

MEMORANDUM

Date: November 18, 2014

To: City Council

From: Lindsey Bruno, Recreation Manager

Subject: **A Resolution Amending the Parks and Facilities Usage Policies and Fees**

Approved and Forwarded to
City Council


Bryan Montgomery, City Manager

Summary

On October 22, 2013 Council approved a Resolution Revising the Public Parks and Community Facilities Policies, to improve the previously existing Policy. When this Policy was first established, it was noted that it would be revisited and revised when necessary. Over the course of the year the number of users has grown significantly and there have been areas brought to light that could be improved to better serve the community.

Fiscal Impact

With the approval of the amended Parks and Facilities Usage Policy, there will be no significant fiscal impact.

Background and Analysis

As the number of users has increased, staff has encountered minor issues with the current policy and recommend updates and clarifications to improve policy consistency and ease of use that reflect Staff and user concerns and input. General Update Areas 1) clarifying the Sports League Reservation process; and the inclusion of a Civic Center Amphitheater and Stage.

Currently the only two parks with designated group picnic sites are Creekside Park and Summer Lake Park, which will remain the same. The changes in the policy reflect the inclusion of existing park rules into the policy to clarify expectations to users.

In the past year the number of sports leagues requesting usage of City fields has increased by over 25%. Given the number of leagues and the field space available a priority system has been more clearly defined. The priority for sports field assignments will be as follows

from highest to lowest priority; Organizations with joint-use agreements with the City of Oakley, non-profit youth leagues with a majority of Oakley resident players, non-profit adult leagues with a majority of Oakley resident players, non-profit leagues with mostly non-Oakley resident players followed by for-profit organizations. Staff invited sports leagues to a brainstorming meeting in September 2014 and all in attendance felt favorably about establishing a priority system for leagues with a majority of Oakley residents. Also discussed was implementing a modified cancelation policy and late payment charge. Leagues agreed if staff could notify them of open fields sooner they would be better able to coordinate with their players and parents.

With the downtown renovations updating the policy to including the Civic Center Amphitheater and Stage will allow non-profit organizations an opportunity to utilize this new amenity to host community events in the heart of downtown Oakley.

Recommendation

Staff recommends that the Council adopts a resolution amending the Parks and Facilities Usage Policies.

Attachments

1. Resolution
2. Revised Parks and Facilities Usage Policy



FACILITY USE POLICY & FEES

I. GENERAL INFORMATION

The Facility Use Policy outlines specific regulations associated with the permitted rental of a public facility within a park and/or facility. Obtaining a permit shall grant the user basic usage and access rights for the approved purpose and time only. In accordance with the *Oakley Municipal Code* (OMC) (Section 6.5.114.h), any fees or deposits established by the City Council shall be paid by the applicant before the effective date of the permit.

The City reserves the right to cancel, revoke or suspend any and all reservations, permits and applications, if deemed appropriate. If infractions occur, the Oakley Police Department will be notified and enforcement action will be taken. Violations may result in forfeiture of fees and/or deposit.

Facilities available for rent include:

1. Oakley Recreation Buildings (1250 O'Hara Ave) – (Exhibit A)
2. City Council Chambers (3231 Main Street) – (Exhibit A)
3. Sport/ Recreation field/ Courts and Group Picnic Areas– (Exhibit B)
4. Civic Center Plaza (Exhibit C)

II. ELIGIBILITY

Certain facilities are not available for partisan political meetings, sectarian religious meetings, or for the direct financial benefit of private individuals or commercial enterprises. In accordance with OMC 6.5.118, the City reserves the right to exclude or remove activities it deems inappropriate for public use.

III. PRIORITY

City of Oakley events/activities and City of Oakley sponsored events/activities will take precedence over any and all other requests.

Groups that have reserved a facility in advance are subject to cancellations, in rare circumstances, to accommodate this priority. All fees will be returned to the user if the City requires a cancellation or relocation of the reserved event.

Priority shall be given to Oakley residents followed, in order of priority, by Community Partners, Non-profits based in Oakley, Non-profit organizations not based in Oakley, followed by for profit organizations.

IV. CLASSIFICATIONS

GROUP 1: Oakley Resident

Use by Oakley residents, must be for personal use only. Proof of residency is required at the time of reservation request.

GROUP 2: Non-Resident

Use shall permit non-Oakley residents for requested activities that are personal use only.

GROUP 3: Community Partner

Community Partner(s) shall consist of, but is not limited to, community organizations and public agencies (Federal State and County agencies) that are in direct or indirect partnership with the City of Oakley per a Memorandum of Understanding approved by the City Manager in accordance with City policies and procedures. Community Partner(s) must provide services that directly benefit the Oakley community.

