

RESOLUTION NO. 67,581-N.S.

PARKS AND RECREATION PROGRAMS AND FACILITIES

WHEREAS, on January 28, 2014, Berkeley City Council adopted the Policies and Procedures for Parks and Recreation Programs and Facilities (Resolution No. 66,470-N.S.); and

WHEREAS, the policies and procedures have been revised to include a policy on Special Use Rentals, as described in Exhibit A, whereby qualified local groups (e.g., neighborhood, Community Agency, and non-profit groups that comply with this policy) are allowed to hold meetings at the City's Community Centers and Berkeley Marina Conference Room during normal business hours, free of charge.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the policies and procedures for Parks and Recreation programs and facilities are revised as set forth in Exhibit B and shall be effective June 28, 2016.

BE IT FURTHER RESOLVED that Resolution No. 66,470-N.S. is hereby rescinded effective June 28, 2016.

The foregoing Resolution was adopted by the Berkeley City Council on June 28, 2016 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.



Tom Bates, Mayor

Attest: 

Mark Numainville, City Clerk

SPECIAL USE RENTAL POLICY

Purpose

A primary goal of the City's Community Centers is to become a "hub" of resources and referrals for neighborhoods by establishing a relationship of mutual support and trust. Through this trust, we promote safe neighborhoods and opportunities for families and youth to be engaged in activities that enhance the community and support the goals of the Parks Recreation and Waterfront Department. Each year, the Parks Recreation and Waterfront Department receives numerous requests from community groups to meet at its Community Centers as well as the Berkeley Marina Conference Room for no fee. As a way to cultivate community relationships and respond to community requests for free meeting space, the City has created a policy whereby qualified local groups (e.g., neighborhood, Community Agency Contract, or non-profit groups that comply with this policy) are allowed to hold meetings, free of charge, at the City's Community Centers and the Berkeley Marina Conference Room during normal business hours.

Application Process

1. A completed application and attachments must be submitted before a reservation is confirmed. Groups applying for a Special Use Rental must support and benefit the goals of the City of Berkeley Parks Recreation and Waterfront Department ("PRW"). The department is committed to administering excellent recreation programs at our community centers, camps, marina and parks; developing new programs that fulfill the City's 2020 Vision; maintaining our trees and municipal urban forest, landscaping and infrastructure; and developing Capital Projects with community input to improve and enhance residents' park and facility experience.
2. All interested groups must submit a completed Special Use Rental application on an annual basis, with all of the following attached:
 - a. Proof that membership has approved meetings (either by providing a Board Resolution, Agendas, or Minutes)
 - b. A \$200 Cleaning/Damage Deposit (Refundable).
 - c. A written statement that the group/non-profit organization does not discriminate on the basis of race, color, religion, ancestry, national origin, age, sex, sexual orientation, marital status, political affiliation, veterans' status, disabilities (physical and mental), and medical condition (including cancer and HIV status).
 - d. A written statement describing the group's goals and how they support and benefit the goals of the City of Berkeley Parks Recreation and Waterfront Department.
 - e. In addition to the above requirements that apply to all interested groups, Community Agency Contract and non-profit groups must also submit:
 - List of membership roster with names, addresses, and phone numbers
 - Proof of non-profit status (required for non-profit groups)
3. At least 14 days before the date of the first meeting, qualified groups must provide a valid Certificate of Insurance (COI) containing the City's minimum liability requirements, and naming the City of Berkeley as additional insured on separate Endorsement. This COI must cover all of the group's reserved dates for the year. If

the COI is not provided at least 14 days prior to the first reserved date, the reservation will be cancelled.

4. PRW will not begin to review the application until the application is complete, including all required information and attachments. A reservation is not confirmed until the applicant receives written notice of approval from PRW.
5. Applications may be picked up at: 1) any Recreation Center; 2) Recreation Division Office, 2701 Telegraph Ave., Berkeley; 3) Berkeley Marina Office; or 4) City of Berkeley website: www.cityofberkeley.info/parks
6. Approval of applications is at the discretion of the Recreation and Youth Services Manager / designee; a decision denying the application is final and not subject to appeal. If PRW denies the fee waiver application, the interested group may apply to rent the room for the standard fee.
7. Qualified Groups: In order to qualify for this policy, groups must comply with all of the requirements set forth above in paragraphs 2 and 3. In addition, groups must support and benefit the goals of the City of Berkeley Parks Recreation and Waterfront Department and groups must be one of the following:
 - a. **Neighborhood Groups:** Any group living in a specific area of Berkeley that comes together to either exchange ideas for neighborhood improvement and community building, or to help solve neighborhood problems or issues.
 - b. **Non-profit Groups:** Any organized non-profit group that meets at least quarterly.
 - c. **Community Agency Contract Groups:** Any City of Berkeley Community Agency Contract group that serves youth under 18 years of age.
 - i. There must be adult leaders, advisors and/or chaperones attending each meeting.

