CITY COUNCIL AGENDA REPORT

MEETING DATE: JUNE 18, 2013 **ITEM NUMBER: _____**

SUBJECT: PARKS AND RECREATION COMMISSION REQUEST TO AMEND THE ATHLETIC FIELD USE ALLOCATION POLICY

DATE: MAY 29, 2013

FROM: PUBLIC SERVICES/RECREATION

PRESENTATION BY: ROBERT KNAPP, RECREATION MANAGER

FOR FURTHER INFORMATION CONTACT: ALMA REYES, MANAGEMENT ANALYST AT 714-754-5636

RECOMMENDATION:

Approve the proposed amendments to the Athletic Field Use and Allocation Policy (Attachment 1) and Group 1 user group status.

BACKGROUND:

The Athletic Field Use and Allocation Policy is reviewed annually and revised based upon changing circumstances, procedures, and/or new direction from City Council, Parks and Recreation Commission or staff. The current Athletic Field Use and Allocation Policy was last revised in January 2012.

There are some areas of concern in regard to the current group classifications, residency requirements, and financial statements. In addition, the Recreation Division has received requests from youth sports organizations seeking field use and program approval that would fall within the definition of "for pay" structure. In order to address these issues the Parks and Recreation Commission and Recreation staff were directed to take the following action:

1) Review the financial statements of all current Group 1 users, to determine whether or not a "for pay" structure exists within the league.
2) Audit the registration of all the Group 1 users and confirm that the residency requirement is being met by all their registered team members.
3) Review and modify the wording of the Group 1 status to exclude any group that pays their executive staff or board members from the profits of the organization.
4) Create a new User Group Status that would specifically address the issue of "for pay" programs. This new group classification would be charged a fee for field use, as yet to be determined, and would not receive top priority field allocation.

At the May 23, 2013 Parks and Recreation Commission meeting, the Commission approved the recommendation to the City Council (Minute Excerpt, Attachment 2) to amend the Athletic Field Use and Allocation Policy and Group 1 user group status.

This recommendation was made in effort to address the concerns with group classifications, particularly with "for pay" league structure, and the financial and residency requirements for user groups.

ANALYSIS:

The main concerns as noted are the group classification criteria, particularly with the "for pay" league structure, and the financial and residency requirements. The proposed amendments to the existing Athletic Field Use and Allocation Policy are outlined below.

Action 1 - Financial Statements

Currently, organizations that are established as a *non-profit* organization are required to submit 501c Internal Revenue Service (IRS) documents and bylaws; a current financial statement; rosters of officers; and a list of persons authorized to make reservations on behalf of the organization. Organizations that have established *commercial status* are organizations that are a business or a league that are running a business and are making a profit from the use of community use fields. These groups are charged the following fees: per hour fees for field usage; field preparation fees; and refundable deposits for tournament and large events (AFUAP, p.2-3).

Action 2 - Group 1 User Residency Requirements

Resident status is determined by the prior season's actual roster (fall season for fall season, spring season for spring season). Team rosters and/or individual participant utility bills/photo ID may be required by City staff to verify residency status. Two youth sports groups (AYSO Region 97 and Newport Harbor Baseball Association) have special status assigned by City Council action as a result of having had historical use of fields, which exempts them from the 75% residency requirement. See page 3 & 4 for Groups 1-6 resident status required percentages (AFUAP, p.2).

Action 3 - Group 1 Classification Revisions

In Section III of the AFUAP, under *Priority Use Classifications and Qualifications,* "for pay" organizations are not specifically identified. The Commission recommends that this section be modified to include the requested language to exclude Group 1 user status for groups that pay executive staff and/or board members from the profits derived from the organization (AFUAP, p.3).

The following bold text outlines the revisions for Group 1 status:

Group 1 organizations must meet all of the following:

- Organizations or portions of organizations that assign registrants to teams in an effort to make the teams in each division of equal playing experience and talent (not assigned to teams of differing talent levels).
- Have an "everyone plays" philosophy requiring that each player suited up and able to play is entered into games for a significant period of time (i.e., ½ of game or 2 of every 5 innings or 2 of 4 quarters, etc).

- Must be recreational in nature (versus teams that are more competitive or have selected players) – this excludes AP, all-stars and tournaments.
- Must have a 501c (3) status certificate.
- Must not turn away any child that wants to play.
- Must have 75% or greater Costa Mesa residents for priority use of City fields; 50% Costa Mesa residents for priority use of NMUSD fields. Organizations that have special status OR have special status assigned by City Council action as a result of having had historical use of fields or receive special status assigned by City Council action as a result of servicing Newport Mesa Unified School District students.

Group 1 organizations shall have highest priority, equal to City-sponsored leagues, for use of City and School District fields.

NOTE: Organizations that have both recreational and competitive teams will be assigned status based upon the nature of the play. Recreational and Advanced Placement teams will have Group 1 user status and competitive (select/travel) teams in that organization will have Group 3 status. ***Groups that pay local executive staff and/or board members from the profits of the organization shall be excluded from Group 1 user status.***

Action 4 - New User Group Classification

Rather than creating a new user group classification, the Commission recommends adding a provision to the existing Group 3 requirements as the majority of the groups falling under the "for pay" league structure would meet the Group 1 requirements with the exception of paid executive staff and/or board members. The proposed changes to the Group 3 classification and qualifications would include the provision that excludes Group 1 user status to groups defined as "for pay" organizations (AFUAP, p.4).

The following bold text outlines the revisions for the Group 3 Classification:

Group 3 Classification Revisions

Group 3: Organizations that may otherwise meet all Group 1 requirements EXCEPT:

- 50% or greater Costa Mesa residents for priority use of City and NMUSD fields.

OR

- Have at least 50% or greater Costa Mesa residents in which tryouts are held in order to place registrants according to their ability on competitive teams (select, travel, etc); applicants may be turned away; not every player suited up and not able to play in every game.

OR

- ***Organizations that utilize profits from the organization to pay local executive staff and/or board member positions for their service to the league shall be classified "for pay" group status. Organizations that fall under this classification shall be charged field use fees and would not receive top priority field allocation.***

All select/travel games must have at least one team from the Group 3 organization on the field, or fee assessed for that field will be at the Group 5 rate.

Group 3 organizations shall have third highest priority for use of City and School District fields.

ALTERNATIVES CONSIDERED:

1. City Council can approve the proposed amendments to Actions 3 and 4 in the Athletic Field Use and Allocation Policy.
2. Council could choose to consider some or none of the proposed recommended actions in the Athletic Field Use and Allocation Policy.
3. City Council can make additional changes to the policy.

FISCAL REVIEW:

No fiscal impact at this time. If the proposed amendments are approved, the "for pay" groups will be classified under Group 3 user status, potentially generating additional revenue for the City through field rental fees.

LEGAL REVIEW:

No legal review required.

CONCLUSION:

Staff is requesting the City Council consider the proposed amendments to Actions 3 and 4 in the Athletic Field Use and Allocation Policy as recommended by the Commission.

ROBERT KNAPP
Recreation Manager

ERNESTO MUNOZ
Public Services Director

ATTACHMENT: 1) Athletic Field Use and Allocation Policy with Proposed Amendments
2) May 23, 2013 Parks and Recreation Commission Meeting Excerpt

DISTRIBUTION: Chief Executive Officer
Finance and IT Director
City Clerk
Staff

City of Costa Mesa ♦ Public Services Department
Recreation Division

Athletic Field Use And Allocation Policy

Costa Mesa

Parks and Recreation Commission
- Approved September 25, 1996
- Amended March 26, 1997
- Amended February 23, 2000
- Amended May 23, 2001
- Amended May 26, 2004
- Amended March 23, 2005
- Revised June 27, 2007
- Revised May 28, 2008 and September 24, 2008
- Revised March 24, 2010
- Revised January 26, 2011
- Revised November 16, 2011

City Council
- Amended November 3, 1997
- Amended March 20, 2000
- Amended June 18, 2001
- Upheld May 17, 2005
- Amended September 6, 2005
- Amended July 17, 2007
- Amended October 8, 2008
- Revised October 3, 2009
- Revised April 20, 2010
- Revised February 15, 2011
- Revised January 3, 2012

Planning Commission
- Clarification on Conditions of Use, Farm Complex August 12, 2002

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Joint Use Agreement between CITY and NMUSD
- Revised and Dated February 14, 2006
- Approved City Council January 17, 2006
- Approved NMUSD February 14, 2006

ATHLETIC FIELD USE AND ALLOCATION POLICY

January 2012

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I. INTRODUCTION

The City of Costa Mesa Public Services Department, Recreation Division coordinates and issues permits for the use of athletic fields in the City and at Newport Mesa Unified School District sites in Costa Mesa when school is not in session to organizations and the general public for cultural, social and recreational activities and programs. The City and the Newport Mesa Unified School District work cooperatively in accordance with a Joint Use Agreement.

The purpose of this policy is to outline procedures and allocation priority for the permitted use of City and Newport Mesa Unified School District athletic fields within the City of Costa Mesa.