GROUP 4: Non-Profit

Non-Profit group(s) shall present verified and current 501(c)(3) non-profit status at the time of the reservation request. The applicant organization must be the primary organization, manager and financial administrator.

GROUP 5: Private Business, Group or Organizations

Private business, commercial, organization or groups for events such as sales, product demonstrations, business, recruiting meetings, classes, staff or training meetings etc.

No organization or group may sponsor any other organization or group for the purpose of changing the group classification.

V. GENERAL USE POLICIES

These policies are for the use of City-owned or controlled community facilities. All users shall comply with City, State and Federal laws, including but not limited to provisions of the *Oakley Municipal Code*.

Reservation Requirements

The renter must be a minimum of 18 years of age, and submit a complete Facility Use Permit Application to the City Recreation Division, a refundable damage deposit, and all applicable user fees and insurance as described in Insurance Requirements.

Renters are required to provide the name and phone number (cell if available) and email of the primary contact person *and* a secondary contact. The primary contact person must be present on site during the approved rental period, will be the emergency contact, and is responsible for ensuring compliance with the policies outlined. A copy of the permit must be on site and available upon request by any City staff during approved rental period.

One day rental requests may be requested up to 90 days in advance. Multiple day rental requests for sports/ recreation field reservations may be requested up to 6 months in advance.

Cancellations for private-use reservations

The City of Oakley reserves the right to cancel, revoke or suspend immediately any and all reservations, permits and applications if deemed that inappropriate, flagrantly disrespectful or harmful activities are taking place in the park or facility. No notice is required and, in some cases, the Oakley Police Department will be notified and enforcement action will be taken. Violations may result in forfeiture of fees and/or deposits.

Cancellations by the Renter/User occurring five (5) business days or more prior to the event will be refunded 100% of all fees and deposits. Cancellations occurring four (4) business days or less prior to the event will forfeit all applicable fees, but will be refunded 100% of the deposit.

Deposit forfeiture

Renter agrees to take full responsibility for the behavior by guests during the rental period. Children must be supervised at all times by adults. Any charge for damages to the park, facility or its furnishings will be deducted from the deposit. Rentals that exceed the reserved time period will be charged the hourly rate to be deducted from the deposit. Failure to leave the facility in satisfactory condition will result in deposit forfeiture and potential further recovery of City costs to restore the facility in a satisfactory condition, if the deposit amount is not adequate to do so. Upon a satisfactory inspection of the premises the deposit check will be destroyed.

Set Up and Clean Up

Renters are required to include times for set up and clean up at the time of reservation. Renters are required to set up tables and chairs and clean up and wipe down City equipment such as tables, chairs, clean up spills and remove all trash and decorative items brought for the event. Trash must be placed in the receptacles provided. Trash that does not fit in the trash receptacles must be disposed of properly by the renter.

Animals

Animals are not allowed in indoor facilities, except service animals and police dogs. At outdoor facilities dogs must be kept on a leash, and the caretaker is responsible for clean-up.

Subletting

The renter shall not have the right to assign a rental agreement or any rights hereunder or sublet City of Oakley facilities or sports fields.

VII. LIABILITY RESPONSIBILITY-WAIVER AND RELEASE

In consideration of the acceptance of the application to rent the City of Oakley's White House, Oakley Recreation Buildings, City Council Chambers, and Public Parks, the user is required to waive, release and discharge any claims for damages, for death, for personal injury or property damage which any person associated with the permitted use may have against the City of Oakley as a result of the User's activities. This release is intended to discharge the City, its agents, and employees from and against any and all liability arising out of or connected in any way with User's activities, even though the liability may arise out of carelessness or negligence on the part of the City or persons named above. User must further agree to indemnify and hold harmless and defend the City and its officers, agents, servants and employees from any and all claims resulting from injuries, damages and losses sustained arising out of or in any way associated with the rental or use of any City, property, park or other facility. Group 5 users will be required to include a waiver of subrogation.

VII. CONDUCT

Individuals/Groups using City property shall conduct activities that are orderly and lawful, not of a nature to incite others to disorder, and not restricted because of race religion, sex, creed or national origin.

Specifically to sport field use, City staff including the Oakley Police Department shall encourage a high standard of good sportsmanship and fair play, polite and positive attitudes, and positive role models in accordance with the *Oakley Municipal Code* Section 6.5.142.

City Staff may request Police assistance at any time to prevent abuse of privileges and to enforce facility rules and regulations.

