RESOLUTION NO. R09-08

A RESOLUTION OF THE MONO COUNTY BOARD OF
SUPERVISORS SUPERSEDING AND REPEALING
RESOLUTION NUMBER 91-09 SETTING FORTH
POLICIES AND ESTABLISHING FEES
FOR THE USE OF COUNTY COMMUNITY CENTERS

WHEREAS, in 1991 the Board of Supervisors enacted Resolution 91-09, setting forth policies and establishing fees for the use of county community buildings (i.e., community centers); and

WHEREAS, Resolution 91-09 addressed a variety of issues concerning the use of the County’s community centers including, but not limited to: insurance requirements; the handling of keys, deposits, and fees (including exemptions from fees); event scheduling; and the role of event coordinators; and

WHEREAS, since Resolution 91-09 was enacted, several new community centers have been built in Mono County and the costs and liabilities associated with operating all of the County’s community centers have changed; and

WHEREAS, in light of the foregoing, it is necessary to update the policies and fees associated with the use of the County’s community centers in order to take into account the passage of time and changed circumstances.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO as follows:

SECTION ONE: FEES AND DEPOSITS

A. Findings

The Board of Supervisors hereby finds and determines that:

1. The charge to the public for use of County community centers should be fair and reasonable given market conditions in the community in which the center is located, the amenities available at the center, and taking into consideration the County’s costs to maintain and make the centers available for use by the public.

2. The current cost to the County to make its community centers available to the public, including but not limited to the cost of administration, insurance, climate control, maintenance, repair, and deep cleaning (hereinafter “Cost”), is estimated to exceed $200.00 per use.

3. Considering the market conditions in the unincorporated areas of the County, the demand for use of the community centers, the amenities offered by each center, and the Cost associated with making the community centers available, the fees set forth in subsection B.1 of this section are considered to be fair and reasonable.

4. In addition to the Cost described above, the County incurs potential additional expense when it authorizes the public to utilize a County community center because of the potential for damage to the center or the failure of the user to clean the
center and return it to its original condition. The amount of that potential additional expense is impossible to estimate with any specificity as it depends on the individual repair and/or cleaning required. Moreover, past experience has been that property damage and/or a failure to clean are more likely to be associated with uses at which alcohol is present. In order to offset this potential additional expense, it is fair and reasonable to require that deposits in the amounts set forth in subsection B.2 of this section be paid.

B. Fees and Deposits Established

Except as provided in Section Two, fees and mandatory deposits for the use of the County's community centers are hereby established as follows and shall be administered and paid in accordance with the County's Community Center Use Agreement.

1. Fees
   For the Crowley Lake Community Center:
   Fee (per use, w/o kitchen) $150.00
   Fee (per use, w/kitchen)  $200.00

   For Community Centers other than Crowley Lake:
   Fee (per use, w/o kitchen) $ 75.00
   Fee (per use, w/kitchen)  $100.00

2. Deposits
   Deposit (per use, alcohol present) $500.00
   Deposit (per use, alcohol not present) $300.00

C. Definitions

For the purposes of this Section, a "use" shall be defined as an event occurring on one calendar day or, for repetitive events (e.g., a class meeting every Wednesday), an event occurring on any number of calendar days for up to a twelve-week period. Fees must be paid for each "use" of a County Community Center. For example, for a repetitive event lasting from between thirteen to twenty-four weeks, the fee must be paid two times.

SECTION TWO: FEE WAIVERS

Fees for the use of the County's community centers (but not deposits) shall be waived for certain nonprofit organizations and local governmental agencies in accordance with this Section.

A. Public Purpose

The Board of Supervisors hereby finds and determines that:

1. The activities of certain nonprofit organizations and local government agencies promote public purposes of the County such as cultural enrichment, community service, economic development, education, and public health and welfare; and
2. Many nonprofit organizations and local government agencies promote these public purposes through events held at the county's community centers; and

3. Exempting them from the payment of fees for such uses would support their activities and the public purposes they promote.