Athletic fields are allocated and permitted in two, 6-month periods from February through June and from July through January as sustainability allows. The Recreation Division will monitor proper use of allocations and permits. Priority will be given to Costa Mesa residents. The City may charge to recover public costs to operate, maintain, supervise and administer the use of schools, parks and athletic facilities. Submission of an Application and Agreement Request does not constitute approval.

Requests for additional use or programs not covered by the Athletic Field Use and Allocation Policy should be addressed in writing to the Recreation Manager. The Public Services Department Director will make interpretation of language in the Field Use and Allocation Policy. An appeal to the Parks and Recreation Commission of the Director's decision must be submitted in writing with justification within ten (10) working days from the decision and will be heard at the next regularly scheduled Parks and Recreation Commission meeting, unless appeal is received fewer than 10 days prior to a meeting, in which case it will be heard at the following meeting of the Parks and Recreation Commission.

II. DEFINITION OF TERMS AND FEES

Resident Status
Resident status will be determined from the prior season's actual rosters (fall season for fall season, spring season for spring season). Team rosters and/or individual participant utility bills/photo ID may be required by City staff to verify residency status. Two youth sports groups (AYSO Region 97 and Newport Harbor Baseball Association) have special status assigned by City Council action as a result of having had historical use of fields which exempts them from the 75% residency requirement. See page 3 & 4 for Groups 1-6 resident status required percentages.

Youth Status
Youth status is defined as persons 19 years of age or under.

Non-Profit Status 501 c
Organization must be established as a non-profit organization. Non-profit status is defined as an organization that is so defined by the Internal Revenue Service, 501c and has a State of California Tax Identification Number. Visit www.irs.gov for additional information on Non-profit Status 501 c.

Organization must submit the following to be considered for Non-Profit Status:

1. Submit 501c IRS papers and bylaws.
2. Current financial statement.

3. Roster of Officers
4. List of persons authorized to make reservations for your organization.

Commercial Status
Business or leagues that are running a business and making a profit from the use of community use fields.

Fees are charged per hour per field usage for utility, baseball and softball fields:

- Non-Profit resident - $20.
- Non-Profit non-resident - $30
- Private resident - $72
- Private non-resident - $130
- Commercial resident - $130
- Commercial non-resident - $234

Other fees

- Baseball & Softball Field Preparations - $40 per prep
- Refundable Deposits for tournaments and large events
  - 1 Field with 20 or more participants $100
  - 2 Fields $100
  - 3 to 6 Fields $300
  - 7 or more Fields $500

III. USE OF CITY AND SCHOOL ATHLETIC FIELDS/FACILITIES

Neighborhood and community parks and Newport Mesa Unified School District schools in Costa Mesa that have athletic field space designated in their design are available for use. Due to the limited number of fields available, the Public Services Department and Field Use and Allocation Committee have established priority use. Adult field use is limited to specific sites. Allocation of fields will follow the terms set forth in this Field Use and Allocation Policy as sustainability allows. The City has exclusive discretion in decisions relating to the scheduling of City and District Active Use Areas and such decisions shall be final.

Priority Use Classifications and Qualifications
Priority scheduling of use of fields/facilities will be as follows:

Group 1 organizations must meet all of the following:

- Organizations, or portions of organizations, that assign registrants to teams in an effort to make the teams in each division of equal playing experience and talent (not assigned to teams of differing talent levels)
- Have an "everyone plays" philosophy requiring that each player suited up and able to play is entered into games for a significant period of time (i.e., ½ of game or 2 of every 5 innings or 2 of 4 quarters, etc)
- Is recreational in nature (versus teams that are more competitive or have selected players) – this excludes AP, all-stars and tournaments
- 501c(3) status certificate
- No child turned away that wants to play
- 75% or greater Costa Mesa residents, for priority use of City fields; 50% Costa Mesa residents for priority use of NMUSD fields. Organizations that have special status OR have special status assigned by City Council action as a result of having had historical use of fields or receive special

status assigned by City Council action as a result of servicing Newport Mesa Unified School District students.

Group 1 organizations shall have highest priority, equal to City sponsored leagues, for use of City and School District fields

NOTE: Organizations that have both recreational and competitive teams will be assigned status based upon the nature of the play. Recreational and Advanced Placement teams will have Group 1 user status and competitive (select/travel) teams in that organization will have Group 3 status. **Groups that pay executive staff and/or board members from the profits of the organization shall be excluded from Group 1 user status**

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Group 2: Newport Mesa Unified School District related programs. NMUSD has priority at NMUSD sites prior to 4:00 p.m. on weekdays when school is in session.

Group 3: Organizations that may otherwise meet all Group 1 requirements EXCEPT:

- 50% or greater Costa Mesa residents, for priority use of City and NMUSD fields

OR

- Have at least 50% or greater Costa Mesa residents in which tryouts are held in order to place registrants according to their ability on competitive teams (select, travel, etc); applicants may be turned away; not every player suited up and not able to play in every game

OR

- Organizations that utilize profits from the organization to pay executive staff and/or board member positions for their service to the league shall be classified "for pay" group status. Organizations that fall under this classification shall be charged field use fees and would not receive top priority field allocation.

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All select/travel games must have at least one team from the Group 3 organization on the field, or fee assessed for that field will be at the Group 5 rate.

Group 3 organizations shall have third highest priority for use of City and School District fields

Group 4: Adult programs, organizations or events with at least 75% Costa Mesa residents. *Group 4 organizations shall have fourth highest priority for use of City and School District fields, except on Sundays when they shall have second highest priority after City adult programs.*

Group 5: Youth programs, organizations or events with less than 50% Costa Mesa residents. *Group 5 organizations shall have fifth highest priority for use of City and School District fields.*

Group 6: Adult programs, organizations or events with less than 75% Costa Mesa residents. *Group 6 organizations shall have lowest priority for use of City and School District fields except on Sundays when they shall have third highest priority after City adult programs and Group 4 adult programs.*

Priority use of fields will be given to traditional primary season sports and by priority grouping.

IV. PROCESS FOR OBTAINING PERMITS

Application and Agreement

Fields are allocated and permitted for two use periods: February through June and July through January. Each organization is required to sign and submit the following documents by the first week of November for the

February 1 through June 30 use period and by the first week of May for the July 1 through January 31 use period.

- Application and Agreement Request For Use of City of Costa Mesa and Newport Mesa Unified School District Athletic Field form (see page 23)
- Field User Information Sheet (see page 24), Athletic Field Use Rules and Regulations form (see page 25)
- Hold Harmless and Indemnity Agreement form (see pages 25)

Multiple-use reservations may be made for more than one date or with recurring weekly use. Any person or organization missing these deadlines will have access to any remaining fields after the allocation and scheduling process is finalized on a first-come, first-served basis.

An Application and Agreement Request For Use of City of Costa Mesa and Newport Mesa Unified School District Fields form (page 23) is required and must be submitted a minimum of ten (10) working days prior to the requested use date. Payment is due in full at the time the permit request is submitted. Proof of insurance (page 27-28) must be submitted prior to a permit being issued. The City of Costa Mesa City Council and the NMUSD Board of Education set fees.

Submittal of documents does not constitute approval. Every effort will be made to accommodate user groups' requests for use of fields.

Permit Request Procedures

Requests to use City and/or Newport Mesa Unified School District athletic fields located in Costa Mesa are made through the City of Costa Mesa Recreation Division located on the third floor of City Hall, 77 Fair Drive, Costa Mesa, (714) 754-5300. Any group of ten (10) or more individuals (Costa Mesa Municipal Code, SEC. 12-53) that wishes to utilize an athletic field must complete all applicable forms and documents. The City has exclusive discretion in decisions on scheduling of City and District fields and such decisions shall be final. Field permits will not be issued for use on December 25 or July 4.

Liability Insurance Requirements

Permittee shall secure and maintain throughout the period of use under this agreement, general liability insurance with policy limits of not less that $1,000,000 per occurrence. See pages 27-28 for appropriate language, terms and conditions. The types and limits of insurance may be changed from time to time as determined by the City of Costa Mesa Risk Management Division.

Restrooms at NMUSD Sites

Newport Mesa Unified School District will provide restroom access at all school facilities during permitted use at no additional cost to the organization. No portable toilets are allowed on school property without the written consent from the NMUSD. Please see NMUSD Site Modification Request Form on page 29.

Payment of Fees

Payment in advance of use is required. Cash, check, money order or credit card may be used for payment at least 10 working days prior to the requested use. Payment plans may be arranged for multiple-use date reservations with payment in advance of monthly use. A maintenance fee may be required by the City to maintain and/or repair City or District athletic fields.

Deposit

A deposit may be required on multiple-use date permit reservations and competitive and/or league group rentals. A deposit may be required by permit or by field at the discretion of the Administrative Services Director or his/her designee. The deposit will be refunded if the group abides by all rules and regulations of this policy and pertinent City codes. Unauthorized or extended field use beyond times listed on the permits may result in the retention of a portion or all of the deposit and/or additional charges, and/or cancellation of current permitted use and/or prohibition of future use.

