

**CITY OF EL PASO, TEXAS  
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** City Manager

**AGENDA DATE:** August 16, 2005

**CONTACT PERSON/PHONE:** Joyce Wilson/541-4109

**DISTRICT(S) AFFECTED:** N/A

**SUBJECT:**

Approve an ordinance amending Title 13 to remove the fee schedules and establish criteria and guidelines for the charging of fees for facility rentals, activities, programs and general services offered by the Parks & Recreation Department.

**BACKGROUND / DISCUSSION:**

The Park and Recreation Department provides opportunities for recreational and leisure-time activities/programs or events (structured and unstructured) for all citizens of El Paso. The fee provisions are also revised to reflect the movement of fees to the budget resolution or other duly adopted resolution, and to set forth established guidelines and criteria for the charging of fees for facility rentals, activities, programs and general services offered by this department.

**PRIOR COUNCIL ACTION:**

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** \_\_\_\_\_  
(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS & PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS & RECREATION AREAS), TO RENAME SUBSECTION 13.24.200 (PARK & RECREATION FEE AUTHORIZATION) OF THE EL PASO CITY CODE AND TO REMOVE THE FEE SCHEDULES AND TO ESTABLISH GUIDELINES AND CRITERIA FOR THE CHARGING OF FEES FOR FACILITY RENTALS, ACTIVITIES, PROGRAMS AND GENERAL SERVICES OFFERED BY THE PARK & RECREATION DEPARTMENT.**

**WHEREAS**, the Park and Recreation Department provides opportunities for recreational and leisure-time activities/programs or events (structured and unstructured) for all citizens of El Paso. Thus, there is a need to charge for facility rental rates, activity/program fees and general fees to support such opportunities.

**WHEREAS**, the Park and Recreation Department has authorization from City Council under Section 13.24.200, El Paso City Code, to charge fees for facility rental rates, activity/program fees and general fees to support such opportunities.

**WHEREAS**, the Park and Recreation Department desires to amend Section 13.24.200 to remove the fee schedules, as the fees will be set by the City Council through its budget resolution or other duly adopted resolution, and to set forth established guidelines and criteria for the charging of fees for facility rentals, activities, programs and general services offered by this department.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:**

Section 1. That Subsection 13.24.200 of the El Paso City Code is renamed as Park & Recreation Fee Authorization.

Section 2. That Subsection 13.24.200 (Park & Recreation Fee Authorization) of the El Paso City Code is amended as follows:

A. Fees. The City Council of El Paso authorizes the Department director to charge a fee for facility rental as well as a fee for programs, activities and other general services provided at any and all City parks and recreational facilities managed by the Department. Said fees shall be in the amounts as set by the City Council through its budget resolution or other duly adopted resolution, in accordance with the following guidelines and criteria.

1. Rental Authorization. The City Council of El Paso authorizes the Park & Recreation Department (“Department”) director or designee to rent City owned park and recreational facilities to the citizens of El Paso for recreational,

educational, or leisure-time activities/programs or events. Said rental will be permitted when such does not conflict with activities/programs or events officially sponsored by the City of El Paso, scheduled school activities/programs or events under the Inter-governmental Agreements or other activities/programs or events previously approved by the City Council of El Paso or the Department director. All rentals will require a written contract.

2. Facility Rental Fees. Facility rental fees shall include a one-time, non-refundable processing charge to compensate the Department for reserving the facility or park area for use by the renter and processing the associated contracts. A security deposit will also be required when renting a facility or park area. Facilities shall include but not be limited to shelters, reserve areas, rose gardens, bandstands, park areas, recreational facilities, community centers, senior centers, aquatics venues, athletic venues and San Jacinto Plaza.

a. Room Rentals. Room rentals include any and all rooms in all recreation, senior, sports, multipurpose and arts/cultural facilities. Such rentals shall be based on room's maximum capacity, as set by the City Fire Marshall.

i. Other city departments, county, state, federal agencies and other governmental entities may use rooms in all park and recreation facilities for official business at no charge, on a space-available basis, during normal operating hours; provided, however, that the Department may charge users for out-of-pocket costs associated with such use (e.g., janitorial and security services). Hours may vary among facilities. Use of rooms by other city departments, county, state, and federal agencies for official business during non-operating hours will be charged at the not-charging rate.

