

DEPARTMENT: Public Works

BY: Rich Begley  
PHONE: 966-2498

RECOMMENDED ACTION AND JUSTIFICATION:

Request for approval to use the Midpines Community Center for Church Services for the Midpines Bible Church. The church has requested a six month or longer term. The Parks and Recreation division is required by the Facility Use Policy to refer long term rentals to the Board of Supervisors.

Departmental Recommendation: Requires fee, insurance and cleanup coverage. Do not recommend a piano be stored at Midpines Community Hall, as floor space is critical.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On September 15, 1992 the Board approved a similar use and entered into a contract. The County experienced minimal impact and few negative comments. The facility Use Policy outlined the procedure followed.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

N/A

Financial Impact? ( ) Yes ( ) No Current FY Cost: \$  
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded

Annual Recurring Cost: \$

Amount in Budget: \$ \_\_\_\_\_  
Additional Funding Needed: \$ \_\_\_\_\_  
Source:  
Internal Transfer \_\_\_\_\_  
Unanticipated Revenue \_\_\_\_\_ 4/5's vote  
Transfer Between Funds \_\_\_\_\_ 4/5's vote  
Contingency \_\_\_\_\_ 4/5's vote  
( ) General ( ) Other

List Attachments, number pages consecutively  
1. Facility Use Request Form  
2. Recreation Facilities Use Policy  
3. Minute Order  
4. Lease Agreement  
~~5. Letter~~

CLERK'S USE ONLY:

Res. No.: 03 422 Ord. No. \_\_\_\_\_  
Vote - Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_  
( ) Approved  
( ) Minute Order Attached ( ) No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

\_\_\_\_\_ Requested Action Recommended  
 No Opinion  
Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_  
Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

CAO: CRW



FAX: 209-966-8390

# MARIPOSA PARKS & RECREATION

Phone: (209) 966-2498  
P. O. Box 732, 4998 Park Rd.  
Mariposa, California 95338

## FACILITY USE REQUEST FORM

Submit request form 30 DAYS prior to requested date for processing. Approval for use and keys will be given only after all paper work, fees, deposits, and insurance are submitted to Recreation Office.

FACILITY REQUESTED: Midpines Community Center

PERSON IN CHARGE: Ronald Hibpshman

PHONE NUMBER(s): 209-966-8711

GROUP: Midpines Bible Church

ADDRESS: 4936 Triangle Rd.

EVENT: Church Services

Number Expected: 25-50 Fund Raiser?: YES  NO

FEE CHARGED FOR EVENT?: YES  (\$           ) NO

REQUEST FOR SPECIAL THINGS:  
We would like to put our Piano there (we don't mind if others use it)

' ALL DATES REQUESTED & TIME '

We would like to Rent or lease the center for Sunday services 9<sup>AM</sup> til 2 PM. Beg. as soon as possible Running for 6 mos (maybe longer)

USE FEE: \$            (Checks To: Parks & Recreation)

INSURANCE: \$            Required on all NON-COUNTY EVENTS

\* ALCOHOL IN FACILITY \$ No ADDITIONAL WITH COUNTY INSURANCE.

CLEANING DEPOSIT \$            SEPARATE CHECK, please.

\* PUBLIC ASSEMBLAGE PERMIT: Required for ALL FUNCTIONS serving 250 or MORE.

\*COMPLETE, SIGN & RETURN ORIGINAL & [ ] COPY & [ ] MONEY DUE.

PRINT NAME: Ronald D. Hibpshman

SIGNATURE: Ronald D. Hibpshman

ADDRESS: 4936 Triangle Rd. Mariposa, Ca. ZIP 95338

PHONE: (209) 966-8711

\* PUT ALL TRASH IN DUMPSTERS.

After Use Of Facilities, PLEASE Fill Out A Hall Use Report Form & Return With Key. Thank You.