Limitations

1. Qualified groups may hold a regular meeting of up to two hours at a specified meeting room in a Community Center or the Marina Conference Room for up to eight (8) times per year during regular operating hours.
 - a. Exception: The Community Room, Auditorium, or Social Hall at each Community Center may be used for one additional "larger scale" meeting, such as a banquet or social event, each year.
2. Meetings must be open to the public.
3. Regular Business Operating Hours are when the Community Center or Marina Office is open (Hours may vary for each facility based on its regular schedule of use).
4. Qualified groups may not conduct the following activities: for-profit business or commercial activities; campaign activities; private instruction; or fundraising (unless fundraising proceeds are devoted solely to municipal recreation and park improvements, which must be demonstrated with a written request to the Recreation and Youth Services Manager/designee).
5. A reservation for the qualified group may be scheduled a maximum of 180 days in advance and a minimum of 14 days in advance, and must not conflict with ongoing programs, paid rentals, or classes.

6. A qualified group is required to do set-up, takedown and clean up.
7. Any additional fees other than the waived rental fee (e.g., kitchen use, stage, set-up/take down, etc.) shall apply and are the sole financial responsibility of the qualified group.
8. The City has the right to cancel a reservation at any time.
9. Groups cancelling a reservation must give at least 72 hours notice. If proper notice of cancellation is not given, the City reserves the right to revoke the group's reservations for the entire year, or any part of the year. The City may revoke the group's reservations for the entire year, or any part of the year for any of the following reasons: if the group fails to abide by any of the information in its application; or the group fails to comply with any of the Rules and Regulations of the City's Facility Rental Policy.

I. CLASSIFICATION AND DEFINITION OF USER GROUPS

The following classifications and definitions are established for the purpose of determining recreation facility priority use and rental charges (exception: Athletic Fields).

User Groups may be required to provide insurance, (as a condition of facility use) as determined by the City of Berkeley Risk Manager.

A. City of Berkeley: Any department of the City of Berkeley using the facility for recreational or educational purposes.

B. Public Agencies: Agencies, such as Berkeley Unified School District, State of California, County, or University of California, providing a service to the City of Berkeley. (For example, the University providing tutoring to City recreation program participants.)

C. Resident Groups Serving Berkeley Residents With Disabilities: Per subtitle A of title II of the Americans with Disabilities Act of 1990 (42 U.S. C. 12131), the term "disability" means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more major life activities of such individual;
2. A record of such impairment; or
3. Being regarded as having such impairment.

D. Resident Youth Groups: Any organized non-profit resident youth group that meets the following criteria:

1. A majority of the members are 17 years of age or under;
2. There are adult leaders, advisors and/or chaperones that are present during events at COB facilities;
3. The group has documentation of non-profit status and adheres to all applicable rules and laws for non-profits including established meeting schedule, board of directors, and by-laws;
4. The group/non-profit organization does not discriminate on the basis of race, color, religion, ancestry, national origin, age, sex, sexual orientation, marital status, political affiliation, veterans' status, disabilities (physical and mental), and medical condition (including cancer and HIV status);
5. The group's activities are recreational and/or educational in nature;
6. At least 50% of the membership are residents of the City of Berkeley

E. Resident Senior Citizen Groups: Any organized adult group meeting the requirements listed under Resident Youth Groups in Section D. above, except for numbers D.1. and D.2., and at least 75% of the membership is comprised of persons 65 years of age or older.

F. Residents: Persons who can prove Berkeley residency as noted below in Section II. A. and whose event/rental is not open to the public. (For example. Wedding receptions

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or parties.) Liability and/or other insurance may be required as determined by the City's Risk Manager. Resident must be at least 21 years old to rent facility.