B. Entities Eligible for Fee Waiver

Except as provided in paragraph C, the following types of nonprofit organizations and local government agencies shall be exempt from the payment of fees for the use of the County's community centers:

- charities and other nonprofit organizations exempt from federal taxes pursuant to Internal Revenue Code section 501(c)(3)
- civic leagues and other nonprofit organizations exempt from federal taxes pursuant to Internal Revenue Code section 501(c)(4)
- chambers of commerce and other nonprofit organizations exempt from federal taxes pursuant to Internal Revenue Code section 501(c)(6)
- clubs and other nonprofit organizations exempt from federal taxes pursuant to Internal Revenue Code section 501(c)(7)
- bona fide school organizations such as parent-teacher associations, "boosters," and sports teams
- federally-recognized Indian tribes in the County and bona fide tribal organizations such as Indian community associations
- government agencies in the County (e.g., the Town of Mammoth Lakes, schools, libraries, special districts, joint powers agencies, and state and federal agencies) and auxiliaries or other bona fide organizations affiliated with such agencies
- any other nonprofit organizations expressly exempted from the payment of such fees by minute order of the Board of Supervisors.

C. Inapplicability of Fee Waiver

Notwithstanding paragraph B, or any other provision of this Resolution, no exemption from community center use fees shall exist or be granted with respect to either of the following:

- events that are not open on equal terms to all interested members of the public (e.g., events that are invitation-only or are otherwise restricted to certain members of the public)
- organizations who do not operate or conduct any of their regular (i.e., non-fundraising) activities within Mono County.

D. Determination of Eligibility for Fee Waiver
County staff may require any organization seeking an exemption from fees pursuant to this Resolution to submit such documentation or other proof as County staff may deem necessary and appropriate to verify their tax-exempt status or other basis for eligibility.

In the event that eligibility for fee waiver is unclear, the County Administrator, in consultation with County Counsel and the Finance Director, shall have the authority to interpret this Section to determine its applicability to a particular event or organization. The County Administrator's decision shall be final.

SECTION THREE: INSURANCE REQUIREMENTS

Insurance for events, gatherings, meetings, or other activities held at a community center shall be provided in such form and in such amounts as determined by the Mono County Risk Manager to be necessary and/or prudent, and as set forth in the agreement authorizing said use executed pursuant to Section Five of this Resolution.

SECTION FOUR: EVENT COORDINATORS; DUTIES

A. Community Member

The County may utilize a responsible individual living near to (or in the same community as) a community center to serve as an Event Coordinator for that community center. The duties of Event Coordinators may include, among other things: the distribution and management of building keys; the receipt of deposits and fees; and the calendaring of Events. The scope of the Event Coordinator's duties, and the agreed-upon compensation and other terms and conditions, shall be set forth in a written agreement.

B. Existing County Staff

The County Administrative Officer may designate existing staff to serve as an Event Coordinator at some or all of its community centers in lieu of, or in conjunction with, an Event Coordinator designated pursuant to paragraph A. In the event staff is designated to coordinate some or all community center events (or to coordinate components of such events in conjunction with an Event Coordinator), then such duties shall be consistent with the delegation.

SECTION FIVE: AUTHORITY TO SIGN USE AGREEMENTS

The Board of Supervisors hereby delegates the authority to sign agreements for the use of the County's community centers to the Director of the Department of Public Works or his designee or, in the event that the County Administrative Officer has designated staff to coordinate events in accordance with paragraph B of Section Four of this Resolution, to the person occupying the designated position or his designee. All agreements must be approved as to form by County Counsel and approved as to insurance and risk management issues by Risk Management.
SECTION SIX: This resolution shall supersede and repeal Resolution No. 91-09 in its entirety and Resolution No. 91-09 shall be of no further force or effect.

APPROVED and ADOPTED this 17th day of February, 2009, by the following vote, to wit:

AYES: Supervisor Bauer, Farnetti, Hazard, Hunt and Reid.
NOES: None.
ABSENT: None.
ABSTAIN: None.

[Signature]
BILL REID, Chair
Mono County Board of Supervisors

ATTEST:

[Signature]
Clerk of the Board

APPROVED AS TO FORM:

[Signature]
COUNTY COUNSEL