

CITY COUNCIL POLICY: 2018-02

# **ATHLETIC FACILITY USE & ALLOCATION POLICY**

EFFECTIVE DATE: JANUARY 16, 2018



**1 Policy Statement**

- 1.1 The City of Diamond Bar Parks & Recreation Department coordinates and allocates the use of City athletic facilities to organizations and the general public for recreational activities and programs. The City may also allocate the use of Walnut Valley and Pomona Unified School District athletic facilities when school is not in session and in accordance with the terms of Joint Use Agreements.
  
- 1.2 While demand often exceeds facility availability, the City makes every attempt to allocate facilities in a manner that provides the greatest access to Diamond Bar residents. The allocation of athletic facilities is determined at allocation meetings of the user groups and the City, in which close collaboration and cooperation is essential.
  
- 1.3 The Athletic Facility Use and Allocation Policy (“Policy”) sets forth the rules and regulations for use and allocation of City of Diamond Bar (“City”) athletic facilities to recurrent users. The Policy is established with the following goals in mind:
  - 1.3.1 To establish a fair and equitable process for allocating City facilities for public use.
  
  - 1.3.2 To ensure Diamond Bar residents have priority usage/access to City facilities.
  
  - 1.3.3 To foster an active, healthy, and safe Diamond Bar for all ages by providing access to fields and courts for athletic games, practice, and recreation.
  
  - 1.3.4 To ensure City facilities are scheduled appropriately with proper maintenance and renovation intervals.
  
- 1.4 The City Manager has the discretion to make operational policy changes while policy changes pertaining to the fees will be reviewed by the Parks & Recreation Commission and approved by the City Council.

## 2 Definitions

- 2.1 “Certified Non-profit Organization” – To qualify, an organization must provide written documentation of non-profit status from the State of California or from the Internal Revenue Service (IRS). The City reserves the right to request 990 forms, financial records, and/or tax returns to certify non-profit status.
- 2.2 “City Facility” – Any facility that is owned, operated, or primarily allocated by the City of Diamond Bar.
- 2.3 “Hazardous Activities” – Any activity that is defined by the State of California, the City’s insurance provider or Risk Manager to be hazardous.
- 2.4 “One-Time User” – Any person, company or organization that requests use of a park, or portion thereof, for a single day of use.
- 2.5 “Qualifying Youth Organization” – An organization serving participants ages 18 and under with a minimum of twelve participants and a Resident Percentage Status of no less than 40%.
- 2.6 “Qualifying Adult Organization” – An organization serving participants ages 18 and over with a minimum of twelve participants and a Resident Percentage Status of no less than 40%.
- 2.7 “Resident Participant” – A participant in a qualifying organization that resides within the city limits of the City of Diamond Bar.
- 2.8 “Resident Percentage Status (RPS)” – RPS is calculated by dividing the total number of Diamond Bar Resident Participants by the total number of participants in the qualifying organization. For example:
- 2.8.1 Organization A has a total of 700 participants, with 500 of those being Diamond Bar Resident Participants. Therefore, RPS equals  $500/700$ , or 71.4%.
- 2.9 “Resident Teams” – The number of Resident Teams for each user group is calculated by dividing the total number of Resident Participants by twelve. The City reserves the right to adjust this formula at any time.
- 2.9.1 For example: Organization A has 150 participants, with 95 of those being Resident Participants. Therefore, the total number of Resident Teams equals  $95/12$ , or 7.9.

2.10 "User Groups" – Qualifying youth or adult organizations that use athletic facilities.

### **3 Facility Allocation Requests**

3.1 Exclusive and/or recurrent use of City Facilities requires a City-issued Facility Use Permit and is subject to fees and/or deposits established by the City Council.

3.2 Requests for use of City Facilities are made through the City of Diamond Bar Parks & Recreation Department. City facilities will be allocated to Qualifying Organizations three times per year for the periods of January 1-April 30 and May 1-August 31, and September 1-December 31. The City will hold a field allocation meeting with all applicants in December for the January 1-April 30 allocation, in April for the May 1-August 31 allocation, and August for the September 1-December 31 allocation. Organizations requesting a recurrent facility allocation must submit the following documents by November 1 of the previous year for the January 1-April 30 allocation, March 1 for the May 1-August 31 allocation, and July 1 for the September 1-December 31 allocation. All documents must be submitted on time and fully complete to receive consideration for allocation.