Permit Cancellation

Permits may be canceled and/or rescheduled. Permits canceled by the City or due to inclement weather may be rescheduled as availability allows or may be refunded in full. Permits canceled by the user at least 10 working days prior to the event will be refunded in full. No refunds will be issued if permitted use is canceled with fewer than 10 days notice.

The City of Costa Mesa may cancel or re-assign use of City or NMUSD fields for any of the following:

- City and/or NMUSD begin work involving any of the facilities.
- When the health and safety of participants are threatened due to impending conditions, including but not limited to, heavy rains, smog alerts, pesticide spraying, and earthquakes.
- Non-adherence to Athletic Field Use and Allocation Policy or City ordinance.
- NMUSD cancels use of fields under the direction of their administrative office.
- Tournaments and special events hosted by the City and/or Group 1 organizations throughout the year

Notice of Field Exchange

Organizations may "give up" or exchange their allocation, or any part of it, with an organization of ***equal or greater allocation priority*** only when all the parties agree in writing and the Recreation Division reissues updated permits to each organization. Users **may not sublease** fields under any circumstance. **Subleasing of fields may result in revocation of all permits.**

Notice of Non-Use of Field

Any organization that has been permitted to use a field and determines that they will not need to use it shall notify the Recreation Division. User groups with fee waivers may be billed for fields that they have reserved and have not used. **Non-use of a field may also result in revocation of the permit of the allocated field.**

Fee Waiver Request Procedure (Group 1 and 2 user organizations only)

Only organizations that meet the requirements for Group 1 status may apply for waiver of field and/or light use fees. Requests for fee waiver for use of athletic fields must be submitted in writing to the Recreation Division Manager. Requests will be presented to the Parks and Recreation Commission for a recommendation to City Council. The fee waiver process takes a minimum of 6 to 8 weeks. Group 1 user organizations receiving fee waivers shall be considered to be co-sponsored by the City of Costa Mesa.

Group 2 user organizations (NMUSD affiliated groups) must provide notice of affiliation from District Deputy Superintendent before fee waiver shall be granted under the provisions of the City – School Joint Use Agreement.

User groups with fee waivers may be billed for fields that they have reserved and have not used.

V. ALLOCATION PROCEDURES AND FORMULA (within Group classifications)

Fields will be allocated by Priority Use class. After NMUSD high school varsity usage is confirmed, the City will work with user groups to permit fields as sustainability guidelines allow.

Field use times will be divided into prime time and non-prime time. Prime time priority is given to Group 1 user groups Monday through Friday from 4 pm to 7:30 pm and Saturday from 8 am to 10 pm. Non-prime time priority is given to Group 3 youth organizations, then Group 5 youth organizations, then adult groups from 7:30 pm to 10 pm Monday through Friday and Sunday from 8am to 6pm as site specifics and sustainability allow.

Several sports play year round with a primary-season of play and a secondary season of play. The primary season of each sport will determine whether the field is considered a baseball/softball field or a utility field on those multiple-use sites having overlying fields.

Allocation Formula

To resolve a discrepancy between two **youth** organizations in the same Priority Use class that request use of the same site/field and that can not be worked out between the two organizations, the following allocation formula will be used to determine the amount of field use that will be allocated to each organization. This formula shall be applied to all requests for lighted fields.

Fields will be allocated within each Priority Use class to organizations based on the percentage of verifiable Costa Mesa residents registered with that organization in relation to the total number of all registered Costa Mesa residents in all organizations in that Priority Use class combined.

Each organization will submit rosters showing the actual number of Costa Mesa residents registered. Verification of Costa Mesa residency will be established by providing such documentation as City staff deems necessary up to and including team rosters, player address, picture ID and utility bill.

The total number of all Costa Mesa residents registered in all organizations within that Priority Use class will then be determined. Each organization's resident number will be divided by the total of all residents registered to determine the percentage of use to be allocated to each group.

An example of this would be:

Baseball Group A has 750 Costa Mesa residents.
Baseball Group B has 900 Costa Mesa residents.

Total Costa Mesa residents registered in both organizations is 1,650

750 divided by 1,650 equals 45%. Group A would receive 45% of the field time available.
900 divided by 1,650 equals 55%. Group B would receive 55% of the field time available.

Fields allocated for Group 6 user organizations (**adult** non-resident) will be based on the total number of verifiable Costa Mesa resident players expressed as a percentage of all residents playing in all Group 6 organizations as the premise for allocation of hours.

VI. RULES & REGULATIONS

Field Ambassadors monitor athletic field use on all City of Costa Mesa and NMUSD fields located in Costa Mesa. Costa Mesa Municipal Code 12.17 provides for their authority. Please see Disciplinary Policy and Procedures (Section D) on pages 16-17.

Applicants are required to abide by the specific rules of this policy and the field use application as well as other City codes. These rules include but are not limited to:

- Groups consisting of ten or more individuals wishing to use a designated athletic field must acquire a City of Costa Mesa-issued permit. Field use permit must be available during use and presented to any City or NMUSD representative upon request. The City has exclusive discretion in decisions on scheduling of City and District fields and such decision shall be final.
- **Adult field use for 2012** is allowed at Back Bay High School, Balearic Center, Davis Field at Lions Park, Killybrooke School, TeWinkle Park Sports Complex and Wilson School. These fields may be scheduled if they have not already been previously permitted to their maximum for sustainability Monday through Saturday. **No Adult Field Use Will Be Allowed at** Adams, California, College Park, Davis, Harper, Kaiser, Paularino, Pomona, Rea, Sonora, Victoria, Whittier and Woodland Elementary Schools, TeWinkle Middle School. Parsons field and Jack Hammett Sports Complex. *Estancia High School and Costa Mesa High School adult field usage is not allowed though August 2013.*
- A copy of the City-issued permit must be available at each site approved for use for inspection by City or NMUSD staff, including Field Ambassadors, Park Rangers and Police. It is the responsibility of the organization president and the individual identified as the person in charge of the City-issued permit to enforce the rules and regulations regarding the conduct of the members of the organization while on permitted facilities.
- Use begins and ends at the times stated on the permit including set-up and clean up. Groups are not allowed on fields prior to the start time shown on the City-issued permit and are required to have the fields clean, picked up and be off the fields at the ending time indicated on the permit. Additional fees will be charged for unauthorized or extended field use beyond times listed on the permit. No member of the organization holding a City-issued permit is allowed on any field approved for that organization's use prior to time listed on permit.
- Sub-leasing of fields is NOT allowed under any circumstance. ***Subleasing of fields may result in revocation of all permits.***
- Property boundary walls, perimeter fences and foul line fences are not to be used as backstops at any time.
- Groups are authorized to use portable goals, benches and makers which need to be stored in a designated space after each use as well as remove all trash from the field area.
- Fields not being utilized by the appropriate organization or team indicated on the City-issued use schedule will result in the field being reassigned. City will notify organization president or person identified as in charge of the City –issued permit by phone or e-mail when City staff observes that a field has gone without use. A written letter will be sent after second non-use observed. Third non-use observed will result in reassignment and re-issuance of permits. Lit fields may be re-assigned after two non-use observed. Teams and organizations may be required to provide schedules that indicate all allocated fields are being used.
- Field Ambassadors may temporarily re-assign a field not being used according to the City-issued use policy to other youth organizations. If the group holding a City-issued field permit does not show up for use after 30 minutes from the start of the permitted time, any City-approved youth user group may use the field. If it is a Group 3 or Group 5 user organization, City reserves the right to charge that organization for the additional use. In the event that the originally scheduled group shows up, the non-scheduled group must

leave that field within 10 minutes. There will be no charge to non-scheduled Group 3 or Group 5 organizations that leave the field per this rule.

- At the conclusion of games or practice each user group is responsible for picking up trash and debris and depositing it into the proper trash bins. Adjoining areas must be clear of all trash. In the event that trash is found on site prior to or at the start of use, notify the Field Ambassador who will note it in the log. Any costs incurred by the City or NMUSD to clean fields may be charged to last user group permitted.
- **NO** alcoholic beverages, smoking, gambling, fireworks or flammable material, narcotics or drugs are allowed on City or Newport Mesa Unified School District property. No dogs are allowed on school property. Dogs must be on leash on City property.
- City fields may not be played on when closed for inclement weather. Organizations permitted to use City fields are responsible for calling the City MUDLINE to determine the status of playability of City fields. Once closed for the day, this status will remain in effect until the next day. Exceptions as noted in the Inclement Weather Policy may be allowed for Group 1 and Group 3 organizations' tournaments, playoffs or other large scale events.

