SECOND AMENDMENT TO JOINT USE AGREEMENT BETWEEN CITY AND COUNTY OF SAN FRANCISCO AND SAN FRANCISCO UNIFIED SCHOOL DISTRICT FOR REAL PROPERTY AND IMPROVEMENTS AT BUENA VISTA HORACE MANN K-8 COMMUNITY SCHOOL SITE LOCATED AT 3351 23RD ST. SAN FRANCISCO

THIS SECOND AMENDMENT TO JOINT USE AGREEMENT ("Amendment") is made this 13th day of March, 2019, by and between the SAN FRANCISCO UNIFIED SCHOOL DISTRICT, a California public school district of California ("District") and the City and County of San Francisco, a municipal corporation (the "City"), acting by and through the Department of Homelessness and Supportive Housing, referred to collectively as the "Parties."

RECITALS

WHEREAS, the District and City entered into a Joint Use Agreement (as defined below) to allow City to use the Premises on the School Site while providing services for City’s Shelter Program; and

WHEREAS, the District and City now desire to modify the Agreement on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the covenants and agreements hereinafter set forth, District and City agree as follows:

AMENDMENT

1. Definitions.

1.1. Agreement. The term “Agreement” shall mean the Joint Use Agreement dated for convenience October 23, 2018 between the District and the City, as subsequently amended by the Parties.

1.2. First Amendment. The term “First Amendment” shall mean the Board approved November 13, 2018 first amendment to the October 23, 2018 Agreement.

1.2. Other Terms. Terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Agreement.

2. Modifications to the Agreement and First Amendment.

The Agreement and First Amendment are hereby amended as follows:

2.1. Section 5.1 Eligibility Rules is amended and replaced with the following:

5.1.1: Only families with children attending a San Francisco Unified School District school ("Eligible Families") shall be eligible to participate in the Shelter Program operated on the Premises, as set forth in this Agreement.
5.1.2: In no event shall any adult who does not have children attending a SFUSD school be allowed to participate in the City’s Shelter Program at the Premises, or allowed to access and use the Premises during the operation of the Shelter Program, as set forth in this Agreement.

3. **Effective Date.**

   Each of the modifications set forth in Section 2 shall be effective after approval by the District’s Board of Education and full execution of this Amendment by the authorized representatives of the Parties.

4. **Legal Effect.**

   Except as expressly modified by this Amendment, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

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ACCEPTED AND AGREED:

CITY:  
The City and County of San Francisco

APPROVED:

By: ________________________________________
    Jeff Kositsky
    HSH Director

Date: ________________________________________

DISTRIBUTION:
San Francisco Unified School District

APPROVED:

By: ________________________________________
    Dawn Kamalanathan
    Chief Facilities Officer

Date: ________________________________________

APPROVED AS TO FORM

Dennis J. Herrera
City Attorney

By: ________________________________________
    Anne Pearson
    Deputy City Attorney

Date: ________________________________________

APPROVED AS TO LEGAL FORM:

By: ________________________________________
    Danielle Houck
    General Counsel

Date: ________________________________________

RECOMMENDED:

By: ________________________________________
    Claudia DelariosMoran
    Principal, Buena Vista Horace Mann

Date: ________________________________________

Approved by the Board of Education:

_________________________________________