Policies and Procedures

City of Long Beach, Department of Parks, Recreation and Marine

Subject: FEE WAIVER POLICY Number: 3.15

1.0 PURPOSE

1.1 To provide policies and procedures for requesting and approving a waiver of departmental fees and charges established by the Parks and Recreation Commission, in accordance with the Long Beach Municipal Code 2.54 and the City Charter, Article IX, Section 902.

2.0 POLICY

2.1 The Department of Parks, Recreation and Marine (Department) recognizes the value of partnering with other agencies and organizations to provide services that benefit the community and its residents. In an effort to provide support to organizations that provide a community benefit that the City of Long Beach (City) is unable to provide, the following procedures have been established for determining when application fees, facility use fees, permit fees, or other departmental charges established by the Parks and Recreation Commission (Commission) may be waived.

2.2 All fee waivers must be approved by a majority vote of the Commission.

2.3 As stated in the Long Beach Municipal Code 2.54.010, any aggrieved person may appeal a decision or action made by the Parks and Recreation Commission.

3.0 RESPONSIBILITY

3.1 Fees established by the Parks and Recreation Commission for the use of City facilities (Facility Use Permit Fees) may be waived by the Commission if the applicant requests a fee waiver under one of the categories defined in this policy and the appropriate criteria are met.

3.2 Application for fee waiver must be submitted and associated fees must be paid prior to the date of the event for the applicant to secure reservation and to be eligible for fee waiver. Eligible fees will be reimbursed if the event occurs before Commission approves the adjustment.

3.3 This policy and procedure does not apply to permits issued by the Office of Special Events pursuant to 5.60 of the Long Beach Municipal Code, or fees required by other City departments.

4.0 ESTABLISHED FEES ELIGIBLE FOR CONSIDERATION

The following list defines the Commission established fees that can and cannot be waived.

4.1 Fees and costs that may be eligible for waiver by the Commission:

(a) Application fees
(b) Administrative fees
(c) Participant fees
(d) Permit fees
(e) Permits to gather fees
(f) Facility use fees
(g) Facility rental fees

4.2 Fees and costs to the Department that cannot be waived by the Commission:

(a) Monitoring costs
(b) Staffing or labor reimbursement costs
(c) Security costs
(d) Utility reimbursement costs
(e) Deposits for damages to facilities
(f) Refuse removal costs
(g) Custodial costs
(h) Maintenance costs
(i) Other City department charges

5.0 ELIGIBILITY FOR FEE WAIVER

The Commission may waive fees for an organization, individual or program if it determines that:

5.1 The event or program is open to the public[1] and is in compliance with the City's non-discrimination policy; and

(a) The event or program is consistent with Department mission, values, and objectives; and

(b) The program or event is of significant value to the Long Beach community or Department; and

(c) That established fees would cause significant financial hardship or would have a detrimental effect upon the services provided to the public; and

[1] Events open to the public may require registration, participation or admission fee.

(d) The proposed event or program will have no detrimental impacts on existing facilities or department activities, and that the permitted organization will provide in-kind services to offset the actual cost to the City or mitigate impacts that are created by the event or program; and

(e) The Fee Waiver Application (Application) is submitted prior to the date of the event; and

(f) There is no evidence of previous violations of the Fee Waiver Policy (organizations that violate this Policy or present false information about their event or program may not be eligible for fee waivers).

5.2 The agency is providing an event or service that is free and open to the public benefiting the Long Beach community/charity; or

(a) The agency is a Long Beach based organization and is providing a minimal fee service or program that results in significant community benefit; or

(b) The Commission has determined that no profit will be made from the event by the permitting organization or by any other private individual or business; or

(c) If a fee is charged at the event or program for the purposes of fundraising for a charitable cause, a portion of the proceeds will be paid to the City if proceeds exceed permitting costs by more than 100 percent; and

(d) If fundraising is involved, adequate proof that the donation was given to the charity of choice and can be provided to the Commission.

6.0 <u>ELIGIBILITY FOR FEE EXEMPTION:</u>

An individual or organization may be exempt from fees eligible for waiver as established in Section 4.1 of this policy, if they meet one or more of the following criteria:

6.1 Intergovernmental Cooperation:

(a) The organization is another governmental agency; and

(b) The use of the facility is related to the performance of the agencies' governmental duties and is related or of concern to a significant portion of City residents; and

(c) The activities associated with the event can be provided for within the Department's existing allocations without a reduction in services in other areas of the Department.

