



# AGENDA REPORT

BEACHES, PARKS & RECREATION COMMISSION  
Meeting Date: February 11, 2020

Agenda Item 5.A.  
Approvals: \_\_\_\_\_  
Dept. Head \_\_\_\_\_  
Manager [Signature]  
Admin. Asst. [Signature]

**Department:** Beaches, Parks & Recreation  
**Prepared By:** Samantha Wylie, Recreation Manager

**Subject:** *REQUEST FOR EVENT PARTNERSHIP – SAN CLEMENTE GARDEN CLUB*

**Fiscal Impact:** Yes. Loss of revenue of approximately \$1,506 for rental fees associated with the spring Gardenfest and \$532 for rental fees associated with the fall Plant Sale.

**Summary:** Staff recommends that the Beaches, Parks and Recreation Commission recommend the Council approve an event partnership with the San Clemente Garden Club ("Garden Club") to host its annual spring Gardenfest and Fall Plant Sale events at the San Clemente Community Center. The purpose of this partnership is to formalize the relationship between the City and the San Clemente Garden Club, including the waiver of all fees associated with the special events, approximately \$2,038.

**Background:** A Partnership Policy (Attachment 1) was adopted by City Council to encourage and promote activities, facility rentals, and special events/programs on a year around basis that provide valuable cultural, recreational, and civic benefits to residents, visitors, and businesses of San Clemente. The process to become a Partner requires a minimum of two fee waiver requests for the activity, facility rental, or special event within a two-year period. Over the course of the two-year period, the City reviews the success of the program before formalizing a Partnership. The primary criterion to qualify for a fee waiver under the policy, is that the organization be a non-profit civic or social organization, and all revenue generated by the event largely benefits the residents, visitors, and businesses of San Clemente.

The San Clemente Garden Club, a non-profit 501(c)3 organization, was founded in 1951, seeking to preserve the town's natural beauty by working on civic beautification projects and conservation efforts. Today, its efforts continue to include civic beautification and conservation, garden therapy, junior gardening, flower shows, floral design, home garden tours and workshops. Scholarships are given to horticultural students each year. The scholarship fund is supported in part by proceeds from annual fundraisers.

**Discussion:** The Garden Club hosts two annual events at the Community Center – the spring Gardenfest and the Fall Plant Sale. During these events, the Garden Club utilizes most areas of the Community Center, including the grounds, auditorium, and multipurpose room.

The Garden Club's spring event, Gardenfest (previously "Flower Show") has received discounts and/or sponsorship by the City of San Clemente since 1979. The requested

partnership agreement will formalize the relationship between the City and the San Clemente Garden Club, including the waiver of all fees associated with the special events, approximately \$2,038.

**Recommended**

**Action:** STAFF RECOMMENDS THAT the Beaches, Parks and Recreation Commission recommend the City Council approve a partnership agreement with the San Clemente Garden Club for its annual Gardenfest and Plant Sale events.

**Attachments:** 1) Policy 204-1, Partnership of Activities, Facility Rentals and Special Events  
2) San Clemente Garden Club Application for Partnership

**Notification:** San Clemente Garden Club

## POLICY AND PROCEDURE

<b>Subject:</b> Partnership of Activities, Facility Rentals and Special Events	<b>Index:</b> Financial Services  <b>Number:</b> 204-1
<b>Effective Date:</b> May 20, 1999	<b>Prepared By:</b> Beaches, Parks and Recreation
<b>Supersedes:</b> 204-1, dated 3/15/95	<b>Approved By:</b>

1.0 **PURPOSE:**

It is the purpose of this policy to define criteria and procedure for the Partnership activities, facility rentals and special events in the City including provisions for in-kind services and financial support.

2.0 **ORGANIZATIONS AFFECTED:**

All city departments

3.0 **REFERENCES:**

San Clemente Municipal Code Chapter 29B

4.0 **POLICY:**

4.1 It is the desire of the City of San Clemente to encourage and promote activities, facility rentals and special events on a year round basis within the city limits that provide valuable cultural, recreational and civic benefits to the residents, visitors and businesses of the community. In order to create an atmosphere of partnership between the City, the activity, facility rental and special event organizations, this policy and procedure is designed to provide consistent criteria to evaluate activities, facility rentals, special event partnerships and financial support requests.

4.2 Partnership is utilized to provide support services to an organization that is presenting an activity, facility rental or special event. Support services provided through the City include but are not limited to the following:

1. Facility rental/related special fees
2. Site preparation and maintenance
3. Parking/traffic control

4. Program security
5. Program coordination/facility supervision
6. Site inspection
7. Event insurance

4.3 General City Administrative Support Services are not available for allocation including but not limited to: data processing, word processing, printing, purchasing/clerical support and legal services.