Good Neighbor Rules

- Parking is allowed only in designated areas. No vehicles are allowed on City or District fields or property, other than parking lots, without written permission noted on the permit issued by the City. User groups must inform their participants and spectators to park in facility parking lots and public parking areas. It is the user's responsibility to alleviate traffic and parking issues.
- Balls and/or any other equipment thrown, batted, kicked, or otherwise propelled that land on private property are not be retrieved without permission of property owner. Do not climb walls or enter gates to gain access onto private property. For assistance call the Field Ambassador.
- Please leave school and park areas immediately after games and practices safely and quietly, especially after late games. For the benefit of our community, please practice being good neighbors in residential neighborhoods.

Several City of Costa Mesa Municipal Codes apply to use of City and NMUSD fields and properties. Ignorance of the Municipal Codes or the rules, regulations, and procedures contained in the Athletic Field Use and Allocation Policy shall not deter or defer penalty. ***Failure to comply may result in a strike, retention of a group's deposit, and/or cancellation of any current or future permits.***

- Alcoholic beverages are not allowed in City parks, fields, schools, or adjacent areas (C.M. Municipal Code, SEC. 11-3)
- Selling food or other items is not allowed without City approval and must be noted on the permit.
- Amplified sound is not allowed on any field without City approval and must be noted on the permit. Use of artificial noisemakers, horns, rattles, bells, or whistles by spectators are not allowed.
- Banners may not be posted without application to City. Application does not constitute approval. Approval shall be noted on your permit. See pages 19-21.

Starting & Ending Use Times

City fields may be permitted as available between 8 a.m. and 10:00 p.m. and as sustainability and maintenance guidelines provide. Use begins and ends at the times stated on the permit including set-up and clean up. Field preparation and participant warm-up may take place only within the hours listed on City-issued permit. Additional fees may be charged for unauthorized or extended use beyond times listed on the permit.

Newport Mesa Unified School District elementary and junior high school fields/facilities may be permitted as available weekdays after 4 p.m. when school is in session, all day Saturday and Sunday, and every day during session breaks and summer. Harper School, Back Bay High School, Costa Mesa High School and Estancia High School fields/facilities may be permitted as available weekdays after 5 p.m., all day Saturday and Sunday and when school is not in session as sustainability allows. Newport Mesa Unified School District has priority at its sites prior to City-permitted times on weekdays.

VII. SITE SPECIFIC FIELD USE

Some sites have restrictions on use due to the location of the athletic fields, limited parking and/or impact on adjacent residences. Organization president and person in charge of permits for each organization are required to make sure that groups participating in organization activities at sites with specific rules do so only within the hours and at the fields listed on permits.

Adult field use for 2012 is allowed at Back Bay High School, Balearic Center, Davis Field at Lions Park, Killybrooke School, TeWinkle Park Sports Complex and Wilson School. These fields may be scheduled if they have not already been previously permitted to their maximum for sustainability Monday through Saturday. **No Adult Field Use Will Be Allowed at** Adams, California, College Park, Davis, Harper, Kaiser, Paularino, Pomona, Rea, Sonora, Victoria, Whittier and Woodland Elementary Schools, TeWinkle Middle School. Parsons field and Jack Hammett Sports Complex. *Estancia High School and Costa Mesa High School adult field usage is not allowed though August 2013.*

Kaiser School

- 3 utility and 2 baseball fields separate from one another.
- Only 3 fields in any combination will be available for use at the same time.
- Field use hours are weekdays 4 p.m. to 8 p.m. when school is in session. Field use hours Monday through Saturday during holidays and when school is not in session is from 8 a.m. to 8 p.m. Field use hours on Sunday are 9:30 a.m. to 8 p.m.
- Kaiser School utility field users must stagger field use start times from the northern most field continuing to the south. Use Saturday begins at 8 a.m. for the first field, at 8:30 a.m. for the second field and at 9 a.m. for the third field. Sunday use begins with one field at 9:30 a.m., the second field at 10 a.m. and the third field at 10:30 a.m.
- Field preparation and participant warm-up allowed within the parameters of field use hours.
- When only one utility field is used, it must be the middle (track) field, unless there is a permitted user on the baseball fields, then, the south field must be used.
- No one shall be allowed west of the south field between the dirt access road and the school fence at any time.
- Goals on the south utility field must be placed an equal distance between the east and west residential properties.
- Temporary lights are NOT allowed at this facility.

California and TeWinkle Schools

- 5 utility and/or 6 baseball fields combined.
- Only six (6) fields in any combination will be available for use at the same time.

- Field use hours are weekdays 4 p.m. to 8 p.m. when school is in session. Field use hours Monday through Saturday during holidays and when school is not in session are 8 a.m. to 9 p.m. Field use hours on Sunday are 9 a.m. to 8 p.m.
- Field preparation and participant warm-up allowed within the parameters of field use hours.
- Lights will be allowed until 9 p.m. Monday through Saturday and until 8 p.m. on Sunday.

Jack Hammett Sports Complex

- 6 lit utility fields.
- Usage is restricted to youth only. Adults are prohibited for athletic use.
- Field use hours are 8 a.m. to 9 p.m. Monday through Saturday and 11 a.m. to 6 p.m. Sunday.
- Field preparation and participant warm-up allowed within the parameters of field use hours.
- Lights are allowed until 9:30 p.m. Monday through Saturday and 6:30 p.m. on Sunday.
- Up to four (4) weekend tournaments/special events conducted both Saturday and Sunday are allowed each calendar year.
- Field use hours for tournaments/special events shall be 9 a.m. to 9 p.m. on both Saturday and Sunday during tournaments.

Estancia High School

- 3 utility fields and 3 softball/baseball fields.
- Only 2 utility fields will be available for use at the same time.
- Field use hours are 8 a.m. to 9 p.m. Monday through Saturday
- Field usage on Sunday's is prohibited beginning May 30, 2011 though August 2013 *(At the discretion of the City Manager special events may be allowed during this rest period).*
- Use of amplified sound systems is prohibited.
- Field preparation and participant warm-up allowed within the parameters of field use hours.

Costa Mesa High School

- 4 utility fields and 7 softball/baseball fields
- Field use hours are 8 a.m. to 9 p.m. Monday through Saturday
- Field usage on Sunday's is prohibited beginning June 6, 2011 though August 2013 *(At the discretion of the City Manager special events may be allowed during this rest period).*
- Field preparation and participant warm-up allowed within the parameters of field use hours.

VIII. TOURNAMENT PROCEDURES

All general rules and reservation procedures as specified in the Field Use and Allocation Policy are applicable during tournaments. Additional provisions for tournaments are stated in this section.

Tournament applicants must complete an Application and Agreement Request For Use of City of Costa Mesa and Newport Mesa Unified School District Athletic Field/Facilities form on page 24. Submission of this form does not constitute approval. Approval is given according to allocation policy, after fees are paid and when a permit is issued. Tournament applicants must receive City approval to sell food, use a snack bar and/or barbeque. This approval must be noted on the use permit prior to use.

All organizations conducting tournaments using City and/or NMUSD fields must meet with City staff at least 30 days prior to the tournament date and complete a Tournament Orientation Checklist on page 22.

Tournament permits canceled by the user at least 10 working days prior to the event will be refunded in full. No refunds will be issued if the tournament is canceled with fewer than 10 days notice or if the user does not appear for a scheduled event after all fees are paid.

Games times and field use must follow all policies outlined in the Field Allocation and Use Policy.

For Inclement Weather closures during Group 1 or Group 3 organizations' tournaments, playoffs and other large scale events, please see Inclement Weather Policy.

IX. SNACK BAR AND BARBEQUE USE

All organizations using fields or hosting an event utilizing a snack bar and/or barbeque must receive City approval and have same noted on use permit.

Portable barbeques utilizing charcoal, briquettes, or a similar type heat source may only be used at those City parks that have "hot coal" receptacles for disposal of used hot coals. These "hot coal" receptacles are clearly marked, and are normally located near picnic shelters or picnic areas. Portable barbeques using hot coals should only be used in close proximity to the "hot coal" receptacles for ease of disposal.

Personal, portable BBQ's utilizing propane or similar type gas canisters for the fuel source are allowed in all developed, passive areas of all City parks, with the following exceptions:

- Within one hundred feet (100') of undeveloped, or brush areas.
- Within fifty feet (50') of residential properties.
- On or within 10' of any walkways or travel ways.
- Within parking lots.
- Within public rights-of-way.
- On or within 25' of any fields, courts, or other facilities designated and/or intended for competitive sports games.
- Within fifty feet (50') of tot lot/children play areas, except where City-provided BBQ's may be located.
- Within 20 feet of any tree trunk
- Within 20 feet of any tree branch/foliage that is less that 10 feet from the ground.

X. TRAFFIC AND PARKING

User groups must inform their participants and spectators to park in facility parking lots and public parking areas. If needed, user groups should post directional signs to assist participants and spectators to appropriate parking areas. When traffic and/or parking are an issue or during post-season tournament play, the user group or organization must provide volunteers to direct participants and spectators to designated parking areas. It is the users' responsibility to alleviate traffic and parking issues. No vehicles are allowed on City or District fields or property, other than parking lots, without written permission noted on the use permit issued by the City of Costa Mesa.