3.2.1 Fully completed City of Diamond Bar Facility Use Application. The application must be signed by a member of the organization's board of directors or designated official representing the organization.

3.2.2 Complete list of names, address and telephone numbers of the current Board of Directors or designated officials.

3.2.3 Applicants must identify two designated officials to serve as representatives to the City. All communications between the City and the organization related to facility allocations must be made via these contacts. One of the designated officials must be present at Field Allocation Meetings to qualify for a permit.

- 3.2.4 Complete participant rosters with the total number of participants and total number of Diamond Bar Resident Participants. If current rosters are not available at the time of the facility allocation meeting, user groups must submit the most recent applicable roster and schedule (e.g. previous season's Fall rosters and schedules for upcoming Fall season). Subsequently, rosters for the season to be played during the allocation period must be submitted within two weeks of the commencement of the season. Rosters must include home addresses to verify Diamond Bar residency. The City reserves the right to conduct random audits to verify residency and may request verification in the form participant identification cards, utility bills, or other statements or documents showing primary residency. User groups must be prepared to provide such information upon request.
- 3.2.5 Proof of current non-profit status with the Internal Revenue Service and State of California, if applicable.
- 3.2.6 Master calendar of events, which includes, but is not limited to registration dates, tryouts (date, time and place), practices, league games, tournaments, etc.

Youth Sports Organizations are required to collect a signed "Parents Code of Ethics" form from each parent/guardian with a child enrolled in the program. Forms must be incorporated into the registration process and retained by the organization for the duration of the season. Failure of the youth sports organization to properly collect and enforce the "Parents Code of Ethics" could result in the organization's loss of privilege to use City owned and/or operated facilities.

- 3.2.7 Occasional or one-time only use requests must be submitted via a separate Application for Use of City Facilities at least 14 days prior to requested facility use. Applicable fees must be paid at time of request. Occasional or one-time only use requests are limited to no more than 12 requests annually.

### 3.3 Insurance Requirements.

3.3.1 Permitted users of City Facilities must agree to indemnify and hold the City harmless, and must provide evidence of appropriate insurance to back up the indemnity agreement. Each participant/parent of a minor participant must be required to sign a waiver upon registration with the Qualifying Organization. User must sign and submit a completed City-provided indemnification form at least 14 days prior to the first scheduled use of facilities.

3.3.2 User must provide evidence of the required insurance coverage. User shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate, for bodily injury, personal injury, and property damage. The policy must include contractual liability that has not been amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted. The City, its officers, officials, agents, and employees shall be included as additional insureds on the policy. Policies must include a provision requiring a thirty (30) day written cancellation notice to the City. The City reserves the right to require additional insurance requirements as determined to be appropriate for the requested use. Proof of insurance must be submitted to the Parks & Recreation Department and City Clerk at least 14 days prior to the first scheduled use of facilities.

3.3.3 Special event insurance is available to occasional and one-time users through the City and can be purchased by the participating group. Please contact the Parks & Recreation Department at 909-839-7070 for information.

3.4 New Organizations or Splits from Existing Organizations. To provide adequate time to study the impact on facilities, new organizations or those splitting from an existing Qualifying Organization must submit a Facility Use Application and all documentation described above a minimum of six months prior to the estimated start date of the proposed league. The City will attempt to accommodate all qualifying organizations, but reserves the right to deny the use of any City facility to any group if it is determined that a new program will negatively impact the allocation of any facility.

