

DEPARTMENT: Public Works

BY: Dana Hertfelder

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RECOMMENDED ACTION AND JUSTIFICATION:

Approve the proposed changes made to the Mariposa County Public Works Recreation Facility Use Policy.

Since the last revision of the Recreation Facility Use Policy (May 15, 2007) there has been a new public interest in renting the County Pools. New fees have been established to reflect all costs incurred by the County.

On February 22, 2010 the Public Works Recreation Facility Use Policy was presented to the Mariposa County Parks & Recreation Commission Members. This item was voted on and approved by the Commission.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On January 19, 1993 and February 17, 1998 the Board passed comprehensive Facility Use Policies. The action recommended above will be an amendment to that policy.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board may also choose to not make any revisions as proposed above and potential County revenue will be lost.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted in Current FY? (X) Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		1. Recreation Facilities Use Policy
Source:		_____
Internal Transfer _____		_____
Unanticipated Revenue _____ 4/5's vote		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
() General () Other		_____

CLERK'S USE ONLY:

Res. No.: 10-95 Ord. No. _____
Vote - Ayes: 5 Noes: _____
Absent: _____
(X) Approved
() Minute Order Attached () No Action Necessary


The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:

(X) Requested Action Recommended
() No Opinion
Comments: _____

CAO: 

RECREATION FACILITIES USE POLICY

Any requested use of a County Facilities must have a facility use form submitted to Parks & Recreation Division prior to use. All Group A classification functions and/or programs have priority over **any and all** other groups and organizations.

SECTION I – CLASSIFICATION OF GROUPS

- GROUP A- Meetings, programs and events conducted by the Board of Supervisors, County departments and affiliated boards, commissions and committees.
- GROUP B- Meetings, programs and events conducted by nonprofit, service, fraternal, charitable, social, sports and other civic associations based in Mariposa County. Fee exempt status may be granted by the Parks and Recreation Commission upon written request.
- GROUP C- Meetings, programs and events conducted by County residents and private groups. Weddings, receptions private parties, religious organization, political activities conducted by individuals or groups that do not qualify as Group A or Group B.

SECTION II a – CLASSIFICATION OF ACTIVITIES

- USE 1- MEETINGS. Limited use of facility (no cooking facilities) for less than six (6) hours.
- USE 2- REGULAR USE. Full use of facility, including cooking facilities.
- USE 3- LONG-TERM USE. Usage of more than 12 times per year. See restrictions in Section IV.
- USE 4- PRIVATE FOR –PROFIT USE. Usage of ANY facility for any planned or designed for-profit activity. See restrictions in Section IV.

SECTION II b – CLASSIFICATION OF POOL ACTIVITIES

- USE 1- *Regular Use: Use of facility by a nonprofit group/organization on a regular basis.*
- USE 2- *Private Use: Use of facility by a nonprofit group/organization for a one time special event not to exceed 40 participants.*
- USE 3- *Private Use: Use of facility by private groups /organizations not to exceed 40 participants.*
- USE 4- *Private Use: Use of facility by private groups/organizations not to exceed 94 participants.*

SECTION III a – RENTAL FEES

FACILITY	USE – 1	USE – 2	USE – 3	USE - 4
Midpines Hall	\$30.00	\$50.00		
Hornitos Hall	\$30.00	\$50.00		
McCay Hall	\$30.00	\$50.00		
Darrah School House	\$30.00	\$50.00		
Greely Hill Comm. Center	\$30.00	\$50.00		
Mariposa Amphitheater	N/A	\$100.00	Note 1	Note 2
Mariposa Skate Park	N/A	\$0.00	\$0.00	Note 2
Mariposa Arts Park	N/A	\$35.00	Note 1	Note 2
Picnic Areas*	\$10.00(lights)	\$25.00(lights)	Prohibited	Note 2
Government Center	See Section IV	See Section IV	See Section IV	See Section IV
County Courthouse	See Section IV	See Section IV	See Section IV	See Section IV

* Only picnic areas with lights (Mariposa, Hornitos, Red Cloud) can be reserved for night use. Reservations for the picnic areas during daylight hours will be accepted on an individual basis. Despite reservations; the general public cannot be denied access at any time during normal business hours.

NOTE 1: Fees, insurance and other requirements per lease agreement approved by the Mariposa County Board of Supervisors.

NOTE 2: Fees based on a percentage of gross as determined by another public entity such as the Mariposa County Fair or other acceptable standard. Insurance and other requirements determined by the Board of Supervisors.