XI. MAINTENANCE ISSUES

The City requests that individuals and groups refrain or limit their use of heavy traffic areas during practices, regardless of weather, to assist in providing the best field conditions possible, i.e., goal areas, pitching areas, etc. Any user failing to comply with this policy, established guidelines and notification to refrain from use requests for field closures are subject to pay for all damages or costs occurring to the facility and the termination of field use permit.

Rest and Renovation

An annual rest and renovation program is scheduled at all sites to maintain field sustainability. The City attempts to be flexible in accommodating user groups but, ultimately, the health and safety of the user and the condition and playability of the fields takes priority. This may require the closure of fields or facilities, denial of use of a field, and/or making alternate sites available for athletic use. No organization/team shall play on fields closed for renovation or repair.

Field and Facility Closures

Fields and facilities may be closed at the discretion of the Recreation Manager and/or Maintenance Services Manager or their designated representatives. Closures are kept to a minimum when fields and facilities remain in playable condition. Priority is given to maintenance needs, rest and renovation periods and sustainability for all fields, for both City and NMUSD fields. The City may close fields or facilities when the City engages in work involving any of the fields or facilities or when the health and safety of participants are threatened due to impending conditions, including but not limited to, rain, muddy conditions, smog alerts, pesticide application and earthquakes.

Athletic Field Lining/Marking

- Lining of City or NMUSD fields is prohibited without a permit.
- Burning lines on City or NMUSD fields is not permitted.

Field Modifications

Requests to modify or improve any City or NMUSD field or facility in Costa Mesa shall be submitted with conceptual drawings to the City of Costa Mesa Recreation Division for initial review. Any permanent modifications or improvements shall become the property of the City or NMUSD.

Once reviewed by City staff, requests to modify or improve any NMUSD facility will be submitted for review to the Newport Mesa Unified School District. Please see NMUSD Site Modification Request Form on page 30. The field modification process will take a minimum of 6 to 8 weeks. No temporary or permanent structures or equipment shall be erected on City or Newport Mesa Unified School District facility unless approved by the City and NMSUD. All projects, once completed, must be dedicated for public/community use. Submission of a request to modify or improve a site does not constitute approval. Approval will be given according to City and/or NMUSD policy. Approval will be provided in the form of a written document and will outline the scope of the project as approved.

Requests to modify, resize or add multiple-use, or make improvements to a City field shall be submitted with conceptual drawings to the City of Costa Mesa Recreation Division and may be reviewed by the Parks Maintenance Division and/or Planning Division then presented to the Parks and Recreation Commission for a recommendation to City Council. City Council decision is final. Users may not modify a field that is being

used by more than two organizations/teams without approval noted on request from each group president or without provision being made for use of another field(s) through the City Recreation Division.

Adding additional fields to a site without permission will result in a Strike. Modified fields for multiple-use will be billed appropriate to use.

(A)
INCLEMENT WEATHER CLOSURE POLICY AND PROCEDURES

PURPOSE
The purpose of this policy is to prevent athletic field playing surface damage or injuries to field users brought about by inclement weather or unsafe playing conditions.

POLICY
City of Costa Mesa reserves the right to cancel or suspend outdoor facility or field use permits for games, practices and other uses scheduled to be held on *City sites* whenever field conditions could result in damage to the fields or injury to players. Permits may also be cancelled when the health and safety of participants are threatened due to impending conditions, including but not limited to heavy rains, smog alerts, pesticide application, and earthquakes.

Youth sports organizations using *NMUSD athletic fields* will be responsible for canceling or suspending field use for all activities on sites permitted to them by the City when they deem field conditions could result in damage to the field or injury to players. Any damage or costs associated with failure to cancel activities at NMUSD fields as a result of inclement weather or poor or impending conditions will result in the responsible youth sports organization being billed for any costs/damages and suspension of permits until payment received and fields repaired.

PROCEDURE

CITY FIELDS
The Director of Public Services or designated representative shall have the authority to close any or all City athletic fields whenever weather or field conditions dictate. During inclement weather, City maintenance representatives will assess the playability of all City owned athletic fields *to determine if use will occur.*

Maintenance staff shall inspect all City fields (Jack Hammett Sports Complex Fields 1 through 6; TeWinkle Park Baseball, Softball and Utility Fields; and Davis Field at Lions Park.) Assessment results will be posted by use category (football/soccer/utility or baseball/softball) on the City's MUDLINE Monday - Friday at 2 p.m. and Saturday - Sunday by 7:30 a.m. City fields, once closed for inclement weather or poor field conditions, will remain closed for the remainder of the day.

It is the user group's responsibility to call the City's Wet Field MUDLINE at (714) 754-5041 after 2p.m. Monday-Friday or after 7:30 a.m. Saturday and Sunday to verify field closures. Groups cannot play on fields that have been closed.

If a Group 1 or Group 3 organization has a Tournament, Playoffs, or other large scale event, the organization's President and/or Field representative shall have the right to request a review of field closures due to inclement weather when the organization feels that the empirical methodology and staff observations are questionable. Procedure shall be to contact maintenance supervisor to meet at the field for a walk-through and measurement analysis. Supervisor has the right and authority to allow play on some or all fields at a site under this provision.

Parks maintenance staff shall be responsible for assessing field conditions and updating of the MUDLINE daily from 6:30 a.m. to 5:00 p.m. Recreation staff will be responsible for these functions after 5:00 p.m. Should weather conditions deteriorate, maintenance (or recreation staff on weekends) will reassess City field playability

and close fields if necessary. Field use or playability will be determined by safety conditions and/or hazards that could be detrimental to the welfare of users/players, existing and forecasted weather conditions for the day, and/or potential damage to the field if they were to be used for games or practices.

NMUSD FIELDS

Youth groups using NMUSD fields are responsible for assessing field conditions during inclement weather or for poor or impending conditions. Field closure decisions will be made at each site. Organization president or field representative is required to call the Recreation Division office on weekdays prior to 5:00 p.m. and the Field Ambassadors hotline after 5:00 p.m. to give notice of field closures for their organization. Prior to season start, each organization will provide a MUDLINE for use by participants in their organization. City staff will refer all calls regarding NMUSD field closures to the number provided by the organizations permitted for use of fields.

CRITERIA USED TO DETERMINE PLAYABILITYOF CITY FIELDS

City staff will inspect each of the benchmark locations and determine the playability of those fields using the following criteria.

Baseball and Softball In-fields – Brick Dust

Staff will step onto the playing surface to determine moisture content. If his or her foot sinks into the brick dust at least ½", the field will be deemed unplayable.

Utility, Baseball and Softball Fields - Turf

To determine playability of turf fields such as soccer, baseball and softball maintenance staff shall walk the fields looking for saturated or areas of pooling water. Staff will then take moisture readings using a soil moisture meter, Model #6405 as manufactured by Spectrum Technology. This instrument is widely used in the golf course and turf maintenance industries. To take a reading, the probe of the meter will be inserted into the soil to a depth not to exceed 2 ½ inches. The gauge on the meter has a range of 1 to 10, with 10 being the wettest. A reading that registers from 8 to10 shall constitute saturated condition and fields unplayable.

Moisture readings will be taken at pre-determined locations. Baseball and softball fields will have readings taken at locations where players would normally be positioned such as left, center and right fields. A reading will also be taken on the turf just behind the shortstop position.

On utility fields, moisture readings will be taken at five different locations, one reading in front of each goal; one reading between each goal line and the centerline of the field; and one reading along the sideline area.

Once the fields have been evaluated and the playability status has been determined, staff shall update the MUDLINE accordingly, within the specified time frames. If fields are closed staff shall state the specific reason for the closure. Those specific reasons would be either to infield (brick dust) or turf conditions.

(B)
DISCIPLINARY POLICY AND PROCEDURES (THREE STRIKES)

PURPOSE
The purpose of this policy is to implement a systematic method of enforcing the Municipal Code and Athletic Field Use and Allocation Policy.

POLICY
City of Costa Mesa reserves the right to cancel or suspend field and facility permits for games, practices, and other usages based upon a user group's violating the City Municipal Code or the established Athletic Field Use and Allocation Policy.

STRIKE ONE
Strike one consists of documented activity in direct violation of the City Municipal Code or Athletic Field Use and Allocation Policy.

- **Group 1 users Penalty:** City staff will contact President and person responsible for permits by phone and in email making them aware of the violation. Organizations will have one week (7 days) to provide City staff with explanation of infraction. City staff and Group 1 president will meet and confer to find an appropriate resolution. This may be appealed to the Public Services Department Director or his/her designee.

- **Group 2** users are NMUSD groups, governed by the terms of the City School Joint Use Agreement

- **Group 3-6 users Penalty:** A letter will be written to the user group's president and field allocation representative documenting the violation. A field report and/or pictures of the violation will be included for reference. The letter will be placed in the group's file. This may be appealed to the Public Services Department Director or his/her designee. Strike letter will be kept for 12 months after date of issuance and removed if no further violations occur.

