



HUMAN SERVICES COMMITTEE

Agenda

Tuesday, February 4, 2014
2:00 pm

Madison Avenue Meeting Room
500 SW Madison Avenue

- | | |
|------------------------------------|---|
| Discussion/ Possible Action | I. Council Policy Review and Recommendation:
97-4.09, "Guidelines for Free Use of Parks and
Recreation Facilities"
(Attachment) |
| Discussion/ Possible Action | II. Council Policy Review and Recommendation:
07-4.16, "Code of Conduct for Patrons at Parks and
Recreation Facilities, Events, and Programs"
(Attachment) |
| Information | III. Other Business |

Next Scheduled Meeting

Tuesday, February 18, 2014 at 2:00 pm
Madison Avenue Meeting Room, 500 SW Madison Avenue

Agenda

Social Services Semi-Annual Report



MEMORANDUM

To: Human Services Committee
From: Karen Emery, Director *KE*
Stephen DeGhetto, Assistant Director *SD*
Date: February 4, 2014
Subject: Guidelines for Free Use Policy Review-Council Policy/CP 97-4.09

Issue: This policy establishes guidelines regarding exemptions from paying fees for the use of City Parks and Recreation Facilities. It is the purpose of this memo to inform the City Council of the completion of the triennial review of the Guidelines for Free Use, as required by Council Policy CP 97-4.09.

Background: This policy provides guidelines for staff to evaluate requests from the public for free use of its facilities; i.e., picnic shelters, community rooms, sports fields. Based on the established City Council financial policies, identified park facilities have an established use fee and all user requests are charged in accordance to the cost recovery methodology. Any fee waiver granted to a user must follow the Policy Exemption guidelines, as stated in Council Policy 97-4.09.023.

Discussion: The City is often asked to provide free use of its facilities for social gatherings, networking or citizen training activities. Staff regularly references Council Policy 97-4.09 for processing free use requests. Three criteria are applied, per policy, to determine if the group is exempted from paying fees:

- a. City of Corvallis sponsored or co-sponsored events, meetings, or activities. Co-sponsored activities must be verifiable through a signed agreement or Memorandum of Understanding.
- b. Arrangements executed through a separate agreement involving the use of City Parks and Recreation facilities.
- c. Benton County, a tax-supported agency, as long as they reciprocate with free use of County facilities to the City.

Staff has changed language to reflect Cost Recovery Methodology and to improve administrative efficiency.

Recommendation: Human Services recommend to City Council revisions to Council Policy #97-4.09 be approved as revised.

Review and Concur



Nancy Brewer, Finance Director



James A. Patterson, City Manager

Attachments:

1. Council Policy #97-4.09-Revised
2. Free Use Request Form

CITY OF CORVALLIS

COUNCIL POLICY MANUAL

POLICY AREA 4 - LEISURE AND CULTURAL ACTIVITIES

CP 97- 4.09 Guidelines for Free Use of Parks and Recreation Facilities

Adopted May 27, 1997

Affirmed December 21, 1998

Affirmed June 19, 2000

Amended January 22, 2002

Amended December 2, 2002

Amended December 20, 2004

Amended March 19, 2007

Amended April 6, 2009

Amended February 22, 2011

Amended February xx, 2014

4.09.010 Purpose

To establish guidelines in the review, approval, and exemption from paying fees for use of City Parks and Recreation facilities. This policy provides a methodology to permit free use, where appropriate, while optimizing the generation of non-property tax revenue, to financially support the ongoing facility operation.

4.09.020 Policy

The Parks and Recreation Department operates recreation facilities which are available to the public. These facilities are used for a variety of recreation programs, community events, meetings, classes, and social gatherings.

Fees are charged for the use of these facilities to help defray the cost of operations and maintenance of the facilities. The following are guidelines for reviewing requests for exemptions from payment of fees.

