



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 and appreciates 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 help activate our parks by providing community benefits 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 to the Long Beach City Council.

3.0 RESPONSIBILITY

- 3.1 Fees established by the Parks and Recreation Commission for the use of City parks and 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 a fee waiver must be submitted and non-waivable fees must be paid no later than 45 days prior to the date of the event for the applicant to secure reservation and to be eligible for fee waiver. .
- 3.3 Approval of a fee waiver does not relieve the applicant of the obligation to comply with all other permit requirements, including but not limited to liability insurance, health permits, etc.

- 3.4 This policy and procedure does not apply to fees assessed 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) Participant fees
- (c) Permit fees
- (d) Permits to gather fees
- (e) Park and/or Facility use/rental fees

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

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

5.0 ELIGIBILITY FOR FEE WAIVER

The Commission recognizes the great value that our partners play in activating Long Beach parks by providing recreational opportunities benefitting the community. In an effort to assist these partners, the Commission may waive fees for an organization, individual or program if it determines that meets each of the following:

- 5.1 The event or program is open to the public¹ 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

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

- (b) The program or event provides a valuable benefit to the Long Beach community or Department; and
- (c) The established fees would cause financial hardship to the organization that would impede their ability to provide a valuable benefit to the community; and
- (d) The proposed event or program will have no detrimental impacts on existing facilities or cause the need for increased maintenance; and, will not displace any existing City programs or reservations and otherwise monopolize the facility preventing the use in the future by others; and
- (e) The Fee Waiver Application (Application) is submitted at least 45 days prior to the date of the event; and
- (f) There is no evidence of previous violations of any permits previously issued to applicant or 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).
- (g) The agency is providing an event or service that is free and open to the public benefiting the Long Beach community/charity; or
 - (i) The agency is a Long Beach based organization and is providing a minimal fee service or program that results in a valuable benefit to the community; or
 - (ii) The Applicant can attest and verify that no profit will be made from the event by the permitting organization or by any other private individual or business; or
 - (iii) If fundraising is involved, adequate proof that the donation was given to the charity of choice and will be provided to the Commission via the Post Event Summary Form.

5.2 Organizations not based in Long Beach, but directly benefit the Long Beach community, can qualify for a fee reduction of up to fifty percent (50%) of the fees and costs identified in Section 4.1.

6.0 ELIGIBILITY FOR FEE EXEMPTION:

An organization may be exempt from fees as established in Section 4.1 of this policy, if they meet one or more of the following criteria and thus a fee waiver is not required:

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 City Sponsored:

- (a) The program is sponsored by another City Department.
- (b) The activities associated with the event will not place any undue financial burden on the Department.

7.0 PROCEDURE

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

To be considered at the next regularly scheduled meeting of the Commission, Applicants must submit requests to Registration/Reservations at least (45) days prior to the date of the event 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 Reservation Process and pays applicable, non-waivable, fees (identified in Section 4.2) at the Registration/Reservations Office prior to submitting a fee waiver application.
- (b) Applicant completes Application for a fee waiver and submits to the Registration/Reservations Office.

(Applications must be submitted 45 days prior to the date of the event to be eligible for consideration. To ensure necessary processing time,

it is encouraged that fee waiver requests be submitted up to six months in advance.

- (c) Applicant may be asked by Director or Designee to submit additional information (such as financial data/projections) to support Application. If additional information is not supplied as requested, the Application will not receive consideration.
- (d) Commission votes to approve or deny Application. Applicant may appeal decision of Commission to the City Council (see Section 7.2).
- (e) Applicant is required to provide a Post Event Summary Report to the Department within 90 days following the event/program date. Fundraising events will be required to submit a financial summary and confirmation that the proceeds have been provided to the identified charity.
- (f) Failure to abide by this policy and/or other City rules and regulations may result in the permittee being denied for any future fee waiver requests.
- (g) At the Commission's discretion, Applicants with multiple requests for a fee waiver may be denied if it is determined that an undue burden is being placed on Department resources or the ability to equally serve other residents and organizations.
- (h) Organizations with ongoing events or programs that have a consistent and regular schedule fall under the Department's blanket permit process and can be applied for via an annual fee waiver application.

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 includes 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 a regular 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:



MARIE KNIGHT DIRECTOR
Rev 12/14/17

AUTHORIZED ON:

12/21/17