



**AGENDA REPORT**  
**SAN CLEMENTE CITY COUNCIL MEETING**  
 Meeting Date: March 19, 2013

Agenda Item 6-G  
 Approvals: \_\_\_\_\_  
 City Manager [Signature]  
 Dept. Head B.H.  
 Attorney \_\_\_\_\_  
 Finance \_\_\_\_\_

**Department:** Beaches, Parks and Recreation

**Prepared By:** Pam Passow, Recreation Division Manager

**Subject:** *REQUEST FOR FEE WAIVER BY NATIONAL ASSOCIATION OF PEOPLE AGAINST BULLYING*

**Summary:**

The National Association of People Against Bullying (NAPAB), a 501(c)3 Non profit organization established to combat bullying of students by their peers, would like to host a dance for San Clemente High School students on Saturday, March 30<sup>th</sup>, 2013.

NAPAB submitted an application to utilize the City Community Center Auditorium, Ole Hanson room, and kitchen, requesting that the City waive the rental fees. In addition, NAPAB has requested that the requirement of contract security guards for this event be waived. They would prefer to establish an agreement with the Orange County Sheriff, or San Clemente Police Services to manage the event security.

The NAPAB is an active organization in San Clemente, sponsoring activities which prevent bullying and promote kindness, with programs like the Cool to be Kind Club (C2BK): a student run anti bullying club. The dance planned for March 30<sup>th</sup> is an important project that will help promote their mission of preventing bullying in our local campuses. They estimate attendance at 200 students. The project is also a fundraiser to help meet other club goals. The C2KB club has been recognized by the City of San Clemente's Mayor's office, the Orange County Board of Supervisors, the California State Senate, and President Barack Obama.

The non-profit submitted a facility rental application for the use of the Community Center Auditorium for an 8-hour rental period, which totals \$1000 for the rental fees. With this type of event, the City will also require security guards with a ratio of (1) guard per 75 guests. With the attendance estimated for 200 guests, that fee is a total of \$528 if the city contracts guard service. The applicant has also requested that the City waive the requirement for contract guard service, and allow for them to arrange same number of guards utilizing volunteer security (Reserves) from Orange County Sheriffs Department . The cost savings for security will offer the applicant fewer expenses for this fundraiser. At this juncture, (2 weeks prior to the event scheduled, March 30). San Clemente Police Services has put in a request to the County for (4) Reserves, however at the time of this report, confirmation on their availability is still pending. If the volunteer reserves are not available, Deputy Sheriffs would have to be assigned, with each Deputy carrying an overtime cost of

\$63.24 per hour, or \$252.96 per 4 hours. The total range of cost for deputies for the event would be for a minimum of one deputy at \$252.96 to a maximum of 4 deputies at \$1011.84.

**Recommended Action:**

STAFF RECOMMENDS THAT the City Council approve the fee waiver request for use of the Community Center Auditorium, Ole Hanson Room and kitchen for a total of \$1000 for the rental fees for the Student Dance to be held on Saturday, March 30, 2013.

STAFF RECOMMENDS that the requirement for City contracted security guards be waived permitting the applicant to coordinate an agreement with the Orange County Sheriff Department to utilize (3- 4) Volunteer Reserves with the same ratio required for the given attendance of 200 guests.

STAFF RECOMMENDS that if the Orange County Sheriff Volunteer Reserves are not available, that Police Services assign Deputies to the same ratio of guard service necessary and that this fee be paid for by Council Contingency.

**Fiscal Impact:** 1- \$1000 loss of rental income in General Fund for Facility Rentals, 001-000- 34716  
2- Range of \$252.96 -\$1011.84 expense for Overtime Deputies used in lieu of reserves or contracted guard service, deducted from Council Contingency funds.