G. Non-Resident: Persons residing outside of Berkeley. Non-resident must be at least 21 years old to rent facility.

Non-resident Fees

- Rental Fees for facilities, fields, and picnic areas are Resident Rate + 20% of Resident Rate
- Program Fees for swim lessons, youth sports, tennis lessons, Skate Camp/Lessons, Recreation Center Afterschool Programs and Day Camp and Summer Fun Camps are Resident Rate + 20% of Resident Rate
- Adult Sports Team Fees are Resident Rate + 20% of Resident Rate (\$75 cap per team per season)
- Echo Lake Camp are Resident Rate + 10% of Resident Fees

II. ELIGIBILITY REQUIREMENTS

A. Residency: Proof of residency is required to receive the resident rate. A recent utility bill (within the past two months) is required for verification. Youth attending Berkeley Public Schools are eligible for the resident rate with current school photo identification card, and/or letter from school.

B. Age: New program participants may be required to provide proof of age at the time of registration to receive a youth discount. A copy of birth or baptismal certificate is acceptable proof.

III. ECHO LAKE CAMP

A. Fee Classifications (note: ages at arrival to camp)

1. Adult (ages 15+)*
2. Youth (ages 7-14)*
3. Child (ages 3-6)*
4. Infants (under 3)* stay free of charge.

B. Calculating Rates

1. Echo Lake Camp

Rates for one full day include programs, breakfast, lunch, dinner, and overnight lodging. Stay is calculated from the first meal after arrival to the last meal before departure.

2. Special Discounted Programs for Echo Lake

The Department Director or designee may establish a discount during low attendance periods or during times when no formal camp is in session as a method to increase camp use. A discount of up to 40% may be given provided there is a clear benefit to the City of Berkeley and/or the City's Camp Fund.

3. Off Season Use

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Off-season rates are applied when there is no program occurring at the Camp. (Off-season individuals or groups may use the campgrounds, tents, cots with mattresses, and facilities, including food service, after payment of applicable fee.)

C. Reservations

1. A reservation will be cancelled if the balance is not paid by May 1, or the following business day, should May 1 be a non-business day.
2. Any change that results in a reduction in a reservation must be requested at least 30 days or more prior to camp arrival date.
3. A maximum of two cabins can be reserved under a single name. An accommodation may be made for large group reservations.

D. Camps Service Charges

1. Changing Reservation: All changes must be made in writing at least 30 days prior to arrival date. No charges will be incurred for adding people, dates, or meals to an existing reservation. Changes resulting in a reduction of the reservation will result in a service charge according to the prevailing fee schedule. Additions may be made less than 30 days in advance as space allows.
2. Camp Closure Due to Emergency or Illness: In the event of an emergency or illness which leads to closure of camp, the Department Director, or designee may waive any unused portion of the reservation fee.
3. Cancel Reservation: A fee will be incurred for cancellations. Payments will be forfeited if cancellation is less than 30 days in advance of arrival date. See Refunds Policy. (Section VI)

E. Group Rentals – Camps

1. Exclusive use of **Echo Lake Camp** requires a minimum of 60 people. Groups of less than 60 people may rent space at the camp, but use will not be exclusive.
2. Certificate of Insurance showing evidence of liability insurance in limits of not less than \$1,000,000, and naming the City of Berkeley as an additional insured, is required for exclusive use group rentals only.
3. Groups Rentals are required to pay a 10% non-refundable deposit upon submission of the rental agreement to the City.
4. Group Rentals are required to pay an additional 20% non-refundable deposit at least 30 days prior to camp arrival date.
5. Group Rentals are required to pay the remaining balance due upon arrival at camp.
6. Group Rentals do not include access to the kitchen for meal preparation.
7. Groups must provide one dedicated medical staff at the user group's expense.
8. Groups must provide lifeguards, at the user group's expense. The number of lifeguards is based on the number of participants as determined by the Camp Manager.
9. A \$300 cleaning deposit is required. Deposit will be returned if the camp has been left in the same condition as before the rental, as determined by the Camp Manager.

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IV. LOW INCOME FEE SUPPORT / SCHOLARSHIPS

Low-income fee support / scholarships are available to Berkeley residents who meet Federal Low Income Guidelines. Individuals or groups who are eligible for low income fee support must provide proof of Berkeley residency (except for Marina programs, where there is no residency requirement) and proof that gross household income meets Federal Low Income Guidelines. The Department Director, or his/her designee, can approve low income fee support for the following programs:

A. Citywide Fun Camps (Exception: One Day Camps), Swim Lessons, Youth Tennis Lessons Youth Baseball, Skate Park ½ Day Camp and Skate Park Group Lessons:

A 50% discount from the standard/core fee for each child registered will be allowed. Participants must re-apply to receive unlimited discounts for each program, if not in the same time period.