## 4 Facility Allocation Process

- 4.1 Priority Classification Groups. Based on the content of the application, organizations will be classified in one of the following priority classification groups. These groups establish applicability of fees and, in descending order, establish priority of use.
- 4.1.1 Group A - Activities conducted and/or sponsored by the City of Diamond Bar.
  - 4.1.2 Group B - Certified non-profit Qualifying Youth Organizations with registration open to the general public (all registrants are placed on teams and allowed to participate).
  - 4.1.3 Group C - All other Qualifying Youth Organizations.
  - 4.1.4 Group D - Qualifying Adult Organizations.
  - 4.1.5 Group E – Diamond Bar residents, businesses, or organizations based commercial, industrial or professional groups, using the facility for a one-time, non-recurrent non-profit purpose.
  - 4.1.6 Group F – Non-Diamond Bar residents, businesses, or organizations using the facility for a one-time, non-recurrent non-profit purpose.
- 4.2 Allocation Priority Within Groups. To determine allocation priority within groups, the following factors shall be considered:
- 4.2.1 Total number of Diamond Bar Resident Participants
  - 4.2.2 Resident Percentage Status (RPS)
  - 4.2.3 Proposed activity's "in-season" status. For example:
    - Spring:           Baseball/Softball
    - Fall:                Soccer/Football

### 4.3 Facility Allocation Formula.

4.3.1 The Facility Allocation Formula is used to provide equitable distribution of City facilities for each Priority User Group Classification. Provided there is facility availability, the City will make an effort to allocate 4 hours of facility time (2 hours for practice, two hours for games) per Resident Team per organization. The City reserves the right to reduce the hours per Resident Team based on facility availability. Thus, the formula is as follows:

Total Number of Resident Teams x 4 hours per Resident Team

For example:

User Group A has 200 participants, 140 of which are Resident Participants.  $140/12$  equals 11.66 Resident Teams. 11.66 Resident Teams times 4 hours per team equals 46.64 hours of facility time per week. Total hourly allocations will be rounded to the nearest whole number, so 46.64 hours equals 47 hours.

4.3.2 Remaining surplus time available will be allocated to Qualifying Organizations at the City's discretion pending available facility space.

## 5 Facility Use Permits

5.1 Permit Issuance. Exclusive and/or recurrent use of City Facilities requires a City-issued Facility Use Permit. Permits shall be issued by the Parks & Recreation Director or designee according to the Facility Allocation Request process described in this policy. All facility allocations, including the assignment of dates, times and areas for use are made at the sole discretion of the City. Permits will be issued by the Parks & Recreation Director or designee according to the Facility Allocation Request process described in this policy. Permits may be conditioned as determined necessary for the protection of public health, safety, and welfare of participants and City facilities. Qualifying Organizations must maintain a copy of the signed permit on-site at all schedule uses.

- 5.2 Fees for use of City Facilities are at the discretion of the City Council. The City Council-adopted fee resolution shall determine all fees, charges, and/or associated with facility allocations. The City Council may review and adjust fees at any time.
- 5.3 Transfer, Assignment, Exchange, or Sublease of Permits. Applicants shall not transfer, assign, exchange, or sublet use of the permits/fields or apply for use on behalf of another person or organization. Any such modification must be filed with the City in writing by both Qualifying Organizations a minimum of ten business days prior to the requested modification date. All requests must be reviewed and approved by the City.
- 5.4 Notice of Non-Use of Permitted Facility. Any user that has been allocated use of a City Facility and does not intend to use it must notify the City in writing within three days of the scheduled non-use so that the facility can be reallocated.
- 5.5 Permit Cancellations/Revocation. The City reserves the right to cancel or revoke any Facility Use Permit for cause or convenience, which includes but is not limited to:
- 5.5.1 When the City is engaged in maintenance or other work involving any of the facilities scheduled to be utilized.
  - 5.5.2 When inclement weather or other conditions threaten the health and safety of participants and/or may result in damage City Facilities.
  - 5.5.3 Any non-compliance with City policy or any provision of the Diamond Bar Municipal Code.
  - 5.5.4 In the event a Facility Use Permit for one-time use is canceled due to City maintenance or other work or inclement weather and cannot be rescheduled, any related deposits will be refunded in full.
- 5.6 Variances and Appeals. Requests for variances or appeals must be submitted in writing to the Parks & Recreation Director within ten days of the decision. The finding of the Director of Parks & Recreation shall be made in writing and is final.

