



# AGENDA REPORT

BEACHES, PARKS & RECREATION COMMISSION  
Meeting Date: June 14, 2016

Agenda Item 5. A.  
**Approvals:** \_\_\_\_\_  
Dept. Head ES  
Manager \_\_\_\_\_  
Admin. Asst. MS

**Department:** Beaches, Park and Recreation  
**Prepared By:** Pamela Passow, Assistant Beaches, Parks and Recreation Director

**Subject:** *REQUEST FOR FEE WAIVER FOR ALL AMERICAN BOYS CHORUS TO USE CITY FACILITY*

**Fiscal Impact:** If approved, General Fund revenues would be reduced by \$2,227 in Community Center rental income account #001-34222.

**Summary:** The All American Boys Chorus would like to produce a community concert saluting veterans in San Clemente. They have requested use of the Community Center Auditorium and have asked that the City consider a full fee waiver of the facility site fees.

**Background:** At its November 19, 2013 meeting, the City Council approved a fee waiver of \$1,622 for the rental of the Community Center for the All-American Boys Chorus Veterans Concert on March 27, 2014.

The All American Boys Chorus (AABC) is a non-profit choral group with headquarters in Costa Mesa, California. They are currently producing a concert series to honor veterans in several Orange County cities, and would like to include San Clemente as an additional venue. They have requested to utilize the Community Center Auditorium for a one day show on Friday, October 21, 2016.

AABC Concerts for Veterans is a community outreach project of the All American Boys Chorus saluting United States' veterans. These are free concerts for veterans with a nominal fee for other adults. Their primary goal is to incorporate benefits for all involved with the following objectives:

- a. Entertain and honor the veterans who will be given free entry to the show;
- b. Give AABC choristers the honor of performing for the veterans, and get to meet and greet those who have sacrificed much on behalf of freedom;
- c. Allow the City to offer a worthwhile community outreach program; and
- d. Donate funds raised to a local veteran's organization.

**Discussion:** This concert series is dedicated to saluting all veterans, and in that spirit, any veteran will be given free entry. The general public will be asked to pay a nominal door fee. The AABC will donate 100% of the net proceeds to local veterans' organizations. In return, they are asking for use of the Community Center for a total of 7 hours which costs \$2,227. The fee includes set up time, a 1 ½ hour show, tear down, facility staff, security guard fees, and a refundable deposit. The AABC would bring the risers, all necessary equipment, and sound technicians to support the show, and absorb about \$1000 in related show costs. They have stated they cannot afford the venue fees, and have also requested the City's assistance in selling tickets and marketing. As City

Partnership policies generally restrict the City from taking on printing costs for event flyers, it is suggested that City not take on their request to manage marketing, and suggest the AABC take on this responsibility or coordinate with a local veteran's organization. As a neighboring community to Camp Pendleton, the City has several organizations that would likely be interested in this partnership and could be asked to manage the marketing and ticket sales. In return, they could be considered the benefactor of the ticket sales.

At this time, the Auditorium is available at the Community Center. Since the AABC is fundraising for local veteran organizations, a full fee waiver of \$2,227 has been requested.

***Recommended***

***Action:*** STAFF RECOMMENDS THAT the Beaches, Parks and Recreation Commission provide a recommendation to the City Council as to its interest in a fee waiver of \$2,227 for a Community Center Auditorium rental, so that the proposed AABC Veterans Concert planned for October 21, 2016 can be conducted with no associated site fees.

***Attachments:***

1. Applicant's Request for Fee Waiver
2. Facility Rental Application
3. Draft Rental Permit

***Notification:*** All American Boys Chorus



The All-American  
Boys Chorus

April 1, 2016

Pall Gudgeirsson  
City Manager  
City of San Clemente  
100 Ave Presidio  
San Clemente, CA 92672

Dear Mr. Gudgeirsson

I write to respectfully request a waiver of the fees for the use of the San Clemente Community Center on October 21, 2016, so that The All-American Boys Chorus may present a "**Concert for Veterans**" honoring and saluting our nation's heroes.

**AABC Concerts for Veterans** is a community outreach project of The All-American Boys Chorus saluting the USA's Veterans. These are free concerts for veterans; with a nominal charge (approx. \$10) for others.

The concert in San Clemente would take place on **October 21, 2016** and would be similar to the very successful concert we held on March 27, 2014.

Below is a short proposal and outline for presentation to the San Clemente City Council as they consider the fee waiver.