B. Camp Programs (Day Camp, Echo Lake)

1. Youth: Fees will be reduced by 50% for a limited number of participants, as determined by the Director of Parks Recreation and Waterfront, or his/her designee. Participant is allowed a discount for one session of Day Camp and one session of Echo Lake Youth Camp annually.

2. Families: Fees will be reduced by 50% for a limited number of participants, as determined by the Director of Parks, Recreation and Waterfront, or his/her designee. Families are allowed one discount for one (weekend or 5- day) session of Echo Lake Camp annually.

C. The Marina Programs do not require Berkeley residency, however, individuals or groups requesting low income fee support for these programs are required to show proof that gross household income meets Federal Low Income Guidelines:

1. Marine Biology and Boating Classes: A 50% discount from the standard/core fee. Eligible program participants will receive one discount per class per year.

2. Docent Training Programs: A 50% discount from the standard/core fee. Eligible program participants will receive one discount per class per year.

3. Classroom Field Trips to the Nature Center or Adventure Playground: A 50% discount from the standard/core fee will be allowed for qualifying classrooms. To qualify, teachers must first send a letter with proof that a minimum of 50% of the class (s) qualify for the school's free lunch program.

Letter must be directed to:

Recreation & Youth Services Manager
City of Berkeley
Recreation Division
2701 Telegraph Avenue
Berkeley, CA. 94705

V. FEE WAIVERS

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A. Youth: In a limited number of cases, fees may be waived altogether for youth who would otherwise not be able to participate in the program due to extreme financial, familial or other hardship. The Director of Parks Recreation and Waterfront, or his/her designee will evaluate requests for waivers. Recipients of waivers are required to demonstrate proof of Berkeley residency and that gross household income meets Federal Low Income Guidelines.

B. Camp Service Providers: Nurses and Independent Contractors are paid for their services and may receive a waiver of all camp fees while they are providing this service. One additional adult or two children under the age of fifteen, accompanying the camp service provider, may receive a waiver of all camp fees. Up to three additional family members, accompanying the camp service provider, may receive a waiver up to 80%, provided they use one tent cabin.

C. Artists-in-Residence: Artists-in-Residence are volunteers and are not paid for their services. They may receive a waiver of all camp fees while they are providing this service. One additional adult or two children under the age of fifteen, accompanying the artist-in residence, may also receive a waiver. Up to three additional family members may receive a waiver up to 80%, provided they use one tent cabin.

D. Camp Volunteers: Volunteers may receive a fee waiver of all camp fees if all of the following applies: 1) must be a previous City of Berkeley or Tuolumne or Echo Lake Camp employee, or have a skilled service that is deemed a necessity by the Parks Recreation & Waterfront Director; 2) must be over 18; and 3) no guests of volunteers are allowed during organized volunteer/work weekends.

VI. REFUNDS

All requests for refunds must be directed to the Recreation & Youth Services Manager, Recreation Division, 1947 Center Street, First Floor, Berkeley, CA 94704. The original receipt must be submitted with a written request for a refund. The request must state the reason for the refund, and the date, time and location of the program, and the amount requested. The Recreation and Youth Services Manager will render a decision to either: 1) refund the fee; 2) pro rate the fee; 3) apply the fees to another session or program (not applicable to sports field permits); or 4) deny the request.

A. Recreation and Marina Programs & Services: No refunds or credit will be granted without 7 days notice prior to start of class or date of reservation. The City will deduct 25% of the amount paid from the Refund to cover administrative expenses or will add a minimum \$10.00 service charge.

B. Camp Programs: No refunds will be provided if cancellation is made less than 30 days before camp arrival date. A refund will be provided if the entire reservation is cancelled not less than 30 calendar days prior to arrival date, less a 25% administration fee not to exceed \$150.

C. Emergency, Illness and/or Bereavement Refund Request: The Department Director, or designee, may refund the reservation fee on a prorated basis in the event of an

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emergency, illness or bereavement of an immediate family member occurring after registering for a program. A written request must be submitted no later than 30 days after the date of the event, and must include the reason a refund is being requested and a copy of a written doctor's verification for medical reasons, or a copy of the obituary or memorial service program for bereavement reasons.