**Attachments:** Facility Rental Application  
IRS 501 (3) C Non Profit Status for NAPAB  
City of San Clemente Facility Permit itemizing Fees  
Request for Fee Waiver by Director of NAPAB,

**Notification:** Danny Mendez, Director of NAPAB

662



**Community Center:** 100 N. Calle Seville, S.C., CA 92672  
Ph:(949) 361-8264 Fax:(949) 361-8280  
**Aquatics Center:** 987 Ave. Vista Hermosa, S.C., CA 92673  
Ph: (949)429-8797 Fax:(949)429-8947

Printed: Mar 05 13, 09:39 AM User: daubl  
Booked Mar 05 13 daubl

**Contract #: 9457**

**Status: Tentative**

City of San Clemente hereby grants People Against Bullying (NAPAB) (hereinafter called the "Licensee") represented by Danny Mendez, permission to use the Facilities as outlined, subject to the Terms and Conditions of this Agreement contained herein and attached hereto all of which form part of this Agreement.

<b>Danny Mendez</b>	
People Against Bullying (NAPAB) 2854 Calle Esteban San Clemente CA 92673	949 212-2246

**i) Purpose of Use**                      NAPAB: C2BK High School Fundraiser Dance                      Attendance: 200

**ii) Conditions of Use**

All rental policies, local, state, and federal laws enforced.  
 Equipment provided by City Staff: tables & chairs. Amplified sound is permitted. Security Guards will be required at this event. One guard for each 75 attendees/volunteers.  
 Styrofoam products, alcohol, and open flames are not approved for this rental.  
 No early access or extended use beyond approved rental hours. Extra fees and loss of refundable deposit will apply if hours are not adhered to.  
 Rental fees are forfeited if reservation is cancelled with less than 30 day notice.  
 \$50 change fee applies for any changes. All changes and cancellations must be submitted in writing.  
 Parking is available on a first come, first serve basis.  
 No refunds for inclement weather or limited parking.

- 1- Guests are permitted to be in the Auditorium and OH Fireside Room. Students are not permitted to wander around the building. Please make sure that all of your volunteers working the dance understand the Community Center is a public facility, and the grounds, walkways, and lobby are for this use, not exclusively set aside for your rental.
- 2- We will not allow the students to hang out in restrooms, lobby, hallways, grounds, or parking lot.
- 3- The Entry Door is your exit door as well. Students will not be permitted to leave the Auditorium by the side doors leading out onto Ave. Cabrillo. These are Emergency Exits only.
- 4- No running, jumping, or otherwise excessive rowdy behavior is tolerated. No skateboards or rollerblades allowed.
- 5- Only the DJ and chaperones will be permitted on stage.
- 6- The City will regulate the volume for the music. Please discuss this in advance with the DJ so that he understands there are residents on all sides of the building. We need to be good neighbors. A noise complaint will shut the program down. It will be your responsibility to consider the music content ie: lyrics- not the City's.
- 7- No smoking in any area of the Community Center is permitted.
- 8- The Community Center was contracted for a party of 200 total attendance. Your group will regulate the tickets at the door and ensure this limit is strictly enforced. Your group will check in students and ensure the students have appropriate identification that indicates they are high school students.
- 9- Once a student leaves the dance they will not be permitted to re-enter.
- 10- If a student appears intoxicated or under the influence, they will not be admitted and the police may be contacted for pick up.
- 11- Fights, crowd rousing, or any participant harassment is cause for the event to be shut down immediately.
- 12- Exterior trash will be the responsibility of the applicant.

The City has arranged for:  
 " (3) Security Guards - This will be billed to the applicant.  
 " Building Monitors will assist with overall security and building assistance.  
 " The Orange County Sheriffs will also assist us with intermittent check-ins.  
 " The City will present a plan of how to assign building areas for security & dance monitors.

Applicant must provide:  
 " Chaperones based on # guests: 1 for every 10 students = 20 Chaperones Required.  
 " Volunteers must be over 18 years of age, who are not students.  
 " Volunteers need to arrive ½ hour prior to the dance beginning to meet with our team to cover the ground rules as well as designate assignments and/or locations.  
 " Please provide us with a list of the chaperones and their contact information by Friday, March 22. We will use this list to organize the group effort. Please send this to the Community Center Front Desk.