4.4 Partnership funding levels are based upon estimates of the direct staff, equipment or rental facility costs associated with providing City services for the program. Related processing administrative overhead charges will not be included in the pricing procedure.

4.5 The organization and program must meet and comply with the following established funding guidelines to be eligible for Partnership.

4.5.1 Guidelines for Partnership:

City Council may waive any of the following guidelines at their discretion.

- a. Be registered with the State of California as a not-for-profit community organization, exempt under Section 501 (c) (3) of the Internal Revenue Code, or for new organizations, be registered at the time the City Council approves the Partnership request.
- b. Adhere to the stated policies of the City of San Clemente.
- c. Provide the City of San Clemente with a copy of current constitution/by-laws and policies/procedures if so requested by the City.
- d. Carry adequate public liability insurance naming the City of San Clemente as additional insured if so required by the City.
- e. Not discriminate in employment or in customers served because of race, religion, national origin, or sex.
- f. Provide access for activity/facility rental/special event review by City representatives for purposes of monitoring the program.
- g. Provide a financial accounting and narrative report in writing evaluating the activity/facility rental/special event if so requested by the City.

4.6 The Parks and Recreation Commission shall utilize the following criteria to make recommendations to City Council regarding Partnership requests. Please note that under the Special Events Ordinance, San Clemente Municipal Code Chapter 29B, Protected Free Speech Special Events shall automatically be granted a waiver of fees, without City Partnership, upon showing the City Manager that the fee requirements create a material financial hardship.

4.6.1 Guidelines: Partnership Qualifications:

City Council may waive any of the following guidelines at their discretion.

- a. The organization requesting Partnership is a not-for-profit civic or social organization, exempt under Section 501 (c) (3) of the Internal Revenue Code, committed to enhancing the quality of life of San Clemente residents, visitors and businesses.
- b. The activity/facility rental/special event provides valuable cultural, recreational and civic benefits to the residents, visitors and businesses of the community.
- c. The revenue generated by the activity/facility rental/special event largely or entirely benefits the residents, visitors and businesses of San Clemente to such an extent that the Partnership is justified.
- d. The payment of the fees or costs associated with the activity/facility rental/special event create a financial hardship on the organization and/or persons sponsoring the program.
- e. The organization requesting Partnership demonstrates its ability to generate financial and human resources from other sources.
- f. The activity/facility rental/special event is held primarily within San Clemente city limits or can be
- g. The organization requesting partnership agrees that if its events will involve the sale or service of alcoholic beverages, all persons selling or serving such alcoholic beverages will have attended a responsible beverage service training class prior to the occurrence of the event or, if such a class is not available prior to the date on which the event is to occur that, prior to the event, all persons who will be selling or serving alcoholic beverages will have obtained the Responsible Beverage Service Training Manual from the City, will have reviewed the manual, taken and passed the Special Event Alcohol Serving quiz incorporated into the manual, signed the Responsible Alcohol Service Agreement and returned all of the above to the City prior the Event.

5.0 **DEFINITIONS:**

- 5.1 **Activity:** Any organized program that is not encompassed in the definitions for special event or facility rental provided below.
- 5.2 **Facility Rental:** An organization that utilizes a City of San Clemente building or park for the sole purpose of implementing a organized program. Under this definition, the facility rental will not partially occur or impact public right-of-way.
- 5.3 **Partnership:** An association created between the City of San Clemente and another organization for the specific purpose of implementing an activity, facility rental or special event. The Partnership may allocate specific responsibilities for the implementation of the program to each partner.
- 5.4 **Special Event:** Any organized activity within the City that lasts for either 45 consecutive days or less, or 14 non-consecutive days or less in a year. Special events include, but are not limited to, amusement attractions, athletic events, concerts, exhibitions, fairs, fund raising events, parades, surfing contests and carnivals. It does not include construction projects, funerals or other activities which do not partially occur or impact upon the public right-of-way, nor attract more than 20 people during any given 24-hour period. As defined by the Special Event Ordinance, special events fall within two categories: "Commercial Special Event" and "Non-Commercial Special Event". Although the ordinance utilizes these terms for technical legal reasons, they are likely to be misinterpreted by most people. In order to avoid this potential problem, staff shall use the name "Regular Special Event" to identify a "Commercial Special Event" and "Protected Free Speech Special Event" to identify a "Non-Commercial Special Event", as defined below.
- 5.4.1 **Protected Free Speech Special Events (Non-Commercial Special Event):** A protected Free Speech Special Event is an event whose principal or primary purpose is the dissemination of political, philosophical, or social views. This includes fund raising activities for non-profit organizations which enable such organizations to disseminate their views. The United States Supreme Court has said that "because charitable solicitation is characteristically intertwined with informative and perhaps persuasive speech seeking support for particular causes or for particular views on economic, political or social issues,...it must be treated as fully protected activity under the First Amendment." Examples of Protected Free Speech Special Events include demonstrations and similar types of parades or marches, the sale of products by a group or organization when such products contain a political, philosophical, social or religious message; and prayer groups.