D. Picnic Site and Adventure Playground Reservations: No refunds or credit will be granted without 7 days notice prior to date of reservation, except for rainouts. The City will deduct 25% of the amount paid from the refund to cover administrative expenses or will add a minimum \$10.00 service charge. In the event of a rainout on the date of reservation, customer may request to change the reservation to a later date, subject to availability. If no other date is available or desirable, customer may request to apply the fees toward another Recreation program or request a refund. Requests must be made in writing no later than 72 hours after the date of reservation. The Recreation and Youth Services Manager will render a decision to either: 1) refund the fee; 2) apply the fees to another program; or 3) deny the request.

E. Sports Field Permits: A refund may be requested for any time that a City field is not used due to circumstances beyond the control of the permit holder (e.g., weather). To request a refund, a letter must be sent to the City's Recreation Division Manager for approval at their discretion. The letter must contain the following items: the dates and times and amounts requested, along with a copy of the permit and the City-issued payment receipt number. Refunds for full season permits shall be issued for field closures that happen on the third or more closure that occurs in subsequent and separate weeks (e.g., the third Monday out of three rained out Mondays would be refunded), and are processed at the end of each season. Refunds for spot bookings are refunded in the full amount upon request and are processed throughout the season.

VII. SPECIAL USE RENTAL POLICY

Purpose

A primary goal of the City's Community Centers is to become a "hub" of resources and referrals for neighborhoods by establishing a relationship of mutual support and trust. Through this trust, we promote safe neighborhoods and opportunities for families and youth to be engaged in activities that enhance the community and support the goals of the Parks Recreation and Waterfront Department. Each year the Parks Recreation and Waterfront Department receives numerous requests from community groups to meet at its Community Centers as well as the Berkeley Marina Conference Room for no fee. As a way to cultivate community relationships and respond to community requests for free meeting space, the City has created a policy whereby qualified local groups (e.g., neighborhood, Community Agency Contract, or non-profit groups that comply with this policy) are allowed to hold meetings, free of charge, at the City's Community Centers and the Berkeley Marina Conference Room during normal business hours.

Application Process

1. A completed application and attachments must be submitted before a reservation is confirmed. Groups applying for a Special Use Rental must support and benefit

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the goals of the City of Berkeley Parks Recreation and Waterfront Department ("PRW"). The department is committed to administering excellent recreation programs at our community centers, camps, marina and parks; developing new programs that fulfill the City's 2020 Vision; maintaining our trees and municipal urban forest, landscaping and infrastructure; and, developing Capital Projects with community input to improve and enhance residents' park and facility experience.

2. All interested groups must submit a completed Special Use Rental application on an annual basis, with all of the following attached:
 - a. Proof that membership has approved meetings (either by providing a Board Resolution, Agendas, or Minutes)
 - b. A \$200 Cleaning/Damage Deposit (Refundable).
 - c. A written statement that the group/non-profit organization does not discriminate on the basis of race, color, religion, ancestry, national origin, age, sex, sexual orientation, marital status, political affiliation, veterans' status, disabilities (physical and mental), and medical condition (including cancer and HIV status).
 - e. A written statement describing the group's goals and how they support and benefit the goals of the City of Berkeley Parks Recreation and Waterfront Department.
 - f. In addition to the above requirements that apply to all interested groups, Community Agency Contract and non-profit groups must also submit:
 - List of membership roster with names, addresses, and phone numbers
 - Proof of non-profit status (required for non-profit groups)
3. At least 14 days before the date of the first meeting, qualified groups must provide a valid Certificate of Insurance (COI) containing the City's minimum liability requirements, and naming the City of Berkeley as additional insured on separate Endorsement. This COI must cover all of the group's reserved dates for the year. If the COI is not provided at least 14 days prior to the first reserved date, the reservation will be cancelled.
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7. Qualified Groups: In order to qualify for this policy, groups must comply with all of the requirements set forth above in paragraphs 2 and 3. In addition, groups

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must support and benefit the goals of the City of Berkeley Parks Recreation and Waterfront Department and groups must be one of the following:

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VII. IMPLEMENTATION OF NEW FEES

The Director of Parks Recreation and Waterfront, or his/her designee, reserves the right to establish fees for new Recreation programs up to \$250 based on comparison with other municipalities.