



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item No.: 11.1g

Meeting Date : December 15, 2022

Subject : Approve Sacramento Metropolitan Air Quality Management District Site Use Agreement for Outdoor Air Quality Monitoring at Fern Bacon Middle School

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Department : Facilities Support Services

Recommendation : Approve Sacramento Metropolitan Air Quality Management District Site Use Agreement for Outdoor Air Quality Monitoring at Fern Bacon Middle School

Background/Rationale : The Sacramento Metropolitan Air Quality Management District (SMAQMD) has an obligation through Assembly Bill (AB) 617 (C. Garcia) to monitor for air pollution and reduce exposure in communities that show a higher air pollution burden. SMAQMD desires to park an air monitoring trailer at a certain and specific location on Fern Bacon Middle School in order to best monitor outdoor air quality within the neighborhood. The trailer will be placed on the site as indicated in Exhibit A included within the Agreement attached, and SMAQMD, site staff, and the facilities department jointly identified the location. Furthermore, the location was identified by finding a location that was close enough to a power source, but far enough away from any buildings that might influence wind circulation that might adversely impact proper air monitoring. The location was also selected in order to not interfere with student or site programming, and where SMAQMD may secure the trailer in order to eliminate student dangers or reduce potential vandalism. The trailer would be parking in the outlined location for 5 years.

Financial Considerations : SMAQMD to pay for site improvements required to power the trailer, a percentage of the site's utilities, and \$25 per month for the placement of the air monitoring trailer for the next five years.

**AIR MONITORING SITE AGREEMENT
BETWEEN
SACRAMENTO CITY UNIFIED SCHOOL DISTRICT AND SACRAMENTO
METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT**

This Site Use Agreement ("Agreement") is entered into on December 31, 2022 ("Effective Date"), by and between the Sacramento City Unified School District, a public school district, ("District") and Sacramento Metropolitan Air Quality Management District, a California local public agency, ("Licensee"). The District and Licensee are collectively referred to as the "Parties."

RECITALS

- A. **WHEREAS**, District is the owner of certain real property, Fern Bacon Middle School, located at 4140 Cuny Avenue, Sacramento, California 95823 ("Property");
- B. **WHEREAS**, Licensee has an obligation through Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017), to monitor for air pollution and reduce exposure in communities that show a higher air pollution burden.
- C. **WHEREAS**, Licensee wishes to operate an air monitoring trailer at a certain location on the Property, which is further described in hereto ("Premises");
- D. **WHEREAS**, the Premises would contain an air monitoring trailer and certain air monitoring equipment that will be installed and maintained by Licensee;
- E. **WHEREAS**, ~~(VW) BEFORE, Lp, xUY q (%P% p DUYE"ADP(%P% "PÑ %P%,"pó Æ~~

in consideration of the covenants and conditions of this Agreement, including the recitals hereof, which are incorporated herein by this reference, the Parties agree as follows:

AGREEMENT

District. If District authorizes any Improvements, Licensee shall pay for all such Improvements, and shall indemnify, defend and hold District harmless with respect to any claim for mechanics' or materialmen's liens for work performed, services rendered, and materials provided or delivered to or for Licensee for such purpose.

Licensee will have a licensed contractor connect to existing power at the building just East of the trailer location. The power lines will be routed through an existing buried pipe that is already installed on site. Minimal trenching and backfilling in the grass area just West of the air monitoring trailer will be needed. Licensee will also have a contractor install 6-foot-tall temporary chain link fencing around the entire air monitoring trailer.

11. **Maintenance.** Licensee, at its sole cost its

suffered because of the exercise of such privilege.

15. **Liens and Claims.** Licensee shall not suffer or permit to be enforced against

Such minimum limits of policies shall in no event limit the liability of Licensee hereunder. Such insurance shall name the District as an additional insured.

held by any court of competent jurisdiction to be illegal, invalid, or unenforceable for any reason, the remaining portions of this Agreement shall nonetheless remain in full force and effect. This Agreement shall be construed as a whole according to its fair meaning, and not strictly for or against either of the parties who jointly prepared this Agreement.

22. **Goverair meaGovesss court nt sehall be construe ino rdTc 0 Tw ninictlypatiespaer**

<p>To the District:</p> <p>Sacramento City Unified School District Attn: Rose F. Ramos Chief Business & Operations Officer 5735 47th Avenue Sacramento, CA 95818</p>	<p>To the Licensee:</p> <p>Sacramento Metropolitan Air Quality Management District Attn: Levi Ford Program Supervisor 777 12th Street, Suite 300 Sacramento, CA 95814</p>
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28. **Waiver.** No delay or omission by District in exercising any right under this Agreement shall operate as a waiver of that or any other right and no single

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APPROVED AND RATIFIED, this ____ day of _____, 2022, the Board of Trustees of the Sacramento City Unified School District by the following vote:

AYES: ____

NOES: ____

Abstentions: ____

IN WITNESS WHEREOF, the Parties have executed the Agreement as of the Effective Date.

DISTRICT:

Sacramento City Unified School District

By: _____
Jorge A. Aguilar, Superintendent

Date: _____

LICENSEE:

Sacramento Metropolitan Air Quality Management District

By: _____
Alberto Ayala, Executive Director/APCO

Date: _____

Reviewed by: _____
Kathrine Pittard, District Counsel

Exhibit A