OFFICE USE ONLY: Approved-YES [ ] NO [ ] Insurance \$            Paid           

FEE RECEIVED \$            Check [ ] Cash [ ] Date           

DEPOSIT \$            Ck [ ] Cash [ ] Returned:            Ini:            [If Not - Explain]           

\* USE OF OWN INSURANCE: \$500,000 PLUS NAME COUNTY AS ADDITIONAL INSURED. [Copy to Recreation]

KEY: Check Out From           

\* Ans. Church Mutual (1-800-995-7527) Pending approval of Rental or lease agreement.

ATTACHMENT #1

RECREATION FACILITIES USE POLICY

SECTION I - CLASSIFICATION OF GROUPS

- GROUP A - Meetings, programs and events conducted by the Board of Supervisors, County Departments and affiliated boards, commissions and committees.
- GROUP B - Meetings, programs and events conducted by nonprofit, service, fraternal, charitable, social, sports and other civic associations based in Mariposa County. Fee exempt status may be granted by the Parks and Recreation Commission upon written request.
- GROUP C - Meetings, programs and events conducted by County residents and private groups. Weddings, receptions, private parties, religious organizations, political activities conducted by individuals or groups that do not qualify as Group A or Group B.

SECTION II - CLASSIFICATION OF ACTIVITIES

- USE 1-MEETINGS. Limited use of facility (no cooking facilities) for less than six (6) hours.
- USE 2 - REGULAR USE. Use of facility, including cooking facilities, for less than six (6) hours.
- USE 3 - LONG-TERM USE. Groups A and B and limited, pre-approved Group C usage of more than 12 times per year. See restrictions in Section IV.
- USE 4 - PRIVATE FOR-PROFIT USE. Usage of ANY facility for any planned or designed for-profit activity. See restrictions in Section IV.

SECTION III - RENTAL FEES

| <u>Facility</u>   | <u>Fee (per six hour period)</u> |         |            |        |
|-------------------|----------------------------------|---------|------------|--------|
|                   | USE 1                            | USE 2   | USE 3      | USE 4  |
| Midpines Hall     | \$15.00                          | \$35.00 |            |        |
| Woodland Hall     | \$15.00                          | \$35.00 |            |        |
| Hornitos Hall     | \$30.00                          | \$50.00 | Note 1     | Note 2 |
| McCay Hall        | \$30.00                          | \$50.00 |            |        |
| Masonic Hall      | \$30.00                          | \$50.00 |            |        |
| Picnic Areas*     | \$10.00                          | \$25.00 | Prohibited | Note 2 |
| County Courthouse | * See Section IV *               |         |            |        |
| Gov't Center      | \$25/hour                        |         |            |        |

\* Only picnic areas with lights (Mariposa Hornitos and Red Cloud Park) can be reserved and only for night use. Reservations for the picnic areas during the day will be accepted

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on a case-by-case basis. The entire picnic area cannot be reserved; there must be areas for use on first-come, first-served basis.

NOTE 1: Fees, insurance and other requirements per lease agreement approved by the Board of Supervisor's agreement.

NOTE 2: Fees based on a percentage of gross as determined by another public entity, such as the Mariposa County Fair or other acceptable standard. Insurance and other requirements determined by the Board of Supervisors.

#### SECTION IV - SPECIAL CONDITIONS AND USES

##### SPECIAL CONDITIONS

The Department may specify additional conditions to be met for application approval and/or may place additional conditions on the activity to be held.

##### DEPOSITS

The permittee shall clean the facility after use. A refundable cleaning deposit may be required as determined by the Parks & Recreation Department ("the Department"). The actual cost of cleaning, if any, shall be deducted from the cleaning deposit.

##### INSURANCE SURCHARGES

In addition to the fees discussed in Section III, a surcharge shall be charged to cover the cost of liability insurance.

If alcoholic beverages are to be consumed, an additional surcharge shall be charged to cover the cost of liquor liability insurance.

##### HISTORIC COUNTY COURTHOUSE

The Clerk of the Superior Court is responsible for the scheduling and usage of the 'Old' Board of Supervisors meeting room. The Clerk of the Court is responsible for the scheduling and usage of the courtrooms.

The outside grounds of the Courthouse may be reserved through the Parks & Recreation Dept. and/or the County Clerks Office.