SECTION III b- POOL RENTAL FEES

	<u>USE 1</u>	<u>USE 2</u>	<u>USE 3</u>	<u>USE 4</u>
<u>Lifeguard</u>	<u>\$10.75 /hr.</u>	<u>\$10.75 /hr</u>	<u>\$10.75 /hr.</u>	<u>\$21.50 /hr.</u>
<u>Recreation Aide</u>		<u>\$9.50 /hr</u>	<u>\$9.50 /hr.</u>	<u>\$9.50 /hr.</u>
<u>Maintenance</u> <i>*If Applicable</i>			<u>\$22.15 /hr.</u>	<u>\$22.15 /hr.</u>
<u>Processing Fee</u>	<u>\$8.50</u>	<u>\$8.50</u>	<u>\$8.50</u>	<u>\$8.50</u>

Rental of an outlying pool will have an additional charge for county vehicle fee and gas fee.

All groups MUST provide a copy of their insurance policy. Insurance is not included in the rental fee, and there may be an additional charge.

***If Applicable= after hours or after regular pool season**

SECTION IV- SPECIAL CONDITIONS AND USES

SPECIAL CONDITIONS

The Division may specify additional conditions be met for application approval and/or may place additional conditions on the activity to be held (example: portable toilets, dumpsters, etc.), if deemed necessary, or is determined to be a safety issue.

DEPOSITS

A refundable cleaning deposit will be required for all use of a County facility. Refunds shall be made once it has been determined that the building /facility has been left in a satisfactory condition.

INSURANCE SURCHARGES

In addition to the fees discussed in Section III, a surcharge shall be charged to cover the cost of liability insurance.

If alcoholic beverages are to be consumed, an additional surcharge shall be charged to cover the cost of liquor liability insurance.

HISTORIC COUNTY COURTHOUSE

The Clerk of the Superior Court is responsible for scheduling the usage of the former Board of Supervisors meeting room, now known as first floor Courtroom. The second floor Courtroom is under the same management. The outside grounds of the Courthouse may be reserved through the Parks & Recreation Division.

GOVERNMENT CENTER – PLAZA, LOBBY, AND BOARD OF SUPERVISORS CHAMBERS

There are three areas in the Government Center available for civic and community gatherings. Because an employee has to accompany any use of this building; fees to cover staff time will be assessed for all uses. Plaza use will require a \$15/hour fee. Lobby use will require a \$20/hour fee. Board of Supervisors Chambers will require a \$35/hour fee. A combined use of all three areas will require a \$50/hour fee.

A two-hour minimum use is required. Food service will only be permitted in the Lobby and Plaza. A cleaning deposit of \$100 will be required of all groups requesting food service. Groups A & B, as defined in SECTION 1, will be the only groups eligible to apply for use of the Government Center. No amplified music permitted.

MARIPOSA COUNTY POOLS

- 1) Public Pool Hour 1-5pm
- 2) Pool Rules
 - No running, pushing, shoving, dunking, splashing is permitted in pool area.

- No diving in shallow end of pool.
 - Children under the age of 7 must be accompanied by a responsible adult age 18 and over, and within arms length of the adult at all times.
 - No flotation devices and/or floating swimsuits permitted.
 - No food, drink, tobacco or containers of such items allowed in pool area.
 - Patrons MUST wear proper swim wear – No cotton shorts.
 - Leaders of organized groups assume full responsibility for the conduct of their group.
 - All patrons must obey Parks and Recreation staff at all times.
- 3) Mariposa County Parks and Recreation staff and/or Mariposa County Facilities Maintenance staff, at their discretion, may close any County pool due to, but not limited to, the following: safety purposes, water clarity, and water contamination of any kind.

LONG-TERM USAGE FACILITIES

Long-term uses by Group A or Group B users may be permitted at County facilities, except outside picnic or park areas and the Courthouse grounds. In general, the following conditions shall apply:

- 1) Lessee shall adjust usage to accommodate historic special uses of the facility.
- 2) Lessee shall pay all costs associated with long term usage.
- 3) The Board of Supervisors must approve all long term uses.

CONDITIONS OF FOR-PROFIT USE OF FACILITIES

- 1) Use is restricted to only four days per year per facility for fund raising purposes per user group.
- 2) The proposed for-profit activity shall not compete with any local business (es) (other than food, beverages, art/crafts and clothing enterprises) located less than ten (10) miles from the subject recreation facility.

SECTION V- USE OF FACILITIES

- 1) County recreation facilities may be reserved up to one year in advance. It is recommended that Group B, or C users must reserve facilities at least thirty (30) days prior to the desired date.
- 2) High risk of large impact use applications must be made at least sixty (60) days prior to desired date. Application shall be approved by the Parks and Recreation Commission or the Board of Supervisors.
- 3) The Department has determined the capacity of buildings in keeping with the State of California Fire Marshal and the National Fire Protection Association, Section 101- Safety Code. Events exceeding these standards are prohibited.