Please understand that it is your responsibility to make sure that all of these requirements are met during the entire dance, or the dance may be shut down and the City may not book future events with your group. Please have all the volunteer chaperones sign

6B-3

User: daubl

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the attached form to acknowledge they understand what is required of them.

iii) Date(s) and Time(s) of Use # of Bookings: 3

Facility	Day	Date	Time	Fee	XFee	Total
Community Center - Auditorium	Sat	Mar 30 13	03:00 PM-11:00 PM	\$700.00	\$528.00	\$1,228.00
Community Center - Kitchen	Sat	Mar 30 13	03:00 PM-11:00 PM	\$0.00	\$0.00	\$0.00
Community Center - OH Fireside Room	Sat	Mar 30 13	03:00 PM-11:00 PM	\$300.00	\$0.00	\$300.00

iv) Extra Fees Detail

	Quantity	Charge	Total
Security Guard - 8:00hrs.	3	\$528.00	\$528.00

v) Payment Information

Rental Fees	Extra Fees	Refundable Deposit	Total Applied	Balance
\$1,000.00	\$528.00	\$150.00	\$0.00	\$1,678.00

vi) Other Information

vii) Release From Liability and Indemnification

In consideration for and as a condition of the use of the above stated facility, applicant hereby agrees to hold harmless the City, its officers, employees, and agents, against any and all claims, demands, causes of action, damages (including damages to City property), costs and liabilities, directly or proximately resulting from or caused by the use and occupation of the facility hereinabove described, whether such use is authorized or not or from any act of applicant or any of its officers, agents, employees, guests, patrons, or invitees. The applicant shall at its sole risk and expense, defend any and all suits, actions, or legal proceedings which may be brought against the City, its officers and employees in which in any way arise from or relate to applicant's use of the above facility. Applicant shall also pay for any and all damages to any property of City including any damages for loss or theft of such property, done or caused by Applicant, its officers, agents, employees, guests, patrons and invitees.

I have read, understand and agree to abide by the policies and conditions of use for the facility I am requesting. I will be present at the facility during its use. I further realize the ramifications of failure to abide by the policies and/or permit conditions of use.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Handwritten signature/initials*



**City of San Clemente**  
**Beaches, Parks & Recreation Department**  
 100 N. Calle Seville, San Clemente, CA 92672  
 Phone: (949) 361-8264 Fax: (949) 361-8280

RECEIVED  
 MAR 04 2013

**FACILITY RENTAL APPLICATION**

Please read our rental policies prior to completing and signing this rental application. Please print clearly.

**Applicant:** National Assoc. of People Against Bullying - Danny Mendez  
 (wedding: please list bride's full maiden name and groom's full name; company: list company name and contact person)

**Address:** 2854 Calle Esteban

**City:** San Clemente, **State:** CA **Zip Code:** 92673

**Primary Phone:** 949 929-0606 **Alternate Phone:** 949 212-2246

**E-Mail Address:** anna@napab.org

**Facility:**  Ole Hanson Beach Club  Community Center  Aquatics Center  Library Annex

**Event Date:** March 30, 2013 **Start Time:** 3:00 **End Time:** 11:00

**Room(s):** Auditorium, Ole Hanson Fireside Room

**Type of event:** C2BK High School Fundraiser-Dance **Number of guests:** 200

**Will the following be present at your event?**

<b>Alcohol</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Amplified Sound</b> (Band, DJ, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Open Flames</b> (BBQ, candles, etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Applicant Needs:** Please select the equipment you will need.

Tables  Chairs  Screen  Podium  Public Address System (Limited Availability)  
 Other: \_\_\_\_\_

**Would you like to order parking permits?**  Yes  No **If yes, how many?** \_\_\_\_\_  
 (Ole Hanson Beach Club events only. Permits are \$3.00 each, metered parking is from 9am to 6pm.)