6.2 Department Sponsored:

(a) The event or program is consistent with Department mission, values, and objectives; and

(b) The activities associated with the event can be provided for within the Department's existing allocations without a reduction in services in other areas of the Department; and

(c) The program is sponsored by another City Department; or

(d) The City is recognized as a Co-Sponsor of the event and is provided appropriate recognition on all promotional materials and at the event; or

(e) The agency has an existing Reciprocal Use Agreement, Lease, Finding of Mutual Benefit, or Memorandum of Understanding with the City (includes contract class instructors, program operators currently under contract, and leaseholders in good standing with valid contracts.

7.0 PROCEDURE

Fee Waiver Applications (Applications) must be approved by a majority vote of the Parks and Recreation Commission (Commission). Eligible Applications will be considered as part of the regular Commission Agenda on a monthly basis.

Applications must be submitted prior to the date of event to be considered by the Commission. To be considered at the next regularly scheduled meeting of the Commission, Applicants must submit requests to Registration/Reservations at least (10) days prior to the next regularly scheduled Commission Meeting to be added to the Agenda and publicly noticed.

Organizations that meet the Fee Exemption Criteria in Section 6.0 are not required to submit a fee waiver request.

7.1 Fee Waiver Application Procedure

(a) Applicant completes Registration Process and pays applicable fees at the Registration/Reservations Office prior to the date of the event.

(b) Applicant completes Application and submits to the Registration/Reservations Office.

(Applications must be submitted prior to the date of the event to be eligible for consideration. Although not required, Applicants are encouraged to submit Application at least (30) calendar days prior to the event to ensure that the item is considered at the next regular meeting of the Commission.)

(c) Applicant may be asked by Director or Designee to submit financial information for organization or event to support Application.

(d) Application is approved or denied by the Director or Designee based on criteria established in the Sections 4.0 and 5.0 of this policy.

i. Application that meets the criteria set forth in this policy will be considered by the Commission at the next regularly scheduled meeting. Applicant is encouraged to attend the Meeting to provide information requested by the Commission.

ii. Application that does not meet the criteria set forth by this policy will not be presented to the Commission. Applicant may address the Commission and request reconsideration of the Application during the Public Comment period at the next regularly scheduled meeting.

ii. .

(e) Commission votes to approve or deny Application. Applicant may appeal decision of Commission to the City Council (see Section 7.2).

(f) Commission may request profit and loss statement following the event before fees are reimbursed (even for Application accepted by the Commission).

7.2 City Council Appeal Process

Per Long Beach Municipal Code 2.54.010, a person may appeal any decision of the Parks and Recreation Commission to the City Council, as follows:

(a) Appeals shall be filed with the City Clerk within ten (10) calendar days following the decision or action by the Commission. Acceptable correspondence include a letter to the City Clerk submitted by U.S. mail or by e-mail.

(b) Upon receipt of an appeal, the City Clerk shall (1) promptly notify the Department of Parks, Recreation and Marine, and (2) set the date of Council hearing. The hearing shall be held within thirty (30) calendar days after the appeal is filed.

(c) Once the hearing date has been established, the City Clerk shall notify the Department of Parks, Recreation and Marine, the appellant, or other interested parties, as indicated in the Municipal Code of the said date. The City Clerk shall notify such interested parties of the Council hearing not less than ten (10) days before the hearing.

(d) Not less than fourteen (14) days before the hearing, the Business Operations Manager, in conjunction with the appropriate Bureau Manager shall provide the Director of Parks, Recreation & Marine with a written report of the Commission decision or action on the appealed item, in accordance with the established schedule for City Council letters.

(e) After a hearing, the City Council may affirm, modify or overrule the decision or action of the Parks and Recreation Commission, but any such action by the City Council shall require a two thirds (2/3) majority vote. If the City Council fails to obtain the requisite votes to affirm, modify or overrule, the decision or action of the Parks and Recreation Commission shall stand.

8.0 REVIEW AND REVISION

It is the responsibility of the Business Operations Manager to review and update this policy and procedure on an annual basis.

9.0 REFERENCES

The above policy follows the guidelines and regulations listed in the following documents. For further information refer to such documents.

1. City of Long Beach, Municipal Code, Chapter 2.54 Parks and Recreation Commission, Section 2.54.005 Authority
2. City of Long Beach, Municipal Code, Chapter 2.54 Parks and Recreation Commission, Section 2.54.010 Appeal of Decisions
3. City of Long Beach, City Charter, Article IX, Section 902
4. Recreation Commission Policy, Issuance of Use Permits for Community Centers and Specified Facilities

APPROVED:

GEORGE CHAPJIAN
DIRECTOR

AUTHORIZED ON:

May 10, 2013

Rev 05/9/13