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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

1 center and return it to its original condition. The amount of that potential additional
2 expense is impossible to estimate with any specificity as it depends on the individual
3 repair and/or cleaning required. Moreover, past experience has been that property
4 damage and/or a failure to clean are more likely to be associated with uses at which
5 alcohol is present. In order to offset this potential additional expense, it is fair and
6 reasonable to require that deposits in the amounts set forth in subsection B.2 of this
7 section be paid.

8 **B. Fees and Deposits Established**

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

13 **1. Fees**

14 For the Crowley Lake Community Center:	
Fee (per use, w/o kitchen)	\$150.00
Fee (per use, w/kitchen)	\$200.00
15 For Community Centers other than Crowley Lake:	
Fee (per use, w/o kitchen)	\$ 75.00
Fee (per use, w/kitchen)	\$100.00

16 **2. Deposits**

17 Deposit (per use, alcohol present)	\$500.00
18 Deposit (per use, alcohol not present)	\$300.00

19 **C. Definitions**

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

26 **SECTION TWO: FEE WAIVERS**

27 Fees for the use of the County's community centers (but not deposits) shall be
28 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

1 2. Many nonprofit organizations and local government agencies promote
2 these public purposes through events held at the county's community centers; and

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

4 B. Entities Eligible for Fee Waiver

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

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

20 C. Inapplicability of Fee Waiver

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

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

27 D. Determination of Eligibility for Fee Waiver

1 County staff may require any organization seeking an exemption from fees
2 pursuant to this Resolution to submit such documentation or other proof as County
3 staff may deem necessary and appropriate to verify their tax-exempt status or other
4 basis for eligibility.

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

9 **SECTION THREE: INSURANCE REQUIREMENTS**

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

14 **SECTION FOUR: EVENT COORDINATORS; DUTIES**

15 **A. Community Member**

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

22 **B. Existing County Staff**

23 The County Administrative Officer may designate existing staff to serve as an Event
24 Coordinator at some or all of its community centers in lieu of, or in conjunction with, an
25 Event Coordinator designated pursuant to paragraph A. In the event staff is designated to
26 coordinate some or all community center events (or to coordinate components of such
27 events in conjunction with an Event Coordinator), then such duties shall be consistent with
28 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.

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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:

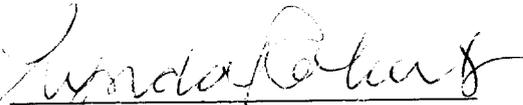
AYES: Supervisor Bauer, Farnetti, Hazard, Hunt and Reid.
NOES: None.
ABSENT: None.
ABSTAIN: None.



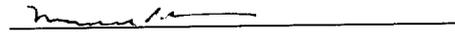
BILL REID, Chair
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



Clerk of the Board



COUNTY COUNSEL