5.4.2 Regular Special Events (Commercial Special Event): Regular Special Events involve the vast majority of the special events, including most of those listed above under 5.4 involving profit and non-profit organizations.

6.0 **PROCEDURE:**

6.1 **Requests for Partnership of Activities, Facility Rentals or Special Events**

- 6.1.1 All requests for Partnership activities, facility rentals or special events shall be submitted to the Beaches, Parks and Recreation Department for review a minimum of 90 days prior to the proposed activity, facility rental or special event. After initial review by the Department, a report on the request shall be forwarded to the Parks and Recreation Commission for consideration.
- 6.1.2 The Parks and Recreation Commission shall make a recommendation to City Council either approving the requested activity, facility rental or special event and associated adjustment or waiver in fees/services or deny said activity, facility rental or special event. Requests for Partnership are not to be considered in the first year the activity, facility rental or special event is held. However, it is important for the Parks and Recreation Commission to know that the sponsoring organization is interested in a future Partnership with the City. Based upon approval of the activity, facility rental or special event by City Council, said activity, facility rental or special event may be implemented by the sponsoring organization.
- 6.1.3 The sponsoring organization shall be required to re-apply for Partnership of their activity, facility rental or special event in the second year. Once again, the request shall be submitted to the Beaches, Parks and Recreation Department 90 days prior to the proposed activity, facility rental or special event. After initial review by the Department, a report on the request shall be forwarded to the Parks and Recreation Commission for consideration. The Commission shall review the activity, facility rental or special event based upon the experience of the prior year and make a recommendation to City Council approving or denying the activity, facility rental or special event. At this time, the Commission has the option to recommend City Council approval of a tentative Partnership between the event organizer and the City based upon satisfactory performance of the activity, facility rental or special event in the second year.
- 6.1.4 At the next regularly scheduled Parks and Recreation Commission meeting after completion of the approved activity, facility rental or special event in its second year, any member of the Parks and Recreation Commission may request that the activity or special event be placed on the next Commission agenda for review. If no commission member requests said review, the

activity, facility rental or special event shall automatically be accepted as a Partnership activity, facility rental or special event.

6.1.5 Upon acceptance of an activity, facility rental or special event as a Partnership, the activity, facility rental or special event no longer requires Parks and Recreation Commission review or City Council approval on a year to year basis. In addition, all responsibilities required of the organization and the City, including adjustment or waiver of fees/services, that were approved by City Council in the prior year shall become a part of the Partnership and automatically be authorized on a year to year basis. This Partnership shall remain in effect unless the purpose of the activity, facility rental or special event substantially changes or the sponsoring organization requests a change in the responsibilities or fees/services provided by the City.

6.1.6 The Parks and Recreation Commission or City Council shall have the authority to request a review of any Partnership activity, facility rental or special event at any time. City Council may discontinue support of a Partnership activity, facility rental or special event at any time and the Parks and Recreation Commission may recommend that City Council discontinue support at any time.

**6.2 Existing Co-Sponsorship Activities, Facility Rentals or Special Events**

6.2.1 All City Council approved co-sponsored activities, facility rentals and special events in existence prior to January 1, 1995, shall be grandfathered in as City Partnership activities, facility rentals or special events at the current City Council approved level of support (associated responsibilities and adjustment or waiver of fees/services). These Partnership activities, facility rentals and special events shall be subject to all of the requirements of this Partnership of Activities, Facilities and Special Events Policy and Procedure.