## 6 Athletic Facility Use Rules & Regulations

- 6.1 General. All park users, including Qualifying Organizations, must comply with all provisions of the Diamond Bar Municipal Code.
- 6.2 Basketball Court Use. Basketball courts are available for use on a first come, first serve basis for basketball play only and may not be reserved, except for City activities.
- 6.3 Batting Cages. Batting cages are provided for use by the public and qualified user groups for batting and pitching practice and are open during regular park operating hours.
  - 6.3.1 Users may provide their own pitching machine for use in the batting cage. Electricity is provided for the pitching machine at no cost to the user. Use of a generator is not permitted due to noise related issues. Batting cages are to be used for batting or pitching practice only.
  - 6.3.2 Priority of use shall be determined by the facility use schedule for the softball/baseball fields, as follows.
    - 6.3.2.1 First priority - One team from each field is allocated use of one batting cage during their scheduled use of the field. If more than one team is scheduled on a field, the teams must share use of the batting cage, each team receiving ½ of the time.
    - 6.3.2.2 Second priority - If no team is scheduled to use the field, a team can reserve use of the batting cage in the same manner City Facilities are reserved.
    - 6.3.2.3 Third priority - If no teams have reserved the field or the batting cage, the batting cage is then available on a first come, first serve basis.

6.4 Commercial Use of City Facilities. Generally, the private and/or commercial use of City Parks for profit and private gain, including for private lessons, is prohibited. Qualifying Organizations may use City Facilities to conduct fundraising tournaments, clinics, or events provided that 100% of the funds generated are received by the organization and all expenses related to the fundraising event are paid through the organization's regular debt process. Requests must be submitted sixty (60) days in advance of the date of the activity/event for consideration by the Parks & Recreation Department.

6.5 Concession Stands.

6.5.1 Concession stands are available to permitted users only as a condition of an approved Facility Use Permit and payment of deposit. A copy of the permit must be maintained on-site whenever the concession stand is in use. Keys shall be issued with the approved permit and cannot be duplicated or transferred. Users must lock the concession stand after each use. Lost keys must be reported to the City immediately, with the cost of replacements deducted from the deposit.

6.5.2 Permitted users must maintain a safe and clean environment at all times. Food and drinks must be stored securely and appropriately. Permitted users must abide by all County of Los Angeles Health and Safety standards and regulations and provide a current, approved permit for each allocated use. Concession stands are subject to inspections by the Health Department and/or City staff at any time.

6.5.3 Adult supervision must be maintained at all times. Children under the age of thirteen are not allowed to work in the concession stand.

6.5.4 The user group shall be responsible for the cleaning of the Concession Stand (sweeping, trash removal, wiping counters) after each use. Concession stands may not be used to store an organization's equipment or any other items that are not directly related to concessions. The deposit will be forfeited if stored material, with the exception of City owned capital equipment (refrigerator/microwave), is not removed within fourteen (14) days of completion of the allocation period season. The facilities must be cleaned and all capital equipment disconnected from electrical outlets (except refrigerator). The City, accompanied by the scheduled user group, will conduct an inspection of the facilities at the conclusion of the fourteen (14) day period to ensure compliance. Users will be charged for any damage to the facility or clean-up resulting from use.

6.5.5 The City assumes no liability or responsibility for any items stored or kept in or otherwise brought to concession stands.

#### 6.6 Field Modification Requests.

6.6.1 Requests to modify City facilities shall be submitted in writing to the Parks & Recreation Department for review by staff.

6.6.2 The request may be presented to the Parks & Recreation Commission for comment and the City Council for consideration/approval.

6.6.3 City Council decision is final. No permanent structures or equipment shall be placed and/or erected on City facilities unless approved by the City Council and dedicated for community use.

#### 6.7 Field Preparation

6.7.1 Field preparation, including lining of fields, setting of bases, installation of goal posts, dragging of infields, etc., is to be performed by the user assigned to the facility.

6.7.2 Lining or marking of athletic fields must be approved by the City as a condition of an approved Facility Use Permit. Field lines/markings must be applied with white chalk or white water-based paint only. Burning lines on fields with chemicals, gasoline, or any other method is expressly prohibited.

