

# Agenda Report

March 11, 2019

**TO:** Honorable Mayor and City Council

**FROM:** Human Services and Recreation Department

**SUBJECT: AMENDMENT TO CHAPTER 3.24.030 (E) OF THE PASADENA MUNICIPAL CODE TO ALLOW FACILITY USE FEE WAIVERS FOR CIVIC OR PATRIOTIC ORGANZATIONS CHARGING ADMISSION OR COLLECTING DONATIONS**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the proposed project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) the General Rule that CEQA only applies to projects that may have an effect on the environment; and
2. Direct the City Attorney to prepare and return within 60 days an amendment to Chapter 3.24.030 (E) of the Pasadena Municipal Code to allow facility use fee waivers for civic or patriotic organizations charging admission or collecting donations.

## **BACKGROUND:**

The Human Services and Recreation Department (HSRD) routinely receives requests from local nonprofit organizations, service clubs, schools and other entities to waive facility use fees for various events. Pasadena Municipal Code (PMC) chapter 3.24.030 sections (B), (D) and (E) speak to the authority of the director of public works and the director of human services and recreation to, "...allow free use of any facility under that person's jurisdiction where the user is a local civic or patriotic organization, and no admission will be charged or donation or collection taken by user before, during, or after the event. The city may charge any such user any insurance policy charges pertaining to the use of the premises and for city's expenses in conditioning or reconditioning the facility before or after its use. The city may also charge any user direct city staff costs for opening, closing and/or supervising activities at the facility."

On November 23, 1998, the City Council adopted a fee waiver policy allowing specific fees to be waived for events that are co-sponsored by the City. The fee waiver policy defines the terms for co-sponsorship, outlines the terms to qualify, delineates an application process and allows for fee waivers when admission is charged or donations collected. Waiver of fees is conditioned upon the City Council making a provision for fee waiver when fees are established. Each year, when the General Fee Schedule is adopted, it includes a note that recognizes that the “[u]se of any City facility, field or area for a City Sponsored or City Co-Sponsored event is Free of Charge.”

Since 1998, a number of special events organized by local civic organizations have been co-sponsored by the City and the fees waived per the fee waiver policy. Some of these events charge admission or solicit donations to support the organization’s mission.

The proposed amendment to the PMC would allow the Director of Public Works and the Director of Human Services and Recreation to waive facility use fees for qualifying organizations attempting to raise funds by charging admission or collecting donations. Additionally, the proposed amendment would memorialize in the PMC the adopted fee waiver policy approved in the General Fee Schedule.

**COUNCIL POLICY CONSIDERATION:**

This PMC amendment would be consistent with Council’s strategic goal to support and promote quality of life and the local economy.

**ENVIRONMENTAL ANALYSIS:**

The proposed project described above has been deemed to not have the potential for significant effect on the environment, and would be exempt from CEQA review in accordance with Section 15061 (b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

**FISCAL IMPACT:**

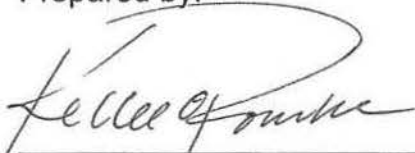
No fiscal impact is anticipated from this proposed amendment to the PMC. The proposed amendment would memorialize the adopted fee waiver policy in the PMC for ease of staff administration. As the fee waiver policy has been in place since 1998, the recommended action is not anticipated to impact revenue.

Respectfully submitted,



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Department

Approved by:



STEVE MERMELL  
City Manager

## Attachment - Pasadena Municipal Code Chapter 3.23.030

### 3.24.030 – Parks and Public Grounds Administrative jurisdiction.

- A. All public parks, the grounds in the civic center, the grounds appurtenant to the various branch libraries and other city buildings, Gamble House grounds, Wrigley House grounds, the grounds of the Norton Simon Museum of Art at Pasadena, and that building located at 825 South Raymond Avenue, Pasadena, known as the "Rose Palace," are placed under the administrative jurisdiction of the public works department.
- B. All neighborhood centers (Villa Parke, Jackie Robinson Center), recreation centers, (Victory Park, Robinson Park), the Pasadena Senior Center, and municipal swimming pools in Villa Parke and Robinson Park are placed under the administrative jurisdiction of the human services, recreation and neighborhoods department, or other department designated by the city manager in writing. All facilities and structures in parks and open space areas not identified above are under the administrative jurisdiction of the public works and transportation department, or other department designated by the city manager in writing. The Rose Bowl and buildings and structures located on the municipal golf course are intentionally excluded from this subsection.
- C. Jog-a-thon, marathon races and similar activities taking place upon public parks and streets of the city shall require a permit from the public works and transportation department and shall be subject to that department's administrative jurisdiction.
- D. The director of public works and the director of human services shall, from time to time, submit a schedule of fees and charges to be made for the use of the various facilities and equipment under his jurisdiction, which fees and charges shall be effective upon adoption thereof by resolution of the board of directors of city. Each director shall collect said charges or fees for the director's respective facilities.
- E. For purposes of this subsection, the directors of the two departments referenced above shall be the responsible administrative officials, unless otherwise designated by the city manager in writing. The responsible administrative official may allow free use of any facility under that person's jurisdiction where the user is a local civic or patriotic organization, and no admission will be charged or donation or collection taken by user before, during, or after the event. The city may charge any such user any insurance policy charges pertaining to the use of the premises and for city's expenses in conditioning or reconditioning the facility before or after its use. The city may also charge any user direct city staff costs for opening, closing and/or supervising activities at the facility.
- F. The director of public works or the director of human services may exclude from any facility under his jurisdiction any individual whose presence is detrimental to the enjoyment of the facility by others or whose conduct is offensive to the public and a nuisance. Such person may appeal his exclusion to the board of directors.
- G. The city manager may permit any facility or a part of any park to be used for events other than those for which the facilities or grounds were designated, upon such terms as he shall determine to be reasonable, and the contract for such use shall state such terms.
- H. The city board of directors, by resolution, may adopt a schedule of fees to be charged for the granting of any license by the city authorizing a use or activity on any public property or public right-of-way.
- I. The city manager shall determine where archery activity is permitted and promulgate rules and regulations relating to the conduct of individuals using the Lower Arroyo Archery Range.

(Ord. 6715 § 1, 1997; Ord. 5568 § 6, 1982; Ord. 5442 § 1, 1979; Ord. 5310 § 2, 1977; Ord. 5178 §§ 1, 2 (part), 1974; Ord. 5145 § 1, 1974; Ord. 4906 §§ 1, 2, 3, and 5, 1968; Ord. 3527 § 1, 1940; Ord. 3038 Part I § 1, 1932)

(Ord. No. 7265, § 2, 9-28-2015)