- 4) Pursuant to the County Code, activities involving the assemblage of more than 250 persons will require a PUBLIC ASSEMBLAGE PERMIT. Permission to use the facility will not be granted unless the Public Assemblage Permit has been approved by the Mariposa County Sheriff.
- 5) Tennis Courts
 - A. Mariposa County tennis courts are available on a first-come, first-served basis.
 - B. General Play: Groups limited to one (1) hour per court with others waiting. Play will be on a first-come, first served basis.
 - C. Non-tennis activities are prohibited in ALL court areas. Wheeled vehicles and devices that are not normally associated with tennis are prohibited.
 - D. Tennis shoes are required on courts.
 - E. Per the terms of this policy, requests for reservations for tennis tournaments, team practices, special events or group events with publicized invitations require an APPROVED FACILITY REQUEST FORM. At least one court shall, at all times, remain open for public play. At the discretion of the Recreation Planner, up to six tournaments per year may be permitted to use all courts for tournament play.
 - F. The County of Mariposa reserves the right to monitor, control and permit the teaching of tennis on County courts. Exclusive rights may be granted at the option of the Board of Supervisors.
 - G. The County of Mariposa reserves the right to hold official County functions on said courts.
 - H. The terms of this policy shall be enforced by the Public Works Director; his/her designated staff or other County staff as determined by the Board of Supervisors.
- 6) Mariposa Skate Park
 - A. Hours of operation are from 8:00am to dusk
This park is a non-supervised facility
Users under seven years old must be accompanied by an adult
Helmets, kneepads and elbow pads must be worn while riding / skating
Protective equipment is required
Riding / skating only allowed inside the park
Competitive / demonstration events require special approval
 - B. Respect others
Bicycles by appointment only
Use the trashcans
No alcohol, smoking or drugs
No fighting or foul language
No graffiti or amplified music
No glass inside the facility

- 7) Fees and Changes
 - A. The County reserves the right to change or revise fees and charges periodically. Reservations already approved will not be affected by any rate changes.
 - B. The County will provide only the basic buildings, including space, utilities and usage instruction. The County will make additional charges for special equipment or extra services.
- 8) Cancellation of Permittees Use of Facility (ies):
 - A. Mistreatment of the facility, equipment and/or not following facility rules.
 - B. Failure to meet requirements and/or conditions regarding the use of the facility (ies).
 - C. Failure to notify the Parks and Recreation Division of the cancellation of any date(s) covered by permit.
 - D. The facility is rendered unusable by unsafe conditions, natural disasters or other unforeseen events, such as fire.
 - E. If the facility is needed for overriding public necessity or emergency use.
- 10) Permits will not be issued to groups and/or individuals that have had an approved permit cancelled pursuant to items 7A, 7B and/or 7C of this Section within the past twenty-four (24) months or that propose activities that are illegal or threaten the public safety as determined by the Department.

SECTION VI - GENERAL TERMS AND CONDITIONS
GOVERNING RESERVED USE OF FACILITIES

ADVERTISING AND SOLICITATION

Distribution of handbills, circulars, notices, advertising devices or similar items is prohibited without prior approval from the Department. **(Advertisement of events prior to application is ground for denial of application.)** No placement of any of the above will be permitted on trees.

ALCOHOL REGULATIONS

Use or possession of alcoholic beverages at a County recreation facility requires a Special Permit. The Department reserves the right to place restrictions on the use of alcoholic beverages in accordance with state law and County policy.

The use or provision of alcoholic beverages in indoor facilities will not exceed six (6) hours for any one event and in no instance extend beyond legal hours established in the Sate Business and Professions Code. Alcoholic beverages may be restricted to designated areas of the facility. The alcoholic beverage permittee will remove all beverages from the premises immediately following the approved use.

Certain alcoholic beverages will require the permittee to obtain a temporary use license from the Department of Alcoholic Beverage Control. A copy of the license must be submitted to the Parks and Recreation office five (5) working days before the use in which alcoholic beverages are to be sold.

FOOD REGULATIONS

Food and refreshments will only be permitted in certain designated areas as determined by the division. A refundable clean-up and damage deposit shall be required of groups serving food and refreshments, including alcoholic beverages. It is the permittee's responsibility to comply with Mariposa County Health Department standards.

ADULT SUPERVISION

Youth groups must have adequate adult supervision as determined by the division.

CONDUCT OF PERSONS

Permittee shall be responsible for the orderly conduct of all persons using the premises by its invitation, whether expressed or implied, during all times covered by the permit. The Parks & Recreation Division reserves the right to remove, or cause to be removed from the premises, any person or persons due to undesirable or objectionable conduct.

DAMAGE TO FACILITY OR EQUIPMENT

The permittee shall be responsible for any damage or loss to equipment or property. Any permittee causing damage, loss or extensive clean-up will forfeit deposit and be required to pay any additional costs.