ii. In the event a room is unavailable, use of an alternate room may be offered at no increase in cost. Hourly rates apply to events lasting one hour to one full day and night, while daily rates apply to two or more consecutive days and nights.

iii. If alcohol is to be served during a rental under this provision, an additional fee based on one (1) security guard per one hundred (100) participants will be charged by Department staff to the renter.

b. Shelters, Reserve Areas, Rose Garden, San Jacinto Plaza. A non-refundable reservation charge will be assessed and paid at the time that a renter reserves a shelter, reserve area, rose garden or San Jacinto Plaza. Said fee is will be based on ten (10) percent of the rental fee (excluding expense for security guards) rounded to the nearest whole dollar.

c. Gymnasium Rental. The facility rental for gymnasiums shall be based on the size of the given facility (i.e., small, medium, large and extra

large). Department director shall determine the appropriate size of the given facility for purposes of assessing a rental fee for the same.

d. Aquatics. A professional use rate will be available for the rental of any and all aquatics venues. The professional use rate fee will be charged as per ticket, per hour, per patient/client, which will be available in strips of ten. The professional use rate will entitle the therapists, personal trainers, private swim lesson instructors, etc., the use of one lane at any one time based on the availability at the facility. The number of lanes will be based on the number of patients/clients the therapist, etc., is bringing (six patients per lane). Tickets will be available at the individual aquatic facilities or at the aquatics office.

i. Professional use is to be defined as any individual or for profit organization that would seek to use the city's facilities in the pursuit and practice of their vocation, including but not limited to therapists, personal trainers, and private swim lesson instructors.

ii. Requests for professional use of aquatic facilities will be in writing and will be accompanied by a current and valid certificate of general liability insurance for a minimum amount of one million dollars, which lists the city as an "additional insured." If such certificate of insurance is canceled or altered in any manner, the city will be notified immediately.

e. Sports and Athletic Venues. The league and tournament fees shall be applied to the sports and athletic venues, when applicable. An athletic field irrigation and maintenance fee shall be charged for (a) each season of independent leagues using a City sports or athletic field and (b) for each day of a tournament using a City sports and athletic field.

i. League and tournament fees shall be based on anticipated registration, equipment, supplies, materials, and awards. League and tournament fees do not include officials' fees.

ii. All individual players participating in any league utilizing and Department facility will be charged a player fee, including independent leagues. If a season exceeds four (4) months, the player will be assessed a fee for two (2) seasons.

iii. One (1) security guard per one hundred (100) participants will be charged per rental. Additional security guard(s) may be required as deemed necessary by Department staff at renter's expense.

3. Activity/Program and General Fees. Activity/program and general service fees shall be based on anticipated enrollment, skill level, cost of instructor(s), if any, supplies, and materials. Fee discounts based on the federal income guidelines by family size may be available depending on the activity,

program or service being provided by the Department. Said fees do not include league and tournament fees.

B. For the purposes of these fees, the following definitions apply:

1. "Charging" means an individual, organization or group that charges a fee or requires a donation for admission to the event in question.

2. "Not charging" means an individual, organization or group that is not charging a fee or requiring a donation for admission to the event in question.

3. "Not charging (non-profit)" means an individual, organization or group that is registered with the city's charitable solicitation committee, as outlined in Section 5.24.030, El Paso City Code, and is not charging a fee or requires a donation for admission to the event in question.

4. "Military" means an individual who is currently on active-duty status as a member of the regular or reserve armed forces of the United States, or a dependent family member of such an individual. In order to qualify for military rates, the individual must present a valid military identification indicating active duty or dependent status.

5. "Program" means a structured or organized event, designed to meet a recreational or education need, under the specific supervision of facility staff, instructor, trainer or professional (as defined under the professional use above).

6. "Activity" means an unstructured or unorganized event, designed to meet a leisure-time need, under the supervision of facility staff only.

7. "Class" means a structured or organized instructional event, designed to meet a recreational or education need, under the specific supervision of facility staff, instructor, trainer or professional (as defined under the professional use above).

8. "General service fee" means any fee that is not covered by a specific category, including but not limited to special events, day care, and senior programs.

Section 3. This ordinance shall take effect on September 1, 2005.

**(Signatures Follow on Next Page)**

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_,  
2005.

**CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Jennifer F. Callan  
Assistant City Attorney

\_\_\_\_\_  
Norman C. Merrifield, Ed.D  
Director, Parks & Recreation Department