Council Policy 97-4.09

4.09.021 Definitions

Permit	An application form issued or authorized by the Parks and Recreation Department for use of a Parks and Recreation facility.
Parks and Recreation Facilities	All buildings, parks, natural areas , structures, roads, playing fields, swimming pools, and picnic areas which are operated and maintained by the Parks and Recreation Department.
Fee	A payment for the use of parks and recreation facilities, used to defray costs of maintaining the facility.

4.09.022 Guidelines

All users must pay to use Park and Recreation facilities, according to the Council adopted ~~fee schedule~~ **cost recovery methodology**. The only exemption to paying a fee is outlined in Section 4.09.023 Exemptions. Any user wishing to be exempt from paying a fee for the use of Parks and Recreation facilities must complete the Request for Free Use form and receive approval from the Parks and Recreation Director. An exemption to paying a fee for each facility use may be authorized for a period of up to ~~one year~~ **three months**. A user must reapply for exemption **for each year use**. Any violation of any of these requirements by the exempted user may jeopardize any future consideration of fee waivers.

4.09.023 Exemptions

With a current approved Free Use Agreement, the following are exempt from paying a fee. All reservation permits must still be completed for each reservation.

- a. City of Corvallis sponsored or co-sponsored events, meetings, or activities. Co-sponsored activities must be verifiable through a signed agreement or memorandum of understanding.
- b. Arrangements executed through a separate agreement involving the use of City Parks and Recreation facilities.
- c. Benton County, a tax-supported government agency, as long as Benton County also provides free use of its facilities to the City.

Council Policy 97-4.09

1. Each department within the County must complete a separate Free Use Agreement.
 2. Only official, tax-supported departments or divisions of Benton County will qualify; it is not sufficient to have "Benton County" in the name of the group to qualify for free use.
- d. ~~Users granted free use may not extend those privileges to any other person or agency, including clients, customers, partners, or vendors without specific written approval from the City.~~

~~4.09.024~~ Time Frame

~~Exempted users granted free use can only reserve a facility three months in advance, unless negotiated otherwise in mutual agreements.~~

4.09.0254 Other

- a. The Parks and Recreation Department reserves the right to remove any or all rooms, buildings, or park areas from free use, if the use will result in a loss of revenue to the City because there is public demand to rent the facility.
- b. Free use is intended for business purposes only, therefore only activities similar to the daily operations of the user are appropriate (i.e., business meetings, conferences, business retreats). Luncheons, dinners and picnics (excluding scheduled meal breaks during business meetings), dances and parties, even for the benefit of employees or clients, contain a social element which is inappropriate for free use. Such events do not qualify for free use even when scheduled in combination with a business event.
- c. The Parks and Recreation Department and other City departments have priority use of facilities.
- d. At the Senior Center, senior activities have priority use, per Council Policy 91-4.03.
- e. Users are responsible for setup and cleanup, damage to the facility, and, when required, liability insurance.
- f. A user requesting free use must sign an anti-discrimination agreement included on the Request for Free Use form.

Council Policy 97-4.09

- g. An approved Free Use Agreement will not exempt the user from fees for services that are normally associated with use, or that have a financial impact on the City's ability to honor the free use request. Examples include building attendants for after-hour use, or unusual or additional staff, supplies, etc. needed to accommodate or support the request.
- h. Users are required to give ~~one week~~ **two weeks** prior notice in the event of a cancellation to facilitate booking **of the facility.** ~~use reservation.~~
- i. Free use is a courtesy that may be revoked at any time.
- j. **Users granted free use may not extend those privileges to any other person or agency, including clients, customers, partners or vendors, without specific written approval from City.**
- k. **Exempted users granted free use can only reserve a facility three months in advance, unless negotiated otherwise in mutual agreements**

4.09.026 Appeals

The decision of the Parks and Recreation Director can be appealed to the City Manager or designated representative. The decision of the City Manager or designated representative is final.