## CITY OF SAN CLEMENTE APPLICATION REQUEST FOR PARTNERSHIP OF ACTIVITIES, FACILITY RENTALS, & EVENTS

**PLEASE SUBMIT COMPLETED APPLICATION AT LEAST 90 DAYS IN ADVANCE OF EVENT**

APPLICANT INFORMATION		
Name of Program:	Garden Fest	
Organization Name:	San Clemente Garden Club	
Contact Name:		
Address:		
Email:		
Primary Ph:		
GENERAL PROGRAM INFORMATION		
Has this program/organization requested or received partnership status from the city in the past?	<input checked="" type="checkbox"/> YES, SEE BELOW	<input type="checkbox"/> NO
If yes, identify all specific of past partnership:	Garden Fest 2019	
	Garden Fest 2018	
	Garden Fest 2017	
Has this program/activity occurred at least two (2) times with an approved fee waiver by city council?	<input checked="" type="checkbox"/> YES, SEE BELOW	<input type="checkbox"/> NO
If yes, provide dates of past events:		
Date(s) of program:	4/13/19, 4/14/18	
Time(s) of program:	8:00 - 2:00 pm	
Description Of Program: (attach extra pages as needed)	see attached	
Summarize the objectives of the program in terms of service/benefit to the community, its residents, visitors and businesses (attach extra pages as needed):		
See attached		

Description of program:

This is a community event that promotes gardening, horticulture and conservation of our natural resources. The garden club sells plants to promote our scholarships, junior gardeners program and civic beautification projects. There is no admission fee to the community or the many visitors from out of town.

Summarized the objectives of the program:

The objectives of the program are to promote interest in gardening, cooperate in the conservation of natural resources, to encourage and assist horticulturists. We are dedicated to preserve our town's natural beauty including civic beautification. Our club is committed to maintaining the City Hall Rose Garden, the Pier Garden, the Blue Star Memorial Garden, the Marine Monument Garden and the Casa Romantica Gardens. We now have junior gardeners programs in Concordia, Lobo, Las Palmas, Marblehead Elementary Schools and Shorecliffs Middle School. We give out scholarships annually to students studying horticulture, agriculture, environmental concerns, forestry, marine science and related subjects. Lastly we provide garden therapy to the wonderful folks at the Rio.

The San Clemente Garden Club has utilized the Community Center for our activities for many years. We would like to request that we co venture with the City for our events as we have done for many years.

Estimated Attendance:		
Provide percentage estimates of ages of persons attending the program:		
0-12 Years:	10 %	13-21 Years: 10 % 22-40 Years: 40 % 40+ Years: 40 %
Is this a fundraiser?	<input checked="" type="checkbox"/> YES, SEE BELOW <input type="checkbox"/> NO	
If yes, what is the intended use of the revenue?	Revenue is used for all projects we presented in our objectives	
General Budget Overview (Itemized budget must be attached)	Total Expenses	Total Revenue
	\$ 1251.00	\$ 3783.00
<b>CITY SERVICE REQUESTS (CHECK ALL THAT APPLY)</b>		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Facility rental fees	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Fencing/barricades	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Posting signs/banners	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Street closure	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Reserved parking	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Traffic control	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Dumpsters	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Police services	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Electrical	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Water	
Please list all other requests that may not be included in the information above:		
<b>SIGNATURE &amp; ACCEPTANCE</b>		
Elyse Crane	<i>Elyse Crane</i>	12/26/19
<b>PRINTED NAME</b>	<b>SIGNATURE</b>	<b>DATE</b>
<b>PLEASE INCLUDE THE FOLLOWING ITEMS WITH YOUR FINAL SUBMISSION:</b>		
<ul style="list-style-type: none"> <li><input type="checkbox"/> Not-for-profit tax exemption certificate from the State of California</li> <li><input type="checkbox"/> Names/Addresses of Board of Directors</li> <li><input type="checkbox"/> Itemized budget for the event/activity</li> </ul>		

Please submit this application to the Recreation Division by email at [recreation@san-clemente.org](mailto:recreation@san-clemente.org) or mail to 100 N. Calle Seville, San Clemente 92672. For questions, contact Recreation at (949) 361-8264.

<b>GardenFest Budget</b>	
<b>Expenses</b>	
Banner City of San Clemente	\$367.00
Date change banner	\$90.00
Food for volunteers	\$170.00
Fliers	\$125.00
Supplies	\$115.00
Advertising	\$84.00
Gift Cards for artists	\$200.00
Popcorn Machine	\$100.00
<b>Total Expenses</b>	<b>\$1,251.00</b>
<b>Total Revenue</b>	<b>\$3,783.00</b>