##### NEW GOVERNMENT CENTER

The Government Center features a Plaza, a spacious Lobby and The New Board of Supervisors Meeting Room. The three areas may be rented individually or together.

##### COMMUNITY PROMOTIONAL EVENTS

Community events such as parades, celebrations, etc., shall be permitted to utilize County facilities free of charge subject to the approval of the Board of Supervisors.

#### LONG-TERM USAGE OF FACILITIES

In general, long-term uses by Group A or Group B users shall be permitted at all County facilities, except outside picnic or park areas and the Courthouse grounds. However, the following conditions shall apply:

- 1) Lessee shall adjust usage to accommodate historic special uses of the facility.
- 2) Lessee shall pay full cost of utilities and other space utilization expenses.
- 3) Religious services or partisan political uses must be approved by the Board of Supervisors.

#### CONDITIONS OF FOR-PROFIT USE OF FACILITIES

- 1) Use is restricted to only 4 days per year.
- 2) The proposed for-profit activity shall not compete with any local business(es) (other than food, beverages, arts/crafts and clothing enterprises) located less than ten (10) miles from the subject recreation facility.

#### SECTION V - USE OF FACILITIES

1. County recreation facilities may be reserved up to one year in advance. Group B or C users must reserve facilities at least thirty (30) days prior to the desired date.
2. High risk or large impact use applications must be made at least sixty (60) days prior to desired date. Applications shall be approved by the Parks and Recreation Commission and/or the Board of Supervisors.
3. The Department has determined the capacity of buildings in keeping with the State of California Fire Marshal and the National Fire Protection Association, Section 101-Safety Code. Events exceeding these standards are prohibited.
4. Pursuant to the County Code, activities involving the assemblage of more than 250 persons will require a PUBLIC ASSEMBLAGE PERMIT. Permission to use the facility will not be granted unless the Public Assemblage Permit has been approved by the Mariposa County Sheriff.
5. Tennis Courts
  - A. Mariposa County tennis courts are available on a first-come, first-served basis.
  - B. General Play: Groups are limited to one (1) hour per court with others waiting. Play will be on a first-come, first-served basis.

- C. Non-tennis activities are prohibited in ALL court areas. Wheeled vehicles and devices that are not normally associated with tennis are prohibited.
  - D. Tennis shoes are required on courts.
  - E. Per the terms of this policy, requests for reservations for tennis tournaments, team practices, special events or group events with publicized invitations require an APPROVED FACILITY REQUEST FORM. At least one court shall, at all times, remain open for public play.
  - F. The County of Mariposa reserves the right to monitor, control and permit the teaching of tennis on County courts. Exclusive rights may be granted at the request of the Parks and Recreation Commission. The Board of Supervisors may choose to hear appeals.
  - G. The County of Mariposa reserves the right to hold official County functions on said courts.
  - H. The terms of this policy shall be enforced by the Public Works Director, his/her designated staff or other County staff as determined by the Board of Supervisors.
6. Fees and Charges:
- A. The County reserves the right to change or revise fees and charges periodically. Reservations already approved will not be affected by any rate changes.
  - B. The County will provide only the basic buildings, including space, utilities and usage instruction. The County will make additional charges for special equipment or extra services.
7. Cancellation of Permittees Use of Facility(ies):
- A. Mistreatment of the facility, equipment or appurtenances.
  - B. Failure to meet requirements and/or conditions regarding the use of the facility(ies).
  - C. Failure to notify the Parks and Recreation Division of the cancellation of any date(s) covered by permit.
  - D. The facility is rendered unusable by natural or other unforeseen events, such as fire.
  - E. If the facility is needed for overriding public necessity or emergency use.
8. Permits will not be issued to groups and/or individuals that have had an approved permit canceled pursuant to items 7A, 7B and/or 7C of this Section within the past twenty-four

(24) months or that propose activities that are illegal or threaten the public safety as determined by the Department.

SECTION VI - GENERAL TERMS AND CONDITIONS  
GOVERNING RESERVED USE OF FACILITIES

ADVERTISING AND SOLICITATION

Distribution of handbills, circulars, notices, advertising devices or similar items is prohibited without prior approval from the Department. No placement of any of the above will be permitted on trees.