**RELEASE FROM LIABILITY AND INDEMNIFICATION**

In consideration for and as a condition of the use of the above stated facility, applicant hereby agrees to hold harmless the City, its officers, employees, and agents, against any and all claims, demands, causes of action, damages (including damages to City property), costs and liabilities, directly or proximately resulting from or caused by the use and occupation of the facility hereinabove described, whether such use is authorized or not or from any act of applicant or any of its officers, agents, employees, guests, patrons, or invitees. The applicant shall at its sole risk and expense, defend any and all suits, actions, or legal proceedings which may be brought against the City, its officers and employees in which in any way arise from or relate to applicant's use of the above facility. Applicant shall also pay for any and all damages to any property of City including any damages for loss or theft of such property, done or caused by Applicant, its officers, agents, employees, guests, patrons and invitees.

I have read, understand and agree to abide by ALL of the Recreation Rental Policies and Fees for the facility I am applying to rent and I will be present at the facility during its use. I further realize the ramifications of failure to abide by the policies and/or permit requirements. I understand that submittal of this application does not guarantee approval of my application.

**Applicant's Signature:** D Mendez **Date:** 3-4-13  
 (Applicant must be 21 years of age)

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: SEP 28 2012

NATIONAL ASSOCIATION OF PEOPLE  
AGAINST BULLYING  
C/O ANNA DIPRONIO MENDEZ  
2854 CALLE ESTEBAN  
SAN CLEMENTE, CA 92673

Employer Identification Number:  
45-4972702  
DIN:  
17053171338002  
Contact Person:  
LORI PERRY ID# 31107  
Contact Telephone Number:  
(877) 829-5500

Accounting Period Ending:  
September 30  
Public Charity Status:  
170(b)(1)(A)(vi)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
February 21, 2012  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

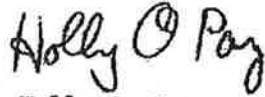
Letter 947 (DO/CG)

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NATIONAL ASSOCIATION OF PEOPLE

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,



Holly O. Paz  
Director, Exempt Organizations  
Rulings and Agreements

Enclosure: Publication 4221-PC

Letter 947 (DO/CG)

66-7

March 4, 2013

San Clemente City Council  
100 N Calle Seville,  
San Clemente, CA 92672

Honorable Mayor and City Council,

Our organization is the National Association of People Against Bullying (NAPAB), an IRS designated 501(c)3 nonprofit organization established to combat bullying of students by their peers and promote kindness throughout our school campuses. NAPAB is an active sponsor of Cool to Be Kind (C2BK) club, a San Clemente High School student run anti-bullying club. One of our founding missions is to support the C2BK club in their purpose and goals. The C2BK club has been recognized by the mayor of San Clemente, the Orange County Board of Supervisors, the California State Senate and even President Obama. While founded here in San Clemente, several chapters of the C2BK club have started throughout the country.

As members of the Board of Directors of NAPAB, we are respectfully requesting that the Mayor and the San Clemente City Council approve our use of the San Clemente Community Center, at no charge, for the C2BK annual student dance, as allowed by the city charter. The dance is a fundraiser for the C2BK Club and is intended to help spread awareness of bullying throughout our high schools. This year, it is planned to be held on Saturday, March 30, 2013.

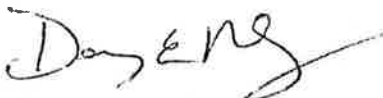
I would like to mention that our new mayor, Bob Baker, recently heard our Executive Director Anna Mendez, speaking at the San Clemente Girls Basketball Game at San Clemente High and asked her to replicate her speech at an upcoming City Council meeting. She is scheduled to address the City Council on Tuesday, March 5th.

This event is very important to the students as it will promote their mission of preventing bullying in our schools and enable them to raise funds for their club activities. We firmly believe that it is in the best interest of the City of San Clemente, as well as the entire student body of the city, if the City Council approves this request.

We hereby request waiver of all rental fees, deposits and mandatory use of a specific security guard company. We intend to obtain strong security guard coverage from the County Sherriff's and/or San Clemente City Police at no charge. (The County Sheriff's Department has also firmly supported our efforts.) A copy of our 501(c)3 status is enclosed.

We appreciate your serious consideration to this request and look forward to a favorable reply.

Sincerely,



Danny E. Mendez  
Director  
National Association of People Against Bullying ( NAPAB )  
949.929.0606