#### **PROPOSAL FOR THE CITY OF SAN CLEMENTE**

The AABC Concerts for Veterans incorporate benefits for all involved organizations:

- Our wonderful veterans will be entertained and honored.
- AABC choristers will have the honor of performing for, and will get to meet, great Americans who have given and sacrificed much on behalf of freedom.
- Cities and sponsoring companies will be involved in a very worthwhile and needed community outreach.
- Funds raised will be donated back to a veterans' organization in each city.

The concert will consist of a 60 to 70 minute performance that will feature patriotic music such as our **Salute to the USA Armed Forces** as well as fun music.

The All-American Boys Chorus will provide the technical requirements (*e.g., choral risers, audio system, lights, tech crew, etc.*). The All-American Boys Chorus will also reach out to local

Mr. Paul Gudgeirsson  
April 1, 2016  
Page Two

companies to ask them for help in underwriting the other costs (*e.g., tickets, transportation, printing of flyers, etc.*).

**The cities of Garden Grove, Costa Mesa and Anaheim have all donated the use of their community/meeting centers for the concerts in their cities.**

We respectfully ask the City of San Clemente to donate the use of the city's Community Center. The likely fees to be waived include:

- **\$750 for auditorium rental (at the non-profit rate for 5 hours)**
- **Security Guard at \$44 total for one guard for 2 hours.**

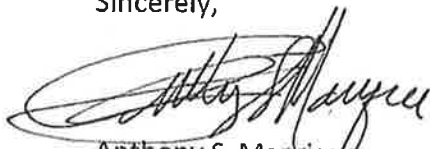
We also ask the city to provide guidance in helping us publicize the concerts, and to provide a list of veteran's organizations that would be appropriate donees for the funds raised.

Enclosed with this letter is the City of San Clemente Facility Rental Application, and a copy of the AABC's 501(c)(3) non-profit letter from the United States Internal Revenue Service.

I am happy to meet with a representative from San Clemente's city government to discuss this idea and to answer questions. I am also available via email at [a.manrique@taabc.org](mailto:a.manrique@taabc.org) or phone at (714) 708-1670 x11.

Thank you for your consideration of this worthy project.

Sincerely,



Anthony S. Manrique,  
Executive Director



City of San Clemente  
Beaches, Parks & Recreation Department  
100 N. Calle Seville, San Clemente, CA 92672  
Phone: (949) 361-8265 Fax: (949) 361-8280

2014  
#16403

2016  
#13521 -  
Tentative

### FACILITY RENTAL APPLICATION

**Applicant:** ALL-AMERICAN BOYS CHORUS

(wedding: please list bride's full maiden name and groom's full name; company: list company name and contact person)

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

**Event Date:** October 21, 2016 **Start Time:** 2:00 pm **End Time:** 9:00 pm

**Room(s):** Aud, Ole Hanson + mr (for staging)

**Type of event:** Concert for Veterans **Number of guests:** 250

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

Alcohol	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Amplified Sound (Band, DJ, etc.)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Open Flames (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: \_\_\_\_\_

**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 Recreation Rental Policies and Fees for the type of 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:** *Cathy Mayne* **Date:** April 1, 2016  
(Applicant must be 21 years of age)

RECEIVED  
APR 01 2016



The All-American  
Boys Chorus

## THE ALL-AMERICAN BOYS CHORUS

A 501(c)(3) Tax-Exempt, Non-Profit, Corporation

FEDERAL ID#: 23-7376151

CALIFORNIA ORGANIZATION #: 6788800

**THE ALL-AMERICAN BOYS CHORUS** is a fully tax-exempt, non-profit corporation, registered with the United States Internal Revenue Service and the State of California Franchise Tax Board.

Membership in the Chorus is open to boys of all races, faiths, creeds, nationalities, and ethnic origins.

**Federal tax exempt status, under section 501(c)(3)** of the Internal Revenue Code, was first granted on June 25, 1974, under the Chorus's original corporate name - Christ the King Boys Choir School (Exhibit 1).

On December 5, 1974, the Chorus officially changed its corporate name to BOYS CHOIR SCHOOL OF ORANGE COUNTY, and on August 12, 1999 the Chorus officially changed its corporate name to THE ALL-AMERICAN BOYS CHORUS. Federal tax exemption was not affected and continues in effect.

On August 26, 1975, the Chorus was granted State of California tax exemption (effective as of January 1, 1975) by the Franchise Tax Board under Section 23701d of the California Revenue and Taxation Code, and on June 27, 2001 received notice that the name change to THE ALL-AMERICAN BOYS CHORUS did not affect our California tax-exempt status.