4.09.030 Responsibility for Review

The Parks and Recreation Director will review this policy at a minimum triennially, ~~beginning in October 1998,~~ or when needed, and will make recommendations to the City ~~Manager:~~ **Council.**



Request must be received 10 business days prior to your event

City of Corvallis Parks and Recreation Department
Free Use Request for Parks and Recreation Facilities

Requesting Organization: _____ Today's Date: _____

Organization Description (check one):

- Non-profit, tax exempt status designation (attach copy of IRS certification)
- Benton County/City of Corvallis
- School District 509J
- Business Individual

Organization Representative (print name): _____
First *Last*

Mailing Address (print): _____
Street or P.O. Box

City *State* *Zip*

Daytime Contact Number: (_____) _____

Briefly describe the activity for which you are requesting free use of a facility:

Date(s) & time(s) requested: _____

Expected attendance: _____ Will an admission fee be charged? Yes No

Attach the appropriate completed permits:

- Parks Corl House Sound
- Field Tunison Alcohol
- Pool Facility Senior Center Non-designated area alcohol

Do you have a pre-existing facility use agreement with City of Corvallis/Parks and Recreation(attach copy)? Yes No

Anti-Discrimination Agreement: The organization agrees not to discriminate on the basis of race, religion, sex, color, national origin, family status, marital status, sexual orientation, age, source of income, or mental or physical disability during the course of this agreement.

Damage: The organization agrees to be responsible for any and all damage to any facility used under this agreement, and to be responsible for set up and clean up of any facility related to the agreed upon use.

Liability Waiver: The organization agrees to hold harmless and indemnify the City of Corvallis, Oregon from any and all liability for injury to persons or property occurring as a result of this activity.

Signed: _____ **Date:** _____

For Office Use Only

1. Organization meets the basic eligibility requirements for a fee exemption?
 Yes No

How? _____
2. Are permits approved for the dates and times requested?
 Yes No
3. Will the City incur extra costs (i.e., additional staff time) if this fee exemption is granted?
 Yes No
If "yes", approximately how much additional cost and for what? \$ _____ for

4. What is the projected rental value of the facility use (at the non-profit rate, if available)? \$ _____
5. The recommendation regarding this rental fee exemption is:
 Approved. Reason: _____

 Denied. Reason: _____

Facility Administrator's Signature _____ **Date** _____

Department Director Review:

1. This application for an exemption of rental fees is:
 Approved. Reason: _____
 Denied. Reason: _____
2. Additional direction to staff: _____

Department Director's Signature _____ **Date** _____



MEMORANDUM

To: Human Services Committee
From: Karen Emery, Director Parks and Recreation *KE*
Stephen DeGhetto, Assistant Director Parks and Recreation *SD*
Date: February 4, 2014
Subject: Review of Council Policy CP 07- 4.16. Code of Conduct for Patrons at Parks and Recreation Facilities, Events and Programs

Issue:

Council Policy CP 07-4.16, Code of Conduct for Patrons at Parks and Recreation Facilities, Events and Programs, is due for review, and this memorandum reflects the suggested revisions.

Background: This policy establishes rules and regulations to protect the rights and safety of the community.

Discussion: Parks and Recreation staff suggest minor grammatical and punctuation revisions to update the policy. Staff included updated language regarding smoking to be consistent with Municipal Code 5.03.080.160.

Recommendation: Staff recommends that the Human Services Committee recommend that Council approve the suggested minor changes to CP 07- 4.16 Code of Conduct for Patrons at Parks and Recreation Facilities, Events and Programs.

