

ORDINANCE 2004-2

**AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT
AMENDING THE MCS D RULES AND REGULATIONS TO
INCREASE FACILITY RENTAL FEES**

- WHEREAS**, the Board wishes to provide quality parks and recreation services to it's constituents; and
- WHEREAS**, the Board has determined that fees and charges should reflect District costs of providing services; and
- WHEREAS**, the District has certain fees which may no longer cover operating expenses; and
- WHEREAS**, the Board may revise and/or increase facility rental fees as deemed necessary by Board action; and
- WHEREAS**, the Board on November 17, 2004 held a duly noticed hearing to consider first reading of this ordinance; and
- WHEREAS**, notice of this hearing was posted and published in accordance with state law and copies of the draft ordinance have been made available for public inspection prior to the November 17, 2004 hearing on this ordinance; and
- WHEREAS**, the Board on December 15, 2004 held a duly noticed hearing to consider second reading of this ordinance; and
- WHEREAS**, notice of this hearing was posted and published in accordance with state law and copies of the draft ordinance have been made available for public inspection prior to the December 15, 2004 hearing on this ordinance; and
- WHEREAS**, the ordinance will be duly accepted for implementation effective on February 1, 2004.

**NOW THEREFORE, THE BOARD OF DIRECTORS OF THE MCKINLEYVILLE
COMMUNITY SERVICES DISTRICT DOES HEREBY AMEND THE MCS D RULES
AND REGULATIONS AS FOLLOWS:**

REGULATION 45. - PERMITS, FEES AND DEPOSITS

Rule 45.01. FACILITY USAGE PERMITS REQUIRED. A valid facility usage permit is required for individuals or organizations to use any indoor facility or any outdoor facility for organized functions, to use any system for amplifying sounds, or to sell or serve alcoholic beverages at an organized function.

Rule 45.01.a. PERMIT TYPE DEFINITIONS. The District shall issue permits based on the following definition of use:

- a. A "Special Event" shall be defined as use deemed to be non-programmatic with estimated attendance of less than 500 persons and no more than posted capacities at indoor facilities; for which off road and facility parking space is adequate; for which street closures are not required; and for which cancellation of approved vendor programs is not required.
- b. A "Large Scale Community Event" shall be defined as use deemed to be non-programmatic with estimated attendance of more than 500 persons but no more than posted capacities at indoor facilities; or for which off-road and facility parking space is adequate; or for which street closures may be required; or for which cancellation of an approved vendor program is required.
- c. A "Vendor Contract" shall be defined as use by those individuals approved by the District Board of Directors, offering ongoing programs on a regular basis for no more than twelve months.

Rule 45.02. FACILITY USAGE PERMIT PROCESS. Any individuals or organizations seeking issuance of a facility usage permit hereunder shall file a request for permit to use District facilities on the appropriate reservation form provided by the District. All requests must be filed with the District along with the required facility usage deposit, usage fees, proof of appropriate insurance coverage, and fees for other services at least ten (10) working days prior to the actual event date. The Parks and Recreation Director, under direction of the Board, may impose additional conditions for approval.

Rule 45.03. FACILITY USAGE FEES. Facility usage fees, as established and adopted by the District Board shall be charged for and must accompany each facility usage permit request required hereunder for said facility usage permit request to be fully and properly executed by the District.

Rule 45.03.a FEE STRUCTURE DEFINITIONS. The District shall identify the following fee structure definitions when charging customers for use of facilities:

A "Non-Profit Group" shall be defined as any group or organization, which can supply proof of non-profit status via the Internal Revenue Service code. Other Governmental entities shall be considered as falling within the guidelines of this definition.

A "Vendor" shall be defined as an individual or organization, approved by the District Board of Directors, that has a fully executed vendor contract for use of District facilities.

A "Private Citizen/Business" shall be defined as other potential users not fitting within the "non-profit group" or "vendor" definition.

An "Event Host" shall be defined as a District employee who has received training regarding use of District facilities for outside events. Event hosts are required for all events except those taking place at Azalea Hall concurrently with McKinleyville Senior Center events or at District facilities for those events sponsored by a District approved vendor.

Rule 45.03.b. FACILITY USE FEES. The District shall charge the following rates for use of a District-owned facility for each use specified below:

ACTIVITY CENTER

Non-Profit Groups/Vendors	\$23.00/hour
Private Citizen/Business	\$32.00/hour

AZALEA HALL-ENTIRE FACILITY

Non-Profit Groups/Vendors	\$39.00/hour
Private Citizen/Business	\$51.00/hour

AZALEA HALL-HEWITT ROOM

Non-Profit Groups/Vendors	\$29.00/hour
Private Citizen/Business	\$37.00/hour

All Day Rate	\$330.00
Half Day Rate	\$193.00

AZALEA HALL-MEETING ROOM

Non-Profit Groups/Vendors	\$10.00/hour
Private Citizen/Business	\$13.00/hour

PARKS

Special Events Only	\$55.00/day
Large Scale Community Events	\$110.00/day
Commercial Events	\$220.00/day

Rule 45.03.c. EVENT SERVICES FEES. The District shall charge a fee of \$12 per hour for an event host for those events requiring such a host. The minimum charge shall be two hours. Other events service fees shall be determined each year and are based on the direct expense associated with providing said service. Such event fees shall be established and adopted by the Board.

Rule 45.03.d. RECREATION PROGRAM FEES. The District shall charge participants program fees based on the direct expenses associated with each individual program. Program fees shall be determined each year and as programs are added to the Department's current services index. Program fees shall be established and adopted by the Board prior to registration being accepted for said programs.

