone up, they are similar to or less than other city municipal tennis facilities.^{1,2,3} There are typically two or more courts open for public access.

The tennis courts are adequately maintained. The Elings Park Foundation is continuing fundraising in order to complete the rebuilding of the restrooms, shower/locker rooms, and the storage/office building.

The Jury believes the City of Santa Barbara made a fiscally responsible decision by entering into a lease agreement with the Elings Park Foundation to operate, maintain and improve the Las Positas Tennis Facility.

¹ City of Santa Barbara Parks & Recreation Schedule of Fees and Charges, 2014-15

² Elings Foundation website last visited on 11/20/2014, www.elingspark.org/activities/tennis-2/

³ 2012 Annual Report, Las Positas Tennis Facility, 02/14/2013