Review and Concur



James A. Paterson, City Manager

Attachment:

Council Policy CP 07- 4.16 Code of Conduct for Patrons at Parks and Recreation Facilities, Events and Programs

CITY OF CORVALLIS

COUNCIL POLICY MANUAL

POLICY AREA 4 - LEISURE AND CULTURAL ACTIVITIES

CP 07- 4.16 Code of Conduct for Patrons at Parks and Recreation Facilities, Events and Programs

Adopted July 2, 2007

Revised October 20, 2008

Revised December 20, 2010

Revised February XX, 2014

4.16.010 Purpose

This policy establishes rules and regulations to protect the rights and safety of the community and to allow the City staff to perform their jobs at all City-owned or managed Corvallis Parks and Recreation Department facilities and at all events or programs sponsored by Corvallis Parks and Recreation Department.

Corvallis is a community that honors diversity. The City and those in its employ do not have a policy, practice or procedure which directly or indirectly discriminates. This policy applies to everyone.

Parks are traditional forums for the exercise of free speech. This policy is not intended to interfere with the exercise of free speech in Corvallis Parks. This policy applies regardless of the message a person may wish to convey.

4.16.020 Definitions

Parks. For purposes of this policy, Parks are defined as any property or facility owned or controlled by the City, set aside and maintained by the City for the recreation and relaxation of the public, managed by the Parks and Recreation Department.

Facilities. For purposes of this policy, Facilities are defined as offices, buildings, and structures managed by the Parks and Recreation Department, whether or not the city owns the facility. Facilities include the Senior Center, the Osborn Aquatic Center, the Walnut Community Room, the Corl House, picnic shelters, playgrounds, playing fields when being used for organized team sports, park restrooms, the Starker Arts Amphitheater and stage, and temporary structures or temporary enclosures permitted by the City. Facilities do not include open areas,

Council Policy 07-4.16

sidewalks or paths not within some structure or enclosure. Facilities do not include playing fields which are not reserved for use for organized team sports.

4.16.030 Policy

The following are prohibited in any Park or Park Facility:

1. Violation of any City Park Regulation set out in Chapter 5.01 of the Corvallis Municipal Code.
2. Intentionally causing public inconvenience, annoyance, or alarm, or recklessly creating a risk of public inconvenience, annoyance or alarm, by engaging in fighting or behaving in a violent, tumultuous or threatening manner.
3. Possessing a weapon, except as permitted by ORS 166.370.
4. **Smoking as defined by Section 5.03.080.160 of the Corvallis Municipal Code or the use of chew, snuff, snus, and any other smokeless tobacco product, excluding FDA-approved nicotine replacement therapy products for the purpose of tobacco cessation, chewing, inhaling, burning, or ingesting by any other means tobacco or tobacco-like products; i.e., cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhaling, or ingesting, inside City facilities or in any City parks (Municipal Code 5.03.080.160.02). Smoking also includes the use of an electronic smoking device which creates a vapor, in any manner or in any form. Electronic smoking device is defined as any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances and the use of inhalation which stimulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah or under any other product name or descriptor, and any cartridge or other component of the device or related product.**
5. Consumption of alcohol, except as allowed by a permit issued as part of a facility or park rental (Municipal Code 5.03.040.010.06).
6. Aggressive Panhandling. Begging, demanding funds, or soliciting alms or charity, knowing that a reasonable person would find the manner of the begging, demand or solicitation to be alarming or threatening (Municipal Code 5.03.080.150).

Council Policy 07-4.16

7. The use of any City staff offices, equipment, computers or phones, without the express permission of on-duty staff.
8. Unlawful or unauthorized removal of City equipment or supplies from facilities or recreation programs.
9. Engaging in any activities prohibited by law.
10. Destroying, damaging, or defacing City property.
11. Failing to leave a designated area or designated facility subject to a priority use permit when asked to do so by the person holding the priority use permit.
12. Failing to leave a Park or Facility when the Park or Facility is closed without having a permit to do so.
13. Interfering or preventing the use of a Park or Facility by another person, without having a priority use permit.
14. The City Manager may develop patron behavior expectations for the following Parks and Recreation Facilities and programs for the safe operation and use of the facility and programs:
 - Senior Center
 - Osborn Aquatic Center
 - Recreation programs

Violation of patron behavior expectations for a specific facility or recreation program is prohibited by this policy.

