

Memorandum of Understanding
Between the
Conejo Recreation and Park District
and
Conejo Disc Golf Club

This Memorandum of Understanding (MOU) is entered into by and between Conejo Recreation & Park District ("CRPD") on the one hand, and Conejo Disc Golf Club ("CDGC"), on the other hand, in light of the following:

- A. *Whereas* in 1969, at Conejo Community Park in and by the Conejo Recreation and Park District, the World's first Disc Golf Tournament was held, and the sport of Disc Golf was launched; and
- B. *Whereas* since 1969 Disc Golf has grown into national sport consisting of an estimated over 89,000 registered participants in the worldwide Professional Disc Golf Association and over 6,000 courses; and
- C. *Whereas* in May 2010 CRPD developed a Disc Golf Course (Rabbit Flats) located at Thousand Oaks Community Park for the enjoyment of patrons; and
- D. *Whereas* in October 2016 CRPD received approval for a Disc Golf Course (Sapwi) at Sapwi Trails Community Park; and
- E. *Whereas* CDGC, a local affiliate club of the Professional Disc Golf Association, operates a not-for-profit association of disc golfers formed to represent their collective disc golf interests at Rabbit Flats and Sapwi; and
- F. *Whereas* CDGC members have provided hundreds of volunteer hours in the planning and development of the Rabbits Flats and Sapwi courses; and
- G. *Whereas* CDGC members desire to promote the sport of disc golf, participation locally and regionally; and
- H. *Whereas* CDGC desires to continue to assist CRPD in the maintenance and operation of Rabbit Flats and Sapwi; and
- I. *Whereas*, CRPD desires to designate CDGC as the primary community permitted group as described herein at Rabbit Flats and Sapwi

This Memorandum of Understanding (MOU) supersedes the original September 16, 2010 Memorandum of Understanding between CRPD and CDGC.

Now, Therefore, In Consideration Of The Foregoing And These Mutual Promises It Is Agreed As Follows:

- 1. **CDGC Agrees To:**
 - a) Assist and coordinate, under CRPD's direction and approval, with the maintenance of Rabbit Flats and Sapwi. Any improvements to the course shall be the sole property of CRPD.

- b) Assist, under CRPD's direction and approval, with instruction and programs at Rabbit Flats and Sapwi for the furtherment and betterment of the sport of disc golf.
- c) Advise CRPD on continued Rabbit Flats and Sapwi development and operations.

2. CRPD Agrees To:

- a) Coordinate with CDGC so that CDGC may host monthly small tournaments at Rabbit Flats and/or Sapwi, including but not limited to: use of Rabbit Flats and/or Sapwi at no cost; operation of the tournaments; and impacts to Thousand Oaks Community Park and Sapwi Trails Community Park.
- b) Coordinate with CDGC so that CDGC may host an annual tournament at Rabbit Flats and/or Sapwi, including but not limited to: reservation of Rabbit Flats and/or Sapwi; impacts to Thousand Oaks Community Park and Sapwi Trails Community Park; operation of the tournament(s); and appropriate permits and fees for use of applicable facilities.
- c) At all times CDGC use is subject to CRPD priorities related to other community uses. CRPD will collaborate and coordinate with CDGC to determine scheduling for such community uses.
- d) CRPD recognizes that disc golf is a growing year-round sport in Southern California, and that all efforts will be made by CRPD to accommodate CDGC throughout the year. The parties acknowledge that the use of Rabbit Flats and Sapwi will likely be unavailable during necessary maintenance periods, as well as significant CRPD-sponsored community and permitted events. CRPD will use its best efforts to provide as much notice as reasonably possible when some, or all, of Rabbit Flats or Sapwi will be unavailable; CDGC will be notified at least thirty (30) days prior to the excluded date of the unavailability of the course.
- e) The initial term of this MOU, is three years commencing October 20, 2016 and ending October 19, 2019, and is subject to renewal by mutual agreement of both parties.

3. CDGC and CRPD Further Agree that, during the term of the MOU:

- a) CRPD shall maintain the Rabbit Flats and Sapwi courses in accordance with industry standard practices for turf and grounds management of public disc golf courses, and public use areas. Unless otherwise agreed, CRPD shall also maintain any future improvements. CRPD and CDGC shall jointly cooperate to develop on-going maintenance standards. CDGC will use its best efforts to assist CRPD with minor repairs and maintenance (e.g. trimming hedges, general clean-up, etc.) whenever possible.
- b) Other users, who are permitted to use the course, shall pay user fees in accordance with CRPD ordinance manual, policies and fee schedule.
- c) CRPD shall, at CDGC's request, provide access to CDGC representatives to review all books and records of CRPD related to maintenance of the fields and other fixed costs attributed to Rabbit Flats and Sapwi and all books and records related to fees collected from other permitted users.

- d) CDGC will use its best efforts to comply with the rules and regulations established by CRPD for all users of Rabbit Flats and Sapwi as set forth from time to time, except to the extent that such rules or regulations are inconsistent with the terms and conditions of this MOU.
 - e) CDGC and CRPD may, within any time of this Agreement, discuss and mutually extend, modify, or absolve this agreement based on further consideration.
4. **Non-Transferability.** This MOU is non-transferable without the consent of each party.
 5. This MOU shall be construed in accordance with California law.
 6. This Agreement shall be binding upon the parties and their successors in interest.
 7. **Notice.** Any written notice required by this MOU shall be delivered to:

CRPD
 Jim Friedl
 General Manager
 Conejo Recreation & Park District
 403 W. Hillcrest Drive
 Thousand Oaks, CA 91360
 (805) 497-3199 FAX

CDGC
 Mike Byrne
 President – Conejo Disc Golf Club
 1070 Calle Pensamiento
 Thousand Oaks, CA 91360

IN WITNESS WHEREOF, the parties have executed this MOU as of the date written below.

CONEJO RECREATION AND PARK DISTRICT


10/20/16
 Dated _____



 Jim Friedl, General Manager

CONEJO DISC GOLF CLUB

10/19/16
 Dated _____



 Mike Byrne, President