STRIKE TWO
Strike two occurs after a second documented violation within one year of issuance of first strike.

- **Group 1 users Penalty:** City staff will contact President and person responsible for permits by phone and in email indicating that no action has been taken towards resolution of the first infraction or making them aware of a second violation. If violation documented involves the same team/coach as in the first violation, Organization president will be required to send the coach or team associate a letter indicating the inappropriate activity and letting the coach/team representative know that they will be required to meet with a Field Ambassador to discuss policy/procedures that have not been followed. Meeting with Field Ambassador must take place within one week (7 days) of second infraction or City staff will cancel the permit for the field time allocated to that coach. In the event that organization has failed to take any action on a first violation within agreed upon time frame, City will resolve issue with its own resources. Any costs associated with inappropriate activity will be assessed to the organization. This may be appealed to the Public Services Department Director or his/her designee.

- **Group 2** users are NMUSD groups, governed by the terms of the City School Joint Use Agreement

- **Group 3-6 users Penalty:** The group will be informed by letter that a Field Ambassador may be assigned to their permitted activity at the respective park where the violation occurred. The permitted group will be billed for the assigned hours of the Field Ambassador at the appropriate rate per hour. The Field Ambassador will act as a staff person on duty to monitor activity at the site and to report further violations to the City. This may be appealed to the Public Services Department Director or his/her designee.

STRIKE THREE

The third documented violation within a one-year (365 days) time frame from the first violation.

- **Group 1 users Penalty:** City staff will contact President and person responsible for permits by phone and in email indicating that permits issued for that field will either be canceled or the fee waiver for hours of use of that is rescinded. Group shall have one week (seven days) to choose to pay for the balance of play at that field or give up the field for re-assignment. Failure to indicate choice will result in cancellation of all current and future permits for that field for a total period of six months from date of third violation or failure to meet timelines for resolution/action on previous violations.

- **Group 2** users are NMUSD groups, governed by the terms of the City School Joint Use Agreement

- **Group 3-6 users Penalty:** Permits will be revoked for the remainder of the year and possible loss of future allocation for up the twelve months. This may be appealed to the Parks and Recreation Commission whose decision is final.

(C)
PORTABLE LIGHT USE POLICY

PURPOSE
To specify guidelines for use of temporary, portable sports field lights on City and NMUSD athletic fields.

POLICY
City will provide temporary, portable lights on approved fields (City and/or NMUSD) for use by youth sports organizations.

PROCEDURE
1. City staff will identify City and NMUSD athletic fields where portable light use is proposed to the Parks and Recreation Commission by July 15 of each year.

2. On or before August 1, City staff will distribute a fact sheet giving details of the proposed dates and times of use to residents living within 500 feet of the proposed sites and will specify that the Parks and Recreation Commission will hold a public hearing at the August Parks and Recreation Commission meeting to determine sites for the upcoming fall, winter and spring seasons. The decision of the Commission is final.

Use Requirements
1. If the Parks and Recreation Commission approves the use of portable lights for a site, staff will work with the user organizations and interested residents to locate the lights in such a way as to mitigate as possible light impact.

2. Light units will only be operated by City staff or City-trained volunteers.

3. Participants/guests are requested to leave field areas quietly. All participants should practice being good neighbors in our residential neighborhoods (refrain from honking, double parking, blocking driveways, etc). No amplification equipment will be allowed including, but not limited to public address systems, stereo equipment, stationary and portable components and bullhorns. No air horns are allowed at any time.

4. Failure to comply with any of the above use requirements by user groups will result in loss of permit for portable light use.

5. Lights must be turned off as soon as possible after the completion of the last game but not to exceed 9:30 pm. No temporary light use will be allowed for the four-day Thanksgiving holiday weekend or from December 30 through January 2.

(D)
BANNER POLICY

PURPOSE

To specify guidelines for the request and permitted use of temporary banners according to Title 13 of the Costa Mesa Municipal Code regarding the use of temporary signs for City-sponsored or co-sponsored events on public property and banners on public baseball and softball fields. Ordinance No. 04-11

TEMPORARY SIGNS ON PUBLIC PROPERTY (SECTION 13-118.1)

The placement of temporary signs on public property shall be limited to only those signs that advertise a City-sponsored, co-sponsored, or approved event or activity. Public property is defined as any building, park, grounds, structures, or other real property owned, rented or leased by the City not within the public right-of-way or any such property used by the City under a joint use agreement. A City-sponsored, co-sponsored or approved event includes, but is not limited to, events or activities of Group 1 Users and Group 3 Users as those terms are ~~is~~ defined in the Athletic Field/Facility Use and Allocation Policy. Temporary signs for City-sponsored events may be placed on public property after obtaining the necessary permit from the Recreation Division.

- **Acceptable Sign Location:** Temporary signs may be placed only on a building wall or perimeter wall or fence of the public property. The sign shall not project above the building or above the perimeter wall and/or fence. The sign shall not be attached to any staff, pole, line, framing, vehicle, or similar support.
- **Illumination:** The sign shall not be illuminated.
- **Maximum Size:** Individual signs shall not exceed 40 square feet and total signage shall not exceed 80 square feet. [Revised by Council 11/17/09]
- **Number of Signs:** Limit one temporary sign per user group per street frontage at any given time. [Revised by Council 11/17/09]
- **Installation:** The entire surface of the sign must be securely fastened to the building or perimeter wall and/or fence.
- **Maintenance Required:** The applicant shall maintain all signs in good condition, and the applicant shall remove or replace any sign that is torn, faded, dirty, or defaced, including by graffiti.
- **Installation Period:** Temporary signs may be displayed a maximum of 30 days. Specific dates and time for the signs' installation and removal may be subject to change by the City in order to minimize impacts to the public.
- **Sign Removal:** All signs that are not removed by the applicant by the approved removal date shall constitute a public nuisance subject to summary removal by the City. The City may bill user groups for removal.

BANNERS ON PUBLIC BASEBALL AND SOFTBALL FIELDS (SECTION 13-118.2)

Only a Group 1 User shall be able to request approval to install banners on a public baseball or softball field (owned, rented, or leased by the City or used by the City under a joint use agreement) that has been allocated to them by the City. Group 1 Users are defined in the City of Costa Mesa Athletic Field/Facility Use and Allocation Policy. Banners may be placed on public baseball and/or softball fields after obtaining the necessary permit from the Recreation Division. A strike may be issued for not following these policies and guidelines. Please see "Three Strikes Rule" page 16-17.

- **Acceptable Banner Location:** Banners shall only be displayed on the field's outfield fence and shall only face the field's interior.

- **Banner Composition:** Banner copy and/or logos shall be limited to one side of the banner, and the banner shall be made of durable cloth, bunting, plastic, or similar material.
- **Maximum Size:** Individual banners shall not exceed 40 square feet. [Revised by Council 11/17/09]
- **Installation:** The banner's surface must be tautly and securely fastened to the outfield fence of the field by a minimum of four contact points.
- **Maintenance Required:** The applicant shall maintain all banners in good condition, and the applicant shall remove or replace any banner that is torn, faded, dirty or defaced, including by graffiti.
- **Installation Period:** Banners shall be installed no sooner than seven days prior to the baseball and/or softball season's commencement and shall be removed within seven days of the season's close. Specific dates and time for the banners' installation and removal may be subject to change by the City in order to minimize impacts to the public.
- **Banner Removal:** All banners that are not removed by the applicant by the approved removal date shall constitute a public nuisance subject to summary removal by the City. The City may bill user groups for removal.

BANNER PERMIT REQUEST FORM

(Please type or print one form per permit)

Organization _____

Proposed Field Site _____ # of Banners _____ Size _____

Proposed Banner Location(s) _____

Method of Installation _____

Banner Color _____ Print Color _____

Reason For Posting Banners _____

Banners will be posted on _____ (date) and removed on or before _____ (date).

Applicant's Name _____

Daytime Phone (___)_____ E-Mail Address _____

Conditions of Approval if different from request _____

_____

_____

Approved by _____ **Date** _____ **Permit Number**_____
(City Representative)

Use this area to draw a diagram of banner location

TOURNAMENT ORIENTATION CHECKLIST

The following information must be discussed prior to each proposed tournament.