ALCOHOL REGULATIONS

Use or possession of alcoholic beverages at a County recreation facility requires a Special Permit. The Department reserves the right to place restrictions on the use of alcoholic beverages in accordance with state law and County policy.

The use or provision of alcoholic beverages in indoor facilities will not exceed six (6) hours for any one event and in no instance extend beyond legal hours established in the State Business and Professions Code. Alcoholic beverages may be restricted to designated areas of the facility. The alcoholic beverage permittee will remove all beverages from the premises immediately following the approved use.

Certain alcoholic beverages will require the permittee to obtain a temporary use license from the Department of Alcoholic Beverage Control. A copy of the license must be submitted to the Parks and Recreation office five (5) working days before the use in which alcoholic beverages are to be sold.

FOOD REGULATIONS

Food and refreshments will only be permitted in certain designated areas as determined by the department. A refundable clean-up and damage deposit shall be required of groups serving food and refreshments, including alcoholic beverages. It is the permittee's responsibility to comply with Mariposa County Health Department standards.

ADULT SUPERVISION

Youth groups must have adequate adult supervision as determined by the Department.

CONDUCT OF PERSONS

Permittee shall be responsible for the orderly conduct of all persons using the premises by its invitation, whether expressed or implied, during all times covered by the permit. The department reserves the right to eject, or cause to be ejected from the premises, any person or persons due to undesirable or objectionable conduct.

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## DAMAGE TO FACILITY OR EQUIPMENT

The permittee shall be responsible for any damage or loss to equipment or property. Any permittee causing damage, loss or extensive clean-up will forfeit deposit and be required to pay any additional costs.

## DECORATIONS

The use of cellophane adhesive tape, nails, staples, screws, etc., in wall, woodwork, tables or other equipment/facilities is prohibited. Masking tape, if used, must be removed following the event. All decorations must be fireproof or of fire retardant materials. Nothing shall be attached to light fixtures. Candles or other open flame devices are prohibited.

## DEPARTMENT RIGHT TO ENTER

Authorized Department employees shall have the right to enter all facilities at all times during any and all occupancies.

## FIRE REGULATIONS

Exits shall not be obstructed and exit signs shall not be covered. At no time shall group size exceed the facility occupancy load as established by the County and/or State Fire Marshal.

## INDEMNITY

The County of Mariposa is not responsible for accidents, injury, illness, or loss of group or individual property. The permittee may be required to file evidence of adequate public liability and property damage insurance and shall name the County of Mariposa as additional insured. All special events, fund raisers and activities subject to Public Assemblage Permit process will be required to file evidence of adequate public liability and property damage insurance and shall name the County of Mariposa as additional insured.

## KEYS

Keys will be issued to permittee for designated area. A charge of \$5.00 per lost key will be levied. All keys will be assigned out of the Parks and Recreation office.

## VERBAL AGREEMENTS

No verbal agreements for use of facilities shall be made.

## NORMAL OPERATING HOURS

Normal operating hours for reserving facilities including community halls, lighted picnic areas, outdoor theater, park tennis courts, athletic fields and any facility under County jurisdiction are as follows:

SUMMER SEASON FROM 7:00 a.m. to 11:00 p.m.  
WINTER SEASON FROM 8:00 a.m. to 11:00 p.m.



(Mariposa County Code Section 12.16.090)

#### COUNTY RESPONSIBILITIES

County of Mariposa equipment may be available for public use, but must be requested at the time of application for facility use. The permittee shall be responsible for the set-up and take-down of all County equipment.

#### STORAGE FACILITIES

Storage facilities are not available.

#### TICKET SALES AND ADMISSION CHARGES

Ticket sales and admission charges are allowed only if indicated on the application and approved. The Department must be made aware of all fund raising events. At no time will the parks be closed to the general public. County residents cannot be excluded from a special event or other activities where charged. Admission charges are voluntary donations.