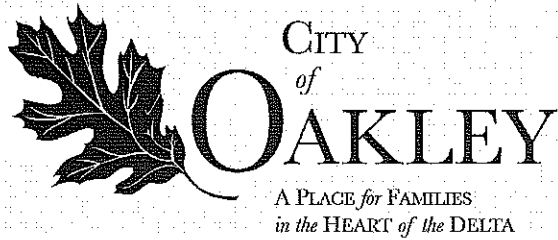


EXHIBIT A

ADDITIONAL FACILITY REGULATIONS (OAKLEY RECREATION BUILDINGS & COUNCIL CHAMBERS)

I. FACILITY USE

1. Hours of availability are 9:00 am to 9:00 pm Sunday through Thursday, and 9:00 am - 10:00 pm Friday and Saturday.
2. Maximum occupancy for the facility is as follows:

	Oakley Recreation Building	City Council Chambers
Theater Style Seating	100	175 +/-
Banquet Seating	100	100 +/-
Classroom Style	100	100 +/-

3. Reservations must be made at least seven (7) business days prior to the event.
4. Food and non-alcoholic beverages may be served, but not prepared on site.
5. Open flames of any kind are prohibited. This includes birthday candles and BBQ's.
6. Decorations are limited to table tops and walls. No glue, staples, nails, thumbtacks, or adhesives of any kind are permitted to hang up decorations. The use of blue painter's tape is permitted.
7. The address or phone number of the facility may not be used as the official address of any organization using the Oakley Recreation Buildings and City Council Chambers, nor may any group publicize its activities in such a way as to imply City sponsorship of the organization or event.

II. ALCOHOLIC BEVERAGE POLICY

In accordance with OMC 6.5.128b alcohol (beer, wine and champagne ONLY) are allowable only with a permit approved by the City Manager. Any Park or Facility Application that requests to include alcohol will not be approved unless the Alcohol Permit has been approved by the City Manager.

Rentals involving the sale of alcoholic beverages or the exchange of any type of monetary consideration for alcohol requires proof of an off- premise license from the Department of Alcoholic Beverage Control, or proof of use of a third party with a similar license.

Rentals serving or selling alcoholic beverages are subject to an additional deposit and additional insurance requirements.

III. INSURANCE REQUIREMENTS

Certain uses of the subject facility will dictate the need for liability insurance against claims, resulting from injuries to persons or damages to property, which may arise from or in connection with the renter's use of the facility. A certificate of insurance is required for verification of adequate insurance and must specify the date, time, and location of the event. A separate endorsement must also be provided naming the City of Oakley as "Additionally Insured" the original endorsement must specifically list the following:

"City of Oakley, its officials, officers, employees, agents and volunteers are additionally insured."

IV. EXCEPTIONS

City Council Chambers are available for rental by User Groups 3 and 4 only. City business will take precedence over any and all other meetings. Rentals occurring outside of the normal City Hall business hours may incur additional fees.

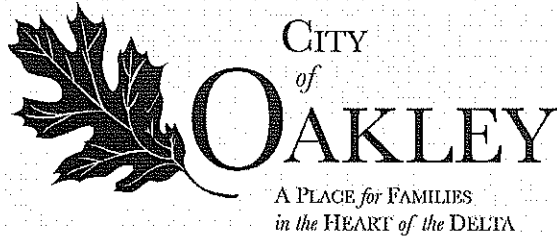


EXHIBIT B SPORTS/ RECREATION FIELDS/COURTS & GROUP PICNIC REGULATIONS

I. GENERAL INFORMATION

1. In accordance with OMC section 6.5.148 all parks are open from dawn to dusk seven days a week. Individual areas may be subject to limited availability due to weather, maintenance requirements or other conditions.
2. City of Oakley group picnic areas are available on a first come, first served basis unless it has been rented. Individuals or groups can apply for a permit to reserve certain facilities noted for exclusive use. A permit is required for any and all league affiliated usage (practice, games, camps and tournaments).
3. Jumpers, large play features, dunk tanks, play features and any other equipment shall only be permitted in a park with prior, written approval of the Parks and Landscape Division Manager who will designate any approved area of the park. Proper liability insurance is required including an endorsement listing the City of Oakley its officials, officers, employees and volunteers as additionally insured. Said insurance may be available from the rental business.
4. Some rentals may require a Temporary Use Permit, applicants will be notified if a Temporary Use Permit is required.
5. The City does not provide bases, balls and/or bats with the rental of ball fields or additional field maintenance. The City does prepare and renovate ball fields at the beginning of each season and provides weekly routine maintenance, safety checks and repairs as needed.
6. Users may not charge admission, fees, request donations, or sell merchandise in the park without written permission from the City.
7. The City reserves the right to require Police supervision for any event. Cost of Police supervision will be charged to the Renter/User.
8. Renter/User groups are expected to leave the area in satisfactory condition (clean and free of damage). All litter and garbage must be disposed of properly. Renter/User will be held responsible for the cost of repair, replacement or clean up.
9. Storage of equipment including portable toilets, equipment lockers and wash facilities at City park facilities is permitted only with prior written approval from the Parks and Landscape Division Manager on a case-by-case basis and only permitted for a limited term.