4.16.040 Enforcement

The Parks and Recreation Department and Corvallis Police Department staff will implement the Code of Conduct rules. Unlawful activities will be reported to the Corvallis Police Department. People who violate the Code of Conduct will be asked to stop the action immediately and may be ordered to immediately leave the Parks and Recreation Department program or facility. If the prohibited behavior continues or the behavior is a crime or infraction, they may also be subject to arrest and/or citation. Refusal to leave when properly directed by staff may result in arrest for trespassing.

- 4.16.041 The Parks and Recreation Department may deny a person who has violated the non-criminal Code of Conduct rules from entering any Department program or City

Council Policy 07-4.16

facility until a written agreement is reached to discontinue the behavior or action, for a specific time, from one week, up to one year, or permanently. If an individual is removed from a program or facility, a certified letter will be sent from the Parks and Recreation Department Director or her/his designee or hand-delivered by a City of Corvallis employee within 48 hours outlining the occurrence, the length of time of the removal plus the appeal and reinstatement process. If an address is not attainable, the certified letter will be hand delivered at the time of next contact. If, in the judgement of the Department Director, the person constitutes a threat to the safe operation of a program or a City facility, or is involved in repeated incidents of criminal behavior, the person may be permanently excluded from all City of Corvallis Parks and Recreation Facilities, Events, and Programs. If the violation is criminal, a trespass notice will be issued by Corvallis Police Department staff at the time of the violation or if not present, at the time of next contact.

4.16.050 Trespass Durations

Criminal behavior may result in the following trespass durations:

<u>Criminal Behavior</u>	<u>Trespass Duration</u>
Infraction	One Week - 7 Days
Crime (Non-Person) - Misdemeanor	One Month - 30 Days
Crime (Trespass) - Misdemeanor	Three Months - 90 Days
Crime (Person) - Misdemeanor	One Year - 365 Days or permanent exclusion
Crime - Felony	One Year - 365 Days or permanent exclusion

Repeated incidents of criminal behavior will subject offender to additional trespass periods consecutive to original trespass duration.

4.16.060 Appeal

Anyone receiving notice of restricted access to Parks and Recreation Department programs and facilities may request a meeting to have the incident reviewed. The request must be in writing and filed at the Corvallis Parks and Recreation Department within 48 hours (exclusive of weekends) of receipt of the notice.

The incident review will be informal and the Parks and Recreation Director will consider information from City employees involved in the incident, the person requesting the hearing and from other witnesses to the incident(s). At the conclusion of the meeting, the Parks and Recreation Director may affirm, modify, or cause the notice to be canceled. A written copy of the decision will be delivered or mailed to the person requesting the meeting on the date issued. This decision may be appealed to the City Manager or the City Manager's designee.

Council Policy 07-4.16

4.16.070 Review and Update

This policy shall be reviewed and updated every three years by the Parks and Recreation Department Director.

From: Ward 3

Sent: Thursday, January 30, 2014 10:19 PM

To: Holzworth, Carla

Cc: Patterson, Jim; Ward 5; Ward 7; Ward 1

Subject: Council Policy Review and Recommendation:97-4.09, "Guidelines for Free Use of Parks and

Carla,

Would you include this email in the materials available to the Human Services Committee meeting Tuesday, February 4th?

HSC, the Public Participation Task Force is looking at a number of ways that the City can be encouraging of healthier, more active Neighborhood Associations (NAs). While the whole Task Force has not yet reviewed the potential recommendations for supporting NAs, I'm guessing that one recommendation will be free use of some City facilities for NA meetings and gatherings.

While the full process for how specific recommendations that would impact Council Policy 97-4.09 will move forward is not yet established, you may want to delay making recommendations to Council on this policy until council has had an opportunity to review the recommendations from the PPTF. If such a delay does not create current problems for staff, it may save staff time in the long run.

Richard