#### SUPERVISION OF OCCUPANCIES

When an employee of the Department is on duty, he/she is responsible for the enforcement of the policies, rules, regulations, terms and conditions governing use of the facilities and shall have complete authority over the facilities used and the activities therein. The employee has the authority to terminate the permittee's use for failure to comply.

Department staff will respond to any condition where County facilities or equipment are not functioning properly. Staff is not assigned to events or rentals unless the permittee pays for such assignment. If a condition requiring call out results from the permittee's actions, charges will be assessed at the discretion of the department.

#### USE OF KITCHEN FACILITIES

Use of kitchen facilities shall be subject to the County regulations relating to such use.

#### FURNISHING OF SUPPLIES

It is the permittee's responsibility to ensure that supplies, such as toilet paper, trash bags, are sufficient to support the permittee's activity.

### SECTION VII - PAYMENT AND REFUNDS

#### PAYMENT

Applicant shall pay to the County all use fees and deposits prior to application approval. Reservations shall not be made without the accompanying fee nor can they be made by the

telephone. For extended uses, payment may be made quarterly. Late payments may result in cancellation of permit.

If, during the actual use of the facility by the permittee, additional fees are assessed by the County, these fees must be paid within ten (10) days after the use or be deducted from deposit.

Deposits must be paid prior to permit approval.

## REFUND

Permittee is requested to contact the Parks and Recreation office, (966-2498), as soon as possible for any cancellation of a function to allow for use by others. Fees and deposit will be refunded.

Full refund of use fees and deposit shall be made where the County is required to cancel permit for reasons stated in Section V.

Refund of deposits will be made by mail where no damage or loss has occurred, or when no extra clean-up is required as a result of permittee's use of facilities. In the event of charges for damage or loss, the deposit will be forfeited and additional charges made to cover damages or loss.

## SECTION VIII - MISCELLANEOUS

1. Permittee shall not disturb other activities that may occur at the facilities or premises. (Some facilities are multi-use such as fire stations).
2. Key will be returned to check-out place immediately after function, or if after closing time, first thing the next day unless otherwise instructed.
3. NOTHING shall be removed from any facilities or premises without prior approval.
4. Signs and bulletins shall NOT be removed.
5. A HALL-USE REPORT FORM is to be completed by group.
6. OVERNIGHT PARKING OR CAMPING IN COUNTY PARKS IS PROHIBITED.
7. Unauthorized use and/or display of FIREARMS or other dangerous weapons is PROHIBITED.
8. Dogs must be on leashes when in or on County Park premises.
9. The County of Mariposa will not be held liable or responsible for accident and/or injury to persons or property, nor will said County be responsible for loss of theft of personal property or for any equipment or items left in or on County properties.



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR  
GARRY R. PARKER, VICE-CHAIR  
LEE STETSON  
DOUG BALMAIN  
JANET BIBBY

DISTRICT V  
DISTRICT IV  
DISTRICT I  
DISTRICT II  
DISTRICT III



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: JIM PETROPULOS, Public Works Director  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: USE OF MIDPINES COMMUNITY CENTER FOR CHURCH SERVICES  
Resolution No. 03-422

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on November 18, 2003

#### ACTION AND VOTE:

Dana Hertfelder, Assistant Public Works Director, appeared on behalf of Jim Petropulos, Public Works Director;

A) Approve the Use of the Midpines Community Center for Church Services for the Midpines Bible Church

**BOARD ACTION:** Discussion was held with Dana Hertfelder relative to the request, and he advised that the Church is trying to find a place that is more suitable. Rich Begley/Deputy Director of Parks and Recreation, noted that a request for this type of use requires Board approval pursuant to the Facility Use Policy. Discussion was held relative to limiting the use to six months and the hours to 9 to 12, especially if there is a request for an afternoon use of the facility, and relative to utility costs. Jeff Green, County Counsel, advised that proof of liability insurance is necessary. (M)Stetson, (S)Balmain, Res. 03-422 was adopted approving the lease as discussed, subject to the agreement being approved by County Counsel/Ayes: Unanimous.

cc: Rich Begley, Deputy Director Parks and Recreation  
Sandi Laird, Personnel/Risk Management Technician  
File