6.7.3 Users are responsible for general facility clean-up and litter removal after each use.

6.7.4 Any user failing to comply with this policy is responsible for all costs related to the clean up or repair of the facility and is subject to termination of permit.

## 6.8 Inclement Weather/Health & Safety

6.8.1 The City reserves the right to cancel or suspend Facility Use Permits when inclement weather or other conditions threaten the health and safety of participants and/or may result in damage City Facilities. Such conditions may include, but are not limited to rain, mud, standing water, lightning, earthquakes, and general maintenance issues. The Public Works Department, Maintenance Division is authorized to close any City Facilities deemed to be unsafe or unplayable. The decision of the Park & Recreation Director or designee is final.

6.8.2 If there has been inclement weather or other conditions that threaten the health and safety of participants and/or may result in damage to City Facilities within the last 24 hours, permitted users must call the Weather Hotline at 909-612-4636 for facility availability information. The Weather Hotline is updated after 2:00 p.m. Monday through Friday and after 9:00 a.m. on weekends and holidays.

6.8.3 Failure to comply with field closures may result in revocation of the organization's Facility Use Permit and charges for all direct and indirect costs incurred by the City for repair of the turf and/or irrigation systems. Repair costs are based on actual expenses and normal City overhead.

## 6.9 Lighted Athletic Fields

6.9.1 User of lighted athletic fields are subject to hourly fees and deposits as determined by the City Council.

6.9.2 Upon approval of a request to use ballfield lights, the applicant will be issued a key to access the switch to the ballfield lights. Use of lighted fields is at the City's discretion.

- 6.9.3 User must turn off lights immediately after use and shall not depend on the automatic timer. Failure to turn off lights after use will be subject to fines as established by the City Council. Users will be notified within 72 hours of the violation.
- 6.9.4 The City may deny use of lighted facilities to any user that leaves the ballfield lights on after the conclusion of the scheduled activity more than twice in one calendar year.

## 6.10 Maintenance

- 6.10.1 The City is responsible for general maintenance of City Facilities. Users should immediately report any maintenance issues, hazards, damage, or acts of vandalism to the Parks & Recreation Department (909-839-7070) or Public Works Department (909-839-7060), in emergency or after-hours situations, the Los Angeles County Sheriff's Department (909-595-2264). It is the policy of the City of Diamond Bar to prosecute to the fullest extent possible any individual committing willful acts of vandalism or damage to City Facilities.
- 6.10.2 City Facilities are subject to closure for maintenance needs at the sole discretion of the City. An annual rest and renovation program shall be scheduled in an effort to maintain quality field conditions. This may result in closure of City Facilities or denial/revocation of Facility Use Permits for the period necessary to complete maintenance work. The City will inform users of scheduled closures in advance and will attempt to reallocate scheduled use to alternate sites.

## 6.11 Motorized Vehicles

- 6.11.1 Motorized vehicles are not permitted on parks, fields, or courts without written authorization of the City as a condition of a Facility Use Permit. Special requests for motorized vehicle use shall be made in writing and include the type of vehicle being proposed for use. Requests must be submitted for consideration with the Facility Use Application for each allocation period. Upon approval of request, all drivers must be licensed.

## 6.12 Public Address Systems/Sound Amplification

- 6.12.1 No person or group shall use any public address system and/or sound amplification equipment at any City Facility without first submitting a written request a minimum of ten business days prior to the proposed use and receiving subsequent written approval from the Parks & Recreation Director or designee.
- 6.12.2 The use of the public address system must not unreasonably interfere or disturb surrounding residences, nor shall the use of the public address system detract from or interfere with the general public's use and enjoyment of the park. The direction of the public address system's speakers must be directed toward activity spectators and away from the surrounding residential areas. Public address system use is permitted only between the hours of 10:00am and 9:00pm daily.
- 6.12.3 In addition to the provisions in this policy, any use of public address systems and/or sound amplification equipment is subject to the provisions of Title 8 of the Diamond Bar Municipal Code. Failure to comply with the above requirements will result in immediate disconnection of the public address system and may result in forfeiture of Facility Use Permit.