II. AREA DESIGNATIONS

- **Open turf play areas at selected parks.**
- **Sports Fields and Sports Courts**
- **Group Picnic Areas- Small Summer Lake Park, Large Creekside Park**

IV. SALE OF FOOD OR GOODS

Users may sell foods or goods, but only with prior written approval. Applicants interested in selling food or goods must indicate so on the Parks and Facility Permit Application and in accordance with Oakley Municipal Code Section 5.5.314f, and Contra Costa County Environmental Health Division/ Health Services Division regulations. Non-compliance will result in cancellation of rentals and forfeiture of deposits.

Alcoholic Beverage Policy

In accordance with OMC 6.5.128b alcohol (beer, wine and champagne ONLY) are only allowable with a permit approved by the City Manager and Chief of Police. Any rental requesting to serve alcohol will not be approved until the Alcohol Permit has been approved by the City Manager and Chief of Police.

Rentals involving the sale of alcoholic beverages or the exchange of any type of monetary consideration for alcohol requires proof of an off-premise license from the Department of Alcoholic Beverage Control, or proof of use of a third party with a similar license.

Rentals serving or selling alcoholic beverages are subject to an additional deposit and additional insurance requirements.

III. SPORTS LEAGUE USE

1. League Officials, Managers, and coaches shall thoroughly inspect sports fields before each use to ensure safe conditions. Any unsafe conditions shall be reported to the Parks Division, and the sports field should not be used until further notice.
2. Failure to refrain from organized play or practice on a closed field or failure to comply with the rules and regulations may jeopardize the group or organization's future use of City of Oakley facilities. A renter playing or allowing play on a field which has been closed will be charged a fee to mitigate any damage done to any play surface or landscape.
3. League coordinators, presidents, directors etc. are directly responsible for informing team managers, coaches, players and spectators of policies of field use.

4. No hitting into fencing or backstops with baseballs/softballs.
5. In issuing sports field permits, priority shall be given as follows:
 - City sponsored/hosted activities and events
 - Local School District sponsored programs and events
 - Oakley-based non-profit youth sports (60% minimum Oakley residents)*
 - Oakley-based non-profit adult sports (60% minimum Oakley residents)*
 - Non-Oakley based for-profit youth sports
 - Non-Oakley based for-profit adult sports
 - Profit based business

Oakley residency requires the participant live within the city limits of the City of Oakley. Teams must certify Oakley residency.

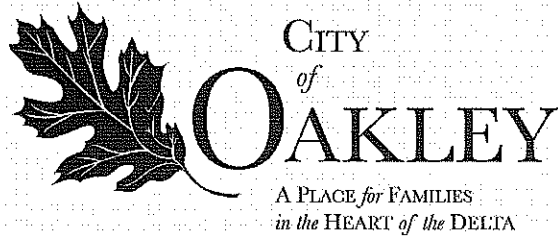
Other factors will influence priority including but not limited to; history of late/non-payment, the opportunity for a Regional, State or National Tournament.
6. Leagues may not transfer, re-assign or sublet fields.
7. Storage of equipment including portable toilets and wash facilities at City parks and facilities is permitted only with prior written approval from the Parks and Landscape Division Manager on a case-by-case basis.
8. All leagues must provide the City of Oakley with proof of insurance consisting of a Certificate of Liability and an additional insured endorsement of comprehensive general liability insurance. The coverage must include the following:
 - a. Name the City of Oakley its officers, agents, employees and volunteers as additionally insured against liability to persons, damages to property and for the death of a person arising or resulting from any act or omission on the part of your organization, its agents or employees.
 - b. Comprehensive general liability insurance policy limits of such insurance shall not be less than \$1,000,000 per occurrence for bodily injury, personal injury, and property damage.
 - c. You must provide the City of Oakley with the endorsement 5 business days prior to the start of your event. Each endorsement shall be subject to the approval of the City of Oakley.