## CITY OF SAN CLEMENTE APPLICATION REQUEST FOR PARTNERSHIP OF ACTIVITIES, FACILITY RENTALS, & EVENTS

**PLEASE SUBMIT COMPLETED APPLICATION AT LEAST 90 DAYS IN ADVANCE OF EVENT**

APPLICANT INFORMATION		
Name of Program:	Fall Plant Sale	
Organization Name:	San Clemente Garden Club	
Contact Name:		
Address:		
Email:		
Primary Ph:		
GENERAL PROGRAM INFORMATION		
Has this program/organization requested or received partnership status from the city in the past?	<input checked="" type="checkbox"/> YES, SEE BELOW	<input type="checkbox"/> NO
If yes, identify all specific of past partnership:	Fall Plant Sale 2019	
	Fall Plant Sale 2018	
	Fall Plant Sale 2017	
Has this program/activity occurred at least two (2) times with an approved fee waiver by city council?	<input checked="" type="checkbox"/> YES, SEE BELOW	<input type="checkbox"/> NO
If yes, provide dates of past events:		
Date(s) of program:	10/12/19, 10/13/18	
Time(s) of program:	8:00 - 2:00 pm	
Description Of Program: (attach extra pages as needed)	See attached	
Summarize the objectives of the program in terms of service/benefit to the community, its residents, visitors and businesses (attach extra pages as needed):	See attached	

Description of program:

The garden club sells plants to promote our scholarships, junior gardeners program and civic beautification projects. There is no admission fee to the community or the many visitors from out of town.

Summarized the objectives of the program:

The objectives of the program are to promote interest in gardening, cooperate in the conservation of natural resources, to encourage and assist horticulturists. We are dedicated to preserve our town's natural beauty including civic beautification. Our club is committed to maintaining the City Hall Rose Garden, the Pier Garden, the Blue Star Memorial Garden, the Marine Monument Garden and the Casa Romantica Gardens. We now have junior gardeners programs in Concordia, Lobo, Las Palmas, Marblehead Elementary Schools and Shorecliffs Middle School. We give out scholarships annually to students studying horticulture, agriculture, environmental concerns, forestry, marine science and related subjects. Lastly we provide garden therapy to the wonderful folks at the Rio.

The San Clemente Garden Club has utilized the Community Center for our activities for many years. We would like to request that we co venture with the City for our events as we have done for many years.

Estimated Attendance:		
Provide percentage estimates of ages of persons attending the program:		
0-12 Years:	10 %	13-21 Years: 10 % 22-40 Years: 40 % 40+ Years: 40 %
Is this a fundraiser?	<input checked="" type="checkbox"/> YES, SEE BELOW <input type="checkbox"/> NO	
If yes, what is the intended use of the revenue?	Revenue is used for all projects we presented in our objectives	
General Budget Overview (itemized budget must be attached)	Total Expenses	Total Revenue
	\$ 936.00	\$ 3184.00
<b>CITY SERVICE REQUESTS (CHECK ALL THAT APPLY)</b>		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Facility rental fees	
<input type="checkbox"/> YES <input type="checkbox"/> NO	Fencing/barricades	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Posting signs/banners	
<input type="checkbox"/> YES <input type="checkbox"/> NO	Street closure	
<input type="checkbox"/> YES <input type="checkbox"/> NO	Reserved parking	
<input type="checkbox"/> YES <input type="checkbox"/> NO	Traffic control	
<input type="checkbox"/> YES <input type="checkbox"/> NO	Dumpsters	
<input type="checkbox"/> YES <input type="checkbox"/> NO	Police services	
<input type="checkbox"/> YES <input type="checkbox"/> NO	Electrical	
<input type="checkbox"/> YES <input type="checkbox"/> NO	Water	
Please list all other requests that may not be included in the information above:		
<b>SIGNATURE &amp; ACCEPTANCE</b>		
Elyse Crane	<i>Elyse Crane</i>	12/26/19
<b>PRINTED NAME</b>	<b>SIGNATURE</b>	<b>DATE</b>
<b>PLEASE INCLUDE THE FOLLOWING ITEMS WITH YOUR FINAL SUBMISSION:</b>		
<ul style="list-style-type: none"> <li>○ Not-for-profit tax exemption certificate from the State of California</li> <li>○ Names/Addresses of Board of Directors</li> <li>○ Itemized budget for the event/activity</li> </ul>		

Please submit this application to the Recreation Division by email at [recreation@san-clemente.org](mailto:recreation@san-clemente.org) or mail to 100 N. Calle Seville, San Clemente 92672. For questions, contact Recreation at (949) 361-8264.

Fall Plant Sale	
Expenses	
Banner City of San Clemente	\$367.00
Date change banner	\$90.00
Food for volunteers	\$170.00
Fliers	\$110.00
Supplies	\$115.00
Advertising	\$84.00
Total Expenses	\$936.00
Total Revenue	\$3,184.00