Tournament Director _____ Tournament Locations _____ Tournament Dates _____

1) PROCESSING INSTRUCTIONS
- ( ) Fill out Permit Request
- ( ) Verify paperwork has been received and permits issued
- ( ) Proof of Insurance
- ( ) Pay for permits ($100 Deposit/Field)
- ( ) Special Event Permit
- ( ) Additional Charges for Unauthorized or Extended Use

2) TRASH
- ( ) Explanation of duties and responsibilities
- ( ) Site & Program Specific Information
- ( ) Additional Dumpster Necessary
- ( ) All Trash Bags Picked Up and Emptied into Dumpster

3) TOURNAMENT SCHEDULE
- ( ) Hours of tournament vs. Permitted field times (site specifics)
- ( ) Submit Tournament Schedule

4) FACILITIES
- ( ) Relationship between City, School District and User Group
- ( ) Restrooms and Water fountains (For General Maintenance Concerns Call 714-925-7425)
- ( ) Snack bar - BBQ and Open Flame
- ( ) Portable Goals/Restrooms - Placement
- ( ) Parking areas - Parking Monitors to direct participants and spectators to designated parking areas.
- ( ) Contact P.D
- ( ) Supply/Storage Areas
- ( ) Bulletin boards and information sources
- ( ) No Field Modifications - 1 Game Per Field
- ( ) Lining Fields - Need Permit (Mow Schedule)
- ( ) PA System - What type?
- ( ) MUDLINE
- ( ) Volunteers-Trespassing stations around facility

5) POLICIES AND PROCEDURES
- ( ) Contact surrounding neighbors
- ( ) Review Rules and Regulations pertaining to Field Use
- ( ) Safety precautions and reporting of accidents
- ( ) Requisitioning supplies and equipment
- ( ) Field Ambassadors - Contact Information
- ( ) Review, sign policy and provide copy for tournament director(s)

Tournament Director's Signature _____ City Representative's Signature _____ Date _____

ATHLETIC FIELD USE AND ALLOCATION POLICY

January 2012

Application and Agreement Request For Use of City of Costa Mesa and Newport Mesa Unified School District Athletic Fields/Facilities

In accordance with the Joint Use Agreement between the City of Costa Mesa and Newport Mesa Unified School District, the City will be the responsible agency for scheduling and permitting all City owned fields and athletic facilities and NMUSD owned athletic fields located within Costa Mesa City limits after 4 p.m. weekdays and all day on weekends. Submission of an Application and Agreement Request does not constitute approval. Approval is given according to the allocation policy, field/facility availability, after fees are paid and when a permit is issued. The City has exclusive discretion in decisions on scheduling of City and District Active Use Areas and such decision shall be final.

Costa Mesa Recreation Division
77 Fair Drive, Costa Mesa, CA 92628
Phone 714.754.5300 FAX 714.754.5166
www.costamesaca.gov

The contact information you provide the City of Costa Mesa on these field request forms could be made public if requested. The information written on these forms should be contact information you would like City staff to provide prospective players wishing to register for your organization. This information will be considered public.

Organization _____

Name of Applicant _____ Title _____

Address _____ City & Zip _____

Contact Phone Number ( ) _____

E-Mail Address _____

Field/Facility Requested _____

Description of Activity _____

Estimated Attendance _____ Open to the Public Yes_____ No _____

Day of Week	Dates (s)	Start Time - Include Set-up	End Time
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I verify that the information on this Application and Agreement Request for Use of Athletic Fields form is correct as defined in the Athletic Field Use & Allocation Policy and understand the possible consequences if the information is incorrect or misleading within the acceptable boundaries as described in the allocation policy. I have read the Application and Agreement and agree to all provisions listed on this Application, the Athletic Field Use & Allocation Policy, Rules and Regulations and disclaimers applied to issued permits and will communicate this information to our coaches and participants.

_____ _____

Signature of Applicant | Signature of Organization President, Site Administrator or Principal

_____ _____

Date | Date

********** OFFICE USE ONLY **********

ORGANIZATION PRIORITY 1 2 3 4 5 6 PERMIT NUMBER _____

Field User Information Sheet

February 1 – June 30 or July 1 – January 31 (CIRCLE APPROPRIATE TIME PERIOD)

Organization _____

Sport _____ Season _____

Total Program Registrations _____ Total Costa Mesa Residents _____

The contact information you provide the City of Costa Mesa on these field request forms could be made public if requested. The information written on these forms should be contact information you would like City staff to provide prospective players wishing to register for your organization. This information will be considered public.

Field Allocation Representative

Name _____

Address _____

City & Zip _____

Contact Phone # (___)_____

E-Mail Address _____

Organization President

Name_____

Address _____

City & Zip _____

Contact Phone # (___)_____

E-Mail Address _____

YOUR ORGANIZATION'S IMPORTANT DATES

Practice Begins The Week Of _____ Opening Day _____

League Games Begin The Week Of _____ and End _____

Playoffs Begin The Week Of _____ and End _____

List Any Practice or Game Restrictions _____

List Special Events (picture day, tournaments, trainings, etc.) Dates & Sites _____

I verify that the information on this form is correct as defined in the Athletic Field Use and Allocation Policy and understand the possible consequences if the information is incorrect or misleading within the acceptable boundaries as described in the allocation policy

_____
Signature of Organization/League President

Date _____

_____
Signature of Field Allocation Representative

Date _____

********** OFFICE USE ONLY **********
ORGANIZATION PRIORITY 1 2 3 4 5 6 PERMIT NUMBER _____

ATHLETIC FIELD USE RULES AND REGULATIONS

1. Groups consisting of ten or more individuals wishing to utilize a field must acquire a permit with the City of Costa Mesa.
2. It is the responsibility of the person in charge identified on the permit to enforce the rules and regulations regarding the conduct of the group while on permitted facilities. ***These rules include but are not limited to:***
   - ❖ Use begins and ends at the times stated on the permit including set-up and clean up. Groups are not allowed on fields prior to the start time on the permit and are required to have the fields clean and be off the fields at the ending time indicated on the permit. Permitted times include field preparation and player "warm-up". Additional fees will be charged for unauthorized or extended field use beyond times listed on the permit. The City has exclusive discretion in decisions on scheduling of City and District Active Use Areas and such decision shall be final.
   - ❖ Adult field use is limited to specific sites.
   - ❖ Field permits will not be issued for use on December 25 or July 4.
   - ❖ Field use permit must be available during use at each permitted site and presented to any City or District representative upon request.
   - ❖ No subleasing of fields is allowed under any circumstance. **Subleasing of fields may result in revocation of all permits.**
   - ❖ City or NMUSD fields or facilities may not be modified without permission. Fields may not be resized without permission.
   - ❖ Parking is allowed in designated areas only. User groups must inform their participants and spectators to park in facility parking lots and public parking areas. It is the users' responsibility to alleviate traffic and parking issues.
   - ❖ Alcoholic beverages are not allowed in City parks, fields, schools, or adjacent areas. (C.M. Municipal Code, SEC. 11-3)
   - ❖ Organizations/groups using vendors during their games and tournaments to sell food or other items must submit vendor's insurance certificate (pg 27), endorsement letter (pg 28) and Costa Mesa Business License number (obtain at the Finance Dept) to the Recreation Division at a minimum of two (2) weeks prior to their event.
   - ❖ Amplified sound is not allowed on any field without City approval and notation on permit.
   - ❖ The use of artificial noisemakers, horns, rattles, bells, and whistles by spectators are not allowed.
   - ❖ Banners may not be posted without City approval and notation on permit.
   - ❖ Balls and any other equipment thrown, batted, kicked, or otherwise propelled that land on private property must not be retrieved without the property owner's permission.
   - ❖ At the conclusion of games or practice each user group is responsible for picking up trash and debris and depositing it into the proper trash bins. The field and any adjoining areas affected by a group's use must be picked up and cleared of all trash.
   - ❖ Please leave school and park areas immediately after games and practices safely and quietly, especially after late games. Please practice being good neighbors in our residential neighborhoods.
   - ❖ Portable goals and/or markers are allowed but must be removed daily
   - ❖ Property boundary walls and fences, including foul line fences, are not to be used as backstops at any time.
3. **Wet Field Policy:** Groups may not play on City fields closed due to wet field conditions. For NMUSD fields, it is the responsibility of groups to assess field conditions and provide closure information to the City Recreation Division and/or Field Ambassador, and provide their participants an organization MUDLINE for their permitted fields. City field MUDLINE is (714) 754-5041and will be effective after 2:30 pm Monday – Friday or after 7:30am Saturday and Sunday. This phone line will be updated with closure information as needed. Groups using City fields are responsible for checking this number to discern field closure information.
4. Non-adherence to any of the Athletic Facility and field Use Allocation Policy or sub-policies rules or procedures or any City ordinance may result in the retention of a portion or all of the deposit and/or cancellation of current field permits and/or prohibition of future use.

Applicant Name:	_____	_____
	(Print)	(Title)
	_____	_____
	(Signature)	(Date Approved by)
City Representative:	_____	_____

Hold Harmless and Indemnity Agreement

I/WE, FIELD/FACILITY USER, have expressed the desire to utilize an athletic field or athletic facility owned by the City of Costa Mesa and/or Newport Mesa Unified School District as stated on this application.

We, the CITY OF COSTA MESA, agree to provide access to a field or facility to meet the use requested on this application as availability and priority of use allow. Submission of an Application and Agreement Request does not constitute approval. Approval is given according to the allocation policy, field/facility availability, after fees are paid and when a permit is issued.