The endorsement must specifically list the following:

“The City of Oakley, its officers, agents, employees and volunteers are additional insured.”

You are encouraged to show this language to your insurance agent to ensure this language is included, as required.

9. All Sports League/Organization cancellations for field usage must be made a minimum of 30 days in advance to qualify for a full refund. Reservations cancelled more than 15 days but less than 30 days in advance will receive a 50% refund. Cancellations occurring less than 15 days in advance will forfeit the fees. (City imposed closures due to maintenance or inclement weather will be credited to the Sports League).
10. Sport Leagues/Organizations will incur a late fee of 10% for invoices paid up to 10 days after the due date. Invoices paid more than 10 days late will result in a cancellation of reservations for the month.



**EXHIBIT C
ADDITIONAL CIVIC
CENTER PARK STAGE &
AMPITHEATER
REGULATIONS**

I. GENERAL INFORMATION

Use of Civic Center Plaza is limited to community oriented special events and festivals hosted by Non-profit organizations, with an approved Temporary Use Permit per *Oakley Municipal Code* section 9.1.1606. A Temporary Use Permit must be submitted to the Community Development Department a minimum of 30 days in advance, with the Civic Center Plaza Permit Application. Based on the nature of the event a Special Event/ Road Closure Permit may be required.

The Stage and Amphitheater is available for rental 7 days a week, from 8am to 9:00pm Monday through Thursday and Sunday and 8:00am to 10:00pm Friday and Saturday excluding City observed holidays.

All rental uses taking place on the stage and amphitheater must be open to the public and to all citizens, regardless of age, sex, race, religion, national origin, or disability. Groups using the space must comply with the Americans with disabilities Act and it is the responsibility of the group to provide any and all reasonable accommodations for persons with disabilities in accordance with the Americans with Disabilities Act.

II. AREA DESIGNATIONS

Use of Civic Center Plaza is limited to Civic Center Park and immediate surrounding parking lot only, it does not include the use of City Hall.

III. SALE OF FOOD OR GOODS

Users may sell goods or food products in accordance with Contra Costa County Environmental Health Division/ Health Services Division regulations. Non-compliance will result in cancellation of rentals and forfeiture of deposits.

Alcoholic Beverage Policy

Any renter requesting to serve alcohol will not be approved until the Permit has been approved by the City Manager and Chief of Police. Rentals involving the sale of alcoholic beverages or the exchange of any type of monetary consideration for alcohol requires proof of an off- premise license from the Department of Alcoholic Beverage Control.

Rentals serving or selling alcoholic beverages are subject to an additional deposit and additional insurance requirements.

IV. INSURANCE

Applicants must provide the City of Oakley with proof of insurance for the event per *Oakley Municipal Code 4.16.136* and shall include a rider naming the City of Oakley, its officers, employees and agents as additionally insured with a minimum \$1,000,000 combined single limit per occurrence.

V. FEES

Item	Fee
Temporary Use Permit	\$100 application fee + \$500 deposit
Special Event/ Road Closure Permit (if required)	\$50 application fee Additional fees may apply based on the nature of your event
Park Rental Fee	\$250 per day

VI. ADDITIONAL CONSIDERATIONS

Applicants should contact the following organizations to determine if additional permits apply:

- Alcohol Beverage Control-
- Contra Costa County Fire Protection District-
- Contra Costa County Environmental Health Department

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
AMENDING PARK AND FACILITY USAGE POLICIES AND FEE SCHEDULE**

WHEREAS, Oakley residents and the public at large desire the ability to use and reserve the City's Public Parks and Community Facilities for event(s) or activities; and

WHEREAS, Resolution 17-09 created the Parks and Facilities Usage Policy, and

WHEREAS, the City now desires to amend the Parks and Facility Usage Policy

WHEREAS, the Oakley Municipal Code and the Oakley General Plan indicate that the City Council shall enact and adopt rules governing the use of public parks; and

WHEREAS, pursuant to Oakley Municipal Code 6.5.114h specifying that certain fees or any deposits collected by the City for services provided by the City of Oakley shall be paid and collected by the applicant before the effective date of said permit; if said fees or deposits are not paid before the effective date of said permit, then, in that event the permit issued shall be null and void;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the amended Parks and Facilities Usage policy and Fee Schedule attached hereto as Exhibit A shall be the formal method of regulating usage of Parks and Facilities.

PASSED AND ADOPTED, by the City Council of the City of Oakley at a meeting held on the 18th day of November 2014 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

ATTEST:

Libby Vreonis, City Clerk

Date