## 6.13 Restrooms

- 6.13.1 Park restrooms are unlocked daily at approximately 8:00am and remain open until the park closes. Special restroom access is available upon written request to the Parks & Recreation Department.
- 6.13.2 Restroom facilities must be cleaned and stocked by the user during and immediately following the scheduled use each day. A cleanup fee, based on actual direct and indirect expenses incurred is charged to users that do not clean following their use.

6.13.3 Organizations hosting tournament play or other highly attended events may be required to rent portable restroom facilities to accommodate the increased number of participants and spectators as a condition of an approved permit. Organizations are responsible for delivery, maintenance, cleaning, and removal of approved/required portable restrooms. Placement/location of required portable restrooms is at the discretion of the City.

#### 6.14 Alcohol Use

6.14.1 Where the possession, transporting, selling, giving away, or consumption of alcoholic beverages is allowed in parks pursuant to Section 12.00.280 of the Diamond Bar Municipal Code, the user is subject to all provisions of Section 12 Alcohol Use of the Facility Use & Rental Policy (City Council Policy 2018-01).

#### 6.15 Storage Facilities

6.15.1 Subject to availability, storage facilities are made available free of charge to local seasonal user groups. A refundable deposit will be charged for the use of storage facilities.

6.15.2 All user equipment must be stored in an orderly manner. Upon conclusion of seasonal play or allocation period, all equipment must be removed within fourteen (14) days or a cleanup fee, based on actual expenses incurred and overhead, will be charged.

6.15.3 If equipment is not claimed within thirty (30) days it will be confiscated and disposed of as prescribed by law. Equipment stored in the facility is not the responsibility of the City. Unnecessary equipment stored in the facility will be removed at the user group's expense.

#### 6.16 Tennis Court Use

6.16.1 City tennis courts are available for use on a first come, first served basis and may not be reserved, except for City-sponsored activities.

6.16.2 When others are waiting and no courts are available, use of a court is limited to one hour of use and then must be relinquished by all persons using the court to the first person waiting for that court. Courts may not be held by one person alone. Priority of right to use the court shall be established by the placing of a racquet on the number board. Waiting players shall remain in person at the court desired and shall be physically present to take possession of the court when relinquished.

6.16.3 Only persons wearing tennis shoes shall be allowed on the tennis courts. No street shoes, no wheeled shoes and no wheeled vehicles of any type may enter the tennis courts. The use of tennis courts for concession sales or distribution is prohibited unless authorized by the City. The use of tennis courts for skating of any kind is prohibited, unless authorized by the City. Pets are not permitted at any time on the courts.

## 6.17 Tournaments

6.17.1 Groups requesting the use of City Facilities for tournament play outside normal league activities must be Qualifying Organizations and complete a Tournament Request Form/Application a minimum of 60 days prior to the next allocation. The City will review the request to assess the impact of the proposed tournament on neighbors, facilities, parking, traffic, and any other factors determined to be relevant to the request before issuing a permit. The City reserves the right to condition the permit as deemed necessary.

6.17.2 Tournaments must comply with all provisions of this policy and the Diamond Bar Municipal Code.

## 6.18 Traffic & Parking

6.18.1 Participants, spectators, coaches and others associated with the Qualifying Organization must comply with all parking regulations. No parking is allowed outside marked parking areas unless authorized in writing by the City.

6.18.2 Large events or tournaments may require additional traffic control plans per the City's public safety officials.

## 6.19 Turf/Field Preservation

6.19.1 Users are expected to cooperate with the City to preserve playing surfaces at City Facilities by following these guidelines:

6.19.1.1 Do not use turf areas that are wet or muddy.

6.19.1.2 Rotate play between different sections of turf to reduce excessive turf wear in a single area.

6.19.1.3 Divots must be replaced at the end of each use to help reestablish loose turf.

6.19.1.4 Avoid placing tarps or other coverings on turf playing surfaces.

6.19.1.5 Soccer and football practices are not allowed on dirt infield areas of baseball/softball diamonds.