



## Legislation Details (With Text)

<b>File #:</b>	17-0107	<b>Version:</b>	1	<b>Name:</b>	PRM - Appeal of denied fee waiver request D5
<b>Type:</b>	Public Hearing	<b>Status:</b>		<b>Status:</b>	Concluded
<b>File created:</b>	2/6/2017	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	2/21/2017	<b>Final action:</b>		<b>Final action:</b>	2/21/2017
<b>Title:</b>	Recommendation to receive supporting documentation into the record, conclude the public hearing, consider the appeal by Barbara O'Neill, and uphold the decision of the Parks and Recreation Commission to deny the Fee Waiver Request for the Tuberous Sclerosis Alliance's Step Forward For a Cure Walk (Permit No. 8213). (Citywide)				
<b>Sponsors:</b>	Parks, Recreation and Marine				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 022117-H-2sr&att.pdf, 2. 022117-H-2 Corresp.ONeill.pdf				

Date	Ver.	Action By	Action	Result
2/21/2017	1	City Council	approve recommendation	Pass

Recommendation to receive supporting documentation into the record, conclude the public hearing, consider the appeal by Barbara O'Neill, and uphold the decision of the Parks and Recreation Commission to deny the Fee Waiver Request for the Tuberous Sclerosis Alliance's Step Forward For a Cure Walk (Permit No. 8213). (Citywide)

The Department of Parks, Recreation and Marine (PRM) receives many requests from nonprofit organizations to utilize public parks and facilities for a variety of purposes. Often, these groups request the waiver of certain fees to help increase the total funds raised for their charity. In accordance with the City Charter, Article IX, Section 902, the Parks and Recreation Commission (Commission) has the power and duty to establish fees for public recreational programs and use of public parks and recreation facilities. The Commission approved PRM's Fee Waiver Policy, Number 3.15 (Policy), in December 2011. The Policy was updated in May 2013, and provides guidelines for requesting and approving a waiver of PRM's fees and charges that were established by the Commission (Attachment A). The tenets of the Policy include identifying whether the proposed event is being conducted by a Long Beach-based organization and/or whether the funds raised would directly benefit the Long Beach community.

On December 15, 2016, the Commission voted 7-0 to deny a fee waiver request from Barbara O'Neill of the Tuberous Sclerosis Alliance (Alliance) for Permit #8213, which includes a \$595 Facility Fee and a \$30 Permit Fee, for the Alliance's annual Step Forward For a Cure Walk (Walk) proposed to occur in El Dorado East Regional Park in May 2017 (Attachment B).

The Policy lists several requirements that must be met in order for a fee to be eligible to be waived by the Commission. Previous requests for a fee waiver have been granted to

Alliance, however, it is a national organization, and, therefore, could not prove that the proceeds of the Walk would remain in the Long Beach community. Permit #8213 has already been approved, but the request to waive certain related fees was denied by the Commission because it did not meet the criteria contained in the Policy, including the following:

5.1 (b) The program or event is of significant value to the Long Beach community or Department;

5.2 (a) The agency is a Long Beach based organization and is providing a minimal fee service or program that results in significant community benefit.

Both Long Beach Municipal Code Section 2.54.010 and the Policy provide for an aggrieved party to appeal an action of the Commission to the City Council. After a public hearing, the City Council may affirm, modify, or overrule the decision or action of the Commission, but any such action by the City Council shall require a two-thirds majority vote. If the City Council fails to obtain the requisite votes to affirm, modify, or overrule, the action of the Commission shall stand.

This matter was reviewed by Deputy City Attorney Linda T. Vu on January 30, 2017 and by Budget Management Officer Rhutu Amin Gharib on February 3, 2017.

City Council action is requested on February 21, 2017, in order to satisfy the requirements of the appeal process.

If the decision of the Commission is overruled, fees related to the event in the amount of \$625 would be reduced in the General Fund (GF) in the Parks, Recreation and Marine Department (PR). There is no local job impact associated with this recommendation.

Approve recommendation.

MARIE KNIGHT  
DIRECTOR OF PARKS, RECREATION AND MARINE

APPROVED:

PATRICK H. WEST  
CITY MANAGER