DECORATIONS

The use of cellophane adhesive tape, nails, staples, screws, etc., in wall, woodwork, tables or other equipment/facilities is prohibited. Masking tape, if used, must be removed following the event. All decorations must be fireproof or of fire retardant materials. Nothing shall be attached to light fixtures. Candles or other open flame devices are prohibited.

DEPARTMENT RIGHT TO ENTER

Authorized Department employees shall have the right to enter all facilities at all times during any and all occupancies.

FIRE REGULATIONS

Exits shall not be obstructed and exit signs shall not be covered. At no time shall group size exceed the facility occupancy load as established by the County and/or State Fire Marshal.

INDEMNITY

The County of Mariposa is not responsible for accidents, injury, illness, or loss of group or individual property.

The permittee may be required to file evidence of adequate public liability and property damage insurance and shall name the County of Mariposa as additional insured. All special events, fund raisers and activities subject to Public Assemblage permit process will be required to file evidence of adequate public liability and property damage insurance and shall name the County of Mariposa as additional insured.

KEYS

Keys will be issued to permittee for designated area. A charge of \$5.00 per lost key will be levied. All keys will be assigned out of the Parks and Recreation office.

VERBAL AGREEMENTS

No verbal agreements for use of facilities shall be made or honored.

NORMAL OPERATING HOURS

Normal operating hours for reserving facilities including community halls, lighted picnic areas outdoor theater, park tennis courts, athletic fields and any facility under County jurisdiction are as follows:

SUMMER SEASON FROM 7:00 a.m. to 11:00 p.m.
WINTER SEASON FROM 8:00 a.m. to 11:00p.m.
(Mariposa County Code Section 12.16.090)

COUNTY RESPONSIBILITIES

County of Mariposa equipment may be available for public use, but must be requested at the time of application for facility use. The permittee shall be responsible for the set-up and take down of all County equipment.

STORAGE FACILITIES

Storage facilities are not available.

TICKET SALES AND ADMISSION CHARGES

Ticket sales and admission charges are allowed only if indicated on the application and approved. The Division must be made aware of all fund raising events. At no time will the parks be closed to the general public. County residents cannot be excluded from a special event or other activities where charged. Admission charges are voluntary donations.

SUPERVISION OF OCCUPANCIES

When an employee of the Division is on duty, he/she is responsible for the enforcement of the policies, rules, regulations, terms and conditions governing use of the facilities and shall have complete authority over the facilities used and the activities therein.

The employee has the authority to terminate the permittee's use for failure to comply.

Division staff will respond to any condition where County facilities or equipment are not functioning properly. Staff is not assigned to events or rentals unless the permittee pays for such assignment. If a condition requiring call out results from the permittee's actions, charges will be assessed at the discretion of the Division.

USE OF KITCHEN FACILITIES

Use of kitchens shall be subject to the County Health regulations relating to such use.

FURNISHING OF SUPPLIES

It is the permittee's responsibility to ensure that supplies, such as toilet paper, trash bags, and / or cleaning supplies are sufficient to support the permittee's activity. Any addition supplies must be requested in advance.

SECTION VII – PAYMENT AND REFUNDS

PAYMENT

Applicant shall pay to the County all use fees and deposits prior to application approval. Reservations shall not be made without the accompanying fee nor can they be made by the telephone. For extended uses, payment may be made quarterly. Late payments may result in cancellation of permit. If, during the actual use of the facility by the permittee additional fees are assessed by the County, these fees must be paid within ten (10) days after the use or be deducted from deposit.

REFUND

Permittee is requested to contact the Parks and Recreation office, (966-2498), as soon as possible for any cancellation of a function to allow for use by others. Fees and deposit will be refunded.

Full refund of use fees and deposit shall be made where the County is required to cancel permit for reasons stated in Section V.

Refund of deposit will be made by mail where no damage or loss has occurred, or when no extra clean up is required as a result of permittee's use of facilities. In the event of charges for damage or loss, the deposit will be forfeited and additional charges made to cover damages or loss.

SECTION VIII – MISCELLANEOUS

1. Permittee shall not disturb other activities that may occur at the facilities or premises. (Some facilities are multi-use such as fire stations).
2. Key will be returned to checkout place immediately after function or if after closing time, first thing the next day unless otherwise instructed.
3. NOTHING shall be removed from any facilities or premises without prior approval.
4. Signs and bulletins shall NOT be removed.
5. A Hall-Use Report Card is to be completed by group.
6. OVERNIGHT PARKING OR CAMPING IN COUNTY PARKS IS PROHIBITED.
7. Unauthorized use and/or display of FIREARMS or other dangerous weapons are PROHIBITED.
8. Dogs must be on leashes when in or on County Park premises.
9. The County of Mariposa will not be held liable or responsible for accident and/or injury to persons or property, nor will said County be responsible for loss or theft of personal property or for any equipment or items left in or on County properties.