Rule 45.04. DEPOSIT. A facility usage deposit, as established and adopted by the District Board must accompany each facility usage permit request for any facility usage permit required hereunder. The facility usage deposit shall be refunded to the applicant within fifteen working days if the facility is restored to pre-use conditions. If District cleanup is required to restore the facility to pre-use conditions or damage is noted to the facility, any refund will be less the expense associated with returning the facility to pre-use conditions.

Rule 45.04.a. FACILITY USE DEPOSIT FEES. The District shall charge a \$100 deposit for events, which qualify and are defined as special events. The District shall charge a \$200 deposit for events, which qualify and are defined as large-scale community events.

Rule 45.05. INSURANCE. A facility usage permit request shall not be considered fully executed unless the individual or organization seeking issuance of a facility usage permit obtains and furnishes liability coverage for the event, which is acceptable to the District. The Parks and Recreation Director may impose additional conditions for approval.

Rule 45.06. PERMITS FOR USE OF FACILITIES. The District shall only grant a facility usage permit for organized use of a facility when each of the following findings can be made:

- (a) The requested area of the recreation and parks system for which the facility is located within is available during the period for which the facility usage permit is requested;
- (b) The expected attendance does not exceed the capacity of the facility or area.
- (c) The use for which the facility usage permit is sought complies with the use established for the facility or area requested.

Rule 45.07. USE OF SOUND AMPLIFICATION SYSTEM. The District shall only grant permission for use of any sound amplification system when each of the following findings can be made:

- (a) The individual or organization seeking permission for use of a sound amplification system must file, with the District, a facility usage permit request for the facility in which use of the sound amplification system is requested.
- (b) The sound amplification system proposed will not unduly inconvenience or disturb neighboring properties or other recreation and parks system facility users.
- (c) The maximum noise from use of the sound amplification system complies with Humboldt County's Noise Regulations;

(d) The use for which permission is sought complies with the use established for the facility or area requested.

For those events at which sound amplification systems are utilized, the following requirements shall also be required:

(a) A District supervisor will be assigned to be present throughout the event.

Rule 45.08. SALE OR SERVICE OF ALCOHOLIC BEVERAGES. The District shall only grant permission for sale or service of alcoholic beverages when each of the following findings can be made:

(a) The individual or organization seeking permission for sale or service of alcoholic beverages must file, with the District, a facility usage permit request for the facility in which the sale of alcoholic beverages is requested.

(b) If applicable, the individual or organization seeking permission has a valid permit from the Alcohol Beverages Commission to sell alcohol.

(c) If applicable, the individual or organization seeking permission has secured outside security services.

(d) The use for which permission is sought complies with the use established for the facility or area requested.

For those events at which alcohol is served or sold, the following requirements shall also be required:

(a) A District supervisor will be assigned to be present throughout the event.

(b) Facilities will not be rented for events at which the consumption of alcoholic beverages will be a principal activity.

Rule 45.09. USE OF DISTRICT-OWNED EQUIPMENT. The District shall make available to individuals or organizations recreation-related equipment, which can be utilized for outdoor use. District shall only grant permission for use of District-owned equipment when each of the following findings can be made:

(a) The individual or organization seeking permission for use of District-owned equipment must be requesting said equipment in conjunction with an event at a District facility which is being sponsored by the individual or organization;

(b) The Individual or organization must file, with the District, a facility usage permit request for the facility in which the equipment will be utilized;

(c) The requested equipment is available during the period for which use of the equipment is requested.

(d) The individual or organization requesting use of MCSD-owned equipment furnishes the District with appropriate liability coverage.

Rule 45.10. APPEALS. An appeal of the action of District staff on any Facility Use Permit pursuant to this regulation must be in writing and filed by or on behalf of the individual or organization seeking the facility usage permit, within (10) days after the action of District staff on the facility usage permit request. The appeal shall set forth in detail the factual and legal basis of the appeal. The Board of Directors shall consider and act on the appeal within forty-five (45) days after the appeal is filed. The individual or organization filing the appeal shall be entitled to submit oral or written evidence to the Board in support of the appeal. Action of the Board of Directors on the appeal shall be final.

First reading: November 17, 2004

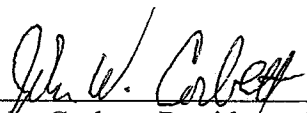
Upon second reading on December 15, 2004, the foregoing ordinance will be duly accepted for implementation effective on February 1, 2005.

On the motion of Director WENNERHOLM and seconded by
Director MASTERS, the foregoing ordinance is duly accepted on
second reading this 15th day of December, 2004 by the following vote:

AYES: MASTERS, MURPHY, WENNERHOLM, CORBETT

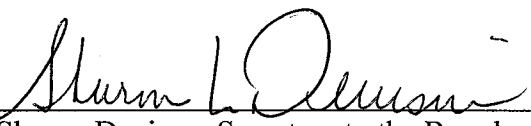
NOES: NONE

ABSENT: TREPANIER



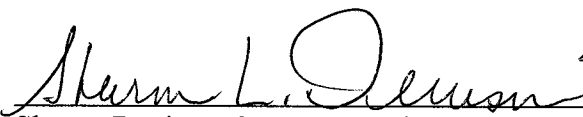
John Corbett, President of the Board of Directors
McKinleyville Community Services District

ATTEST:



Sharon Denison, Secretary to the Board
McKinleyville Community Services District

I, Sharon L. Denison, Secretary to the Board of Directors of the
MCKINLEYVILLE COMMUNITY SERVICES DISTRICT, hereby certify that the
foregoing is a full, true, and correct copy of an ordinance duly adopted this 15th day
of DECEMBER, 2004.



Sharon Denison, Secretary to the Board
McKinleyville Community Services District

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implementation effective on February 1, 2005.