NOW, THEREFORE, for and in consideration of the covenants herein contained, performed and to be performed, the parties here to agree as follows:

1. CITY shall schedule access to and make all provisions for FIELD/FACILITY USER to enter and use permitted public facility as required to fulfill the purpose of the Agreement.

2. Designate in writing an Administering Officer to act as the CITY representative with respect to the use of the facility contemplated hereunder. Such person shall have complete authority to transmit instructions, receive information and interpret and define the CITY requirements in connection with said use.

3. FIELD/FACILITY USER hereby agrees to defend at his own cost and to indemnify and hold harmless the CITY and NEWPORT MESA UNIFIED SCHOOL DISTRICT - (NMUSD), its elected and appointed boards, officers, agents and employees from and against any and all liability, damages, costs, losses, claims and expenses, howsoever caused, resulting directly or indirectly from or connected with the performance of the Agreement (including but not limited to such liability, costs, damage, loss, claim or expense, arising from the death or injury to an agent, member, invitee, or employee of FIELD/FACILTY USER or of CITY and NMUSD or damage to the property of FIELD/FACILITY USER, or of CITY and NMUSD or of any agent, member, invitee or employee of FACILITY USER, or of CITY or NMUSD) except where such liability, damages, costs, losses, claims or expenses are caused solely by the negligent or wrongful acts of CITY and NMUSD or any of its agents or employees other than negligent omission or commissions of CITY and NMUSD its agents or employees, in connection with the general supervision or direction of the use of said facility. FIELD/FACILITY USER, in addition to the foregoing, specifically shall indemnify and save harmless CITY and NMUSD, any and all of CITY officers, agents, and employees, from any liability by reason of California safe place statutes or similar provisions pertaining to the use of said public facility or safety of materials or equipment supplied by CITY and NMUSD or others at the direction of CITY and NMUSD and used in the performance of the purposed hereunder. Initial_____

4. It is further understood and agreed that FIELD/FACILITY USER shall be acting at all times as an independent contractor herein and not as an employee of CITY or NMUSD. FIELD/FACILITY USER shall secure at his expense, and be responsible for any and all payment of Income Tax, Social Security, State Disability Insurance Compensation, Unemployment Compensation and other payroll deductions for FACILITY USER and his officers, agents and employees and all business licenses, if any, in connection with the use of said facility. Initial_____

5. FIELD/FACILITY USER shall secure and maintain throughout the period of use contemplated under this Agreement general liability insurance with policy limits of not less than $1,000,000 per occurrence, with CITY and NMUSD named as additionally insured by endorsement. Such policy or policies of insurance shall further provide that said policies of FIELD/FACILITY USER shall be primary over any insurance held by CITY and NMUSD that may be applicable. Initial_____

6. This Agreement, the exhibits hereto and any special provisions to which the Agreement is subject may only be altered, amended or rescinded by a duly executed written Agreement. Executed in the City of Costa Mesa, County of Orange, State of California and subject to laws thereof.

Costa Mesa

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)

PRODUCER
NAME OF INSURANCE COMPANY

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED
APPLICANT'S NAME
NAME OF ORGANIZATION
ADDRESS

INSURER A:
INSURER B:
INSURER C:
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
	GENERAL LIABILITY	KLS-4240	01/01/05	01/01/06	EACH OCCURRENCE	$ 1,000,000
	COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	$ 50,000
	CLAIMS MADE OCCUR				MED EXP (Any one person)	$ 1,000,000
					PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				GENERAL AGGREGATE	$ 1,000,000
	policy project loc				PRODUCTS - COMP/OP AGG	$ 1,000,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO				BODILY INJURY (Per person)	$
	ALL OWNED AUTOS				BODILY INJURY (Per accident)	$
	SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	$
	HIRED AUTOS					
	NON-OWNED AUTOS					
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
	ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	$
					AGG	$
	EXCESS LIABILITY				EACH OCCURRENCE	$ 1,000,000
	OCCUR CLAIMS MADE				AGGREGATE	$ 1,000,000
	DEDUCTIBLE					$
	RETENTION $					$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS / OTH-ER	
					E.L. EACH ACCIDENT	$
					E.L. DISEASE - EA EMPLOYEE	$
					E.L. DISEASE - POLICY LIMIT	$
	OTHER					

SAMPLE

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

LOCATION OF EVENT (name of school/facility), DATE (S) and TIME (S) of events (e.g. "Sunday's 9a.m.-1p.m."), TYPE OF ACTIVITY (e.g. "Soccer game") and the PERMIT NUMBER

CERTIFICATE HOLDER | ADDITIONAL INSURED; INSURER LETTER:

CITY OF COSTA MESA - RECREATION DIVISION
PO BOX 1200
COSTA MESA, CA 92628-1200
NEWPORT-MESA UNIFIED SCHOOL DISTRICT
2985 BEAR ST., BLDG. E
COSTA MESA, CA 92626

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT.

AUTHORIZED REPRESENTATIVE

ACORD 25-S (7/97) (ACORD CORPORATION 1988

CONTRACTUAL RISK TRANSFER
INSURANCE FORMS

2ND REPRINT
MAY 1997

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED—STATE OR POLITICAL SUBDIVISIONS—PERMITS RELATING TO PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

State or Political Subdivision:

The City of Costa Mesa and its elected and appointed boards, officers, agents, and employees are additional insured.

WHO IS AN INSURED (Section II) is amended to include as an insured any state or political subdivision shown in the Schedule, subject to the following additional provision.

This insurance applies only with respect to the following hazards for which the state or political subdivision has issued a permit in connection with premises you own, rent, or control and to which this insurance applies:

1. The existence, maintenance, repair, construction, erection, or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoistaway openings, sidewalk vaults, street banners, or decorations and similar exposures; or
2. The construction, erection, or removal of elevators; or
3. The ownership, maintenance, or use of any elevators covered by this insurance.

SAMPLE

Copyright, Insurance Services Office, Inc., 1984

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CG 20 13 11 85

Costa Mesa

Newport-Mesa Unified School District

SITE MODIFICATION REQUEST FORM

(Site or Community Sponsored Modifications to NMUSD Property)

Written authorization is required from the Department of Facilities/Maintenance and Operations before proceeding with any site (building and/or grounds) modification (i.e., marquee, fences, trees, etc.).

1. School: _____
2. Contact Name: _____
3. Contact Organization: _____ Daytime Phone: _____
4. Contact Address: _____
5. Describe Proposed Project: _____
   _____
   _____
6. Please attach a site plan and show the proposed project location.
7. Cost estimate for proposed project (include planning, design, materials, implementation, etc.):
   _____
   **DSA approval has a minimum architectural fee of $3,500*
8. Will there be ongoing costs for proposed project once implemented? Yes No
9. List funding source(s) (i.e., school budget or budget code, SIP, PTA, etc.):
   _____
10. Are funds available now? Yes No
11. Desired implementation schedule: Start Date: _____ Finish Date: _____
12. Please provide any additional information that might be helpful to Facilities/Maintenance and Operations in its evaluation of your request:
    _____
    _____

SITE MODIFICATION REQUEST FORM
SITE ADMINISTRATOR APPROVAL

1. I am aware of the proposed project described above AND have submitted work order #_____.
2. I have the following comments/concerns: _____
   _____
3. I support this project.

Site Administrator Signature: _____ Site: _____

Phone: ( ) _____ Date: _____

ATTACHMENT 2

→	f. Athletic Field Use Allocation Policy Recommendations	Provide recommendations

ACTION: MOTION made by Vice Chairman Kim Pederson, seconded by Chairman Byron de Arakal and carried three to two, with Commissioner Graham and Commissioner Harper voting no, to approve the policy with the proposed amendments and direct staff to work with the City Attorney to clarify the language of the document.

	g. Review of Proposed Capital Improvement Program (CIP) for Fiscal Year 2013-2014 through 2019-2020	Provide recommendations

ACTION: 2013-2014 CIP; MOTION made by Commissioner Robert Graham died due to lack of second.

ACTION: 2013-2014 CIP: MOTION made by Chairman Byron de Arakal, seconded by Commissioner Dean Abernathy and carried five to zero to approve.

ACTION: 7-YR CIP: MOTION made by Vice Chairman Kim Pederson, seconded by Commissioner Dean Abernathy and carried five to zero, to approve with the addition of previously discussed project on Adams Avenue.

	h. Weekend Park Tours	Discussion

ACTION: Discussion to resume park tours with the assistance of staff.

	i. Committee Appointments	Discussion

ACTION: MOTION made by Chairman Byron de Arakal, seconded by Vice Chairman Kim Pederson and carried five to zero, to appoint Commissioner Dean Abernathy as the commission representative to the Fairview Park Advisory Committee with Commissioner Robert Graham serving as alternate.

ACTION: MOTION made by Commissioner Dean Abernathy, seconded by Commissioner Harper and carried five to zero, to appoint Chairman Byron de Arakal as committee representative to the City/School District Liaison Committee with Vice chairman Kim Pederson serving as alternate.

10. Recreation Manager's Report

11. Commissioner's Comments

12. Adjournment