Visit our Web Site at: [www.taabc.org](http://www.taabc.org)  
E-MAIL: [a.manrique@taabc.org](mailto:a.manrique@taabc.org)

Internal Revenue Service

District  
Director

Department of the Treasury  
EP/EO Division - Classification  
2 Cupania Circle  
Monterey Park, Ca. 91755-7406

THE ALL-AMERICAN BOYS CHORUS  
PO BOX 1527  
COSTA MESA, CA. 92628-1527

Person to Contact: Lee Gann #9504580  
Telephone Number: (323) 869-3920  
Refer Reply to: EOMF Coordinator  
Internal Revenue Code Section: 501(c)(03)  
EIN: 23-7376151  
Date: August 12, 1999

Dear Sir or Madam:


Thank you for submitting the information shown below or on the enclosure.  
We have made it a part of your file.

The changes indicated do not adversely affect your exempt status and the  
exemption letter issued to you continues in effect.

Please let us know about any future change in the character, purpose,  
method of operation, name or address of your organization. This is a  
requirement for retaining your exempt status.

Thank you for your cooperation.

Sincerely your,

  
Steven A. Jensen  
District Director

Item Changed

From

To

PRIMARY  
NAME

BOYS CHOIR SCHOOL OF  
ORANGE COUNTY

THE ALL-AMERICAN BOYS  
CHORUS



STATE OF CALIFORNIA  
FRANCHISE TAX BOARD  
PO BOX 1286  
RANCHO CORDOVA CA 95741-1286

In reply refer to  
755:G :ENR

June 27, 2001

THE ALL-AMERICAN BOYS CHORUS  
PO BOX 1527  
COSTA MESA CA 92628-1527

Purpose : EDUCATIONAL  
Code Section : 23701d  
Form of Organization : Corporation  
Accounting Period Ending: December 31  
Organization Number : 0678880

This letter confirms your previous exemption from state franchise and income tax under Section 23701d, Revenue and Taxation Code. In confirming your exempt status, we have made no examination of your current activities. If the organization has changed its operation, character, or purpose since exemption was originally granted, that change must be reported immediately to this office.

You may be required to file Form 199 (Exempt Organization Annual Information Return) on or before the 15th day of the 5th month (4 1/2 months) after the close of your accounting period. See annual instructions with forms for requirements.

You are not required to file state franchise or income tax returns unless you have income subject to the unrelated business income tax under Section 23731 of the Code. In this event, you are required to file Form 109 (Exempt Organization Business Income Tax Return) by the 15th day of the 5th month (4 1/2 months) after the close of your annual accounting period.

E RYPICH  
EXEMPT ORGANIZATIONS  
BUSINESS ENTITIES SECTION  
TELEPHONE (916) 845-4766

RTF:





**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

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**Contract #: 13521**

**Status: Firm**

City of San Clemente hereby grants All American Boys Chorus (hereinafter called the "Licensee") represented by Anthony Manrique, 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.

**Anthony Manrique**

All American Boys Chorus

**i) Purpose of Use** All American Boys Chorus Concert for Veterans Attendance: 250

**ii) Conditions of Use**

All rental policies, local, state, and federal laws enforced.  
Equipment provided by City Staff: tables, chairs, screen, & podium. (No projector or internet available).  
Styrofoam products, amplified sound/music, 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 refundalbe 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 availalbe on a first come, first serve basis.  
No refunds for inclement weather or limited parking.  
The City requires Commercial General Liability, personal injury and property damage liability, with minimum combined liability limits of One Million Dollars (\$1,000,000) per occurrence. Any deductible or self-insured retention in excess of Five Thousand Dollars (\$5,000) shall be declared to the City and requires the prior approval of the City's Risk Manager. An additional insured endorsement to the general liability policy is required and shall name and list the City of San Clemente, its officials, officers, employees, agents and volunteers as additional insured.

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

Facility	Day	Date	Time	Fee	XFee	Total
Community Center - Auditorium	Fri	Oct 21 16	02:00 PM-09:00 PM	\$1,225.00	\$352.00	\$1,577.00
Community Center - Multi-purpose Room	Fri	Oct 21 16	05:00 PM-09:00 PM	\$200.00	\$0.00	\$200.00
Community Center - OH Fireside Room	Fri	Oct 21 16	05:00 PM-09:00 PM	\$300.00	\$0.00	\$300.00

**iv) Extra Fees Detail**

	Quantity	Charge	Total
Security Guard - 4:00hrs.	4	\$352.00	\$352.00

**v) Payment Information**

Rental Fees	Extra Fees	Refundable Deposit	Total Applied	Balance
\$1,725.00	\$352.00	\$150.00	\$0.00	<b>\$2,227.00</b>

**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: \_\_\_\_\_