

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 14Ordinance/Resolution# 11-215For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)For Meeting of April 18, 2011  
(Adoption Date)

**TITLE:** A RESOLUTION APPROVING THE PARKS AND RECREATION FEES AND CHARGES/FACILITY USE POLICY AND REPEALING RESOLUTION 10-273 AND RESOLUTION 10-251.

**PURPOSE(S) OF ACTION:**

To approve the Parks and Recreation 2011/2012 Fees and Charges/Facility Use Policy.

<b>COUNCIL DISTRICT:</b> All		
<b>Drafter/Staff Contact:</b> Mark Johnston, Parks and Recreation Administrator	<b>Department/Section:</b> Facilities/Park & Recreation	<b>Phone:</b> 541-2550
<b>City Manager Signature:</b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

In an effort to continue streamlining operations and improve customer service, staff is recommending one policy be established that covers all use and fees for Parks and Recreation programs, facilities, and grounds. The policy is meant to be a guide for Administration, the Parks and Recreation Advisory Board, and City Council in developing a fair and consistent fee schedule for both programs and facility use. The intent of the policy is to keep fees at a reasonable rate for Las Cruces citizens and lessen the burden on the City's general fund by recovering a percentage of direct costs associated with providing services.

The Parks and Recreation Advisory Board reviewed the "draft" policy and held a Public Hearing at their regular meeting on March 17, 2011. The Parks and Recreation Advisory Board approved the policy and sent forward a recommendation to City Council for formal action.

The draft policy is attached as Exhibit "C", changes and or additions to the policy are identified in red.

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A", Resolution No. 10-273.
3. Exhibit "B", Resolution 10-251.

(Continue on additional sheets as required)

4. Exhibit "C", Proposed 2011/2012 Park and Recreation Fees & Charges/Facility Use Policy.
5. Exhibit "D", Draft minutes from March 17, 2011 Park and Recreation Advisory Board Meeting.

**SOURCE OF FUNDING:**

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>Various</u> in the amount of <u>\$900,000</u> for FY 2011/2012.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

The revenues generated come from a variety of different recreation and aquatics programs. They include camps, classes, athletic leagues, daily use fees, summer recreation and after school programs. It is anticipated that the Regional Aquatic Center will generate \$500,000 in FY 2011/2012.

**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Various	Various	Various	Various	Various	Various

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; and approve the Resolution repealing Resolutions 10-251 and 10-273 and approve the Parks and Recreation 2011/2012 Fees & Charges/Facility Use Policy.
2. Vote "No"; and not approve the Resolution and direct staff to continue using the current policies or seek other alternatives.
3. Vote to "Amend" the Resolution and provide staff with alternative direction.

(Continue on additional sheets as required)

**REFERENCE INFORMATION:**

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

**RESOLUTION NO. 11-215****A RESOLUTION APPROVING THE PARKS AND RECREATION FEES AND CHARGES/FACILITY USE POLICY AND REPEALING RESOLUTION 10-273 AND RESOLUTION 10-251.**

The City Council is informed that:

**WHEREAS**, the City of Las Cruces Parks and Recreation Section is requesting to repeal Resolution No. 10-273 attached as Exhibit "A" and Resolution No.10-251 attached as Exhibit "B"; and

**WHEREAS**, the City of Las Cruces Parks and Recreation Section currently operates under two separate policies that set the fees and charges for facility use and recreational programs; and

**WHEREAS**, in an effort to continue to streamline operations and improve customer service, staff is recommending combining the Fees and Charges/Facility Use Policy and the Regional Aquatic Center Fee Schedule into one Parks and Recreation Fees and Charges/Facility Use Policy; and

**WHEREAS**, the proposed policy was developed with the intent of keeping fees reasonable and lessen the burden on the City general fund; and

**WHEREAS**, the Parks and Recreation Advisory Board reviewed and approved the proposed policy at a joint Public Hearing, Parks and Recreation Advisory Board Meeting on Thursday, March 17, 2011; and

**WHEREAS**, the new policy and fee structure was developed in an effort to achieve cost recovery goals established by the City Council.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT Resolution 10-273 and Resolution 10-251 be repealed and replaced by this Resolution and new Fees and Charges/Facility Use Policy is attached as Exhibit "C".

(II)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

VOTE:

Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Connor: \_\_\_\_\_  
Councillor Pedroza: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Sorg: \_\_\_\_\_  
Councillor Thomas: \_\_\_\_\_

**RESOLUTION NO. 10-273**

**A RESOLUTION REPEALING RESOLUTION NO. 08-255 AND RESOLUTION NO. 08-270 AND APPROVING ONE NEW POLICY THAT COMBINES THE RECREATION FEES AND CHARGES POLICY AND THE AREAS AND FACILITY USE POLICY INTO ONE PARKS AND RECREATION FEES AND FACILITY USE POLICY, AND ESTABLISHES FEES FOR PROGRAMS AND FACILITY USE FOR FISCAL YEAR 2010/11.**

The City Council is informed that:

**WHEREAS**, the City of Las Cruces Parks and Recreation Section, is requesting to repeal Resolution No. 08-255 attached as Exhibit "A", and Resolution No. 08-270 attached as Exhibit "B"; and

**WHEREAS**, the City Recreation Section and the Parks Section were combined into one work group July 1, 2009; and

**WHEREAS**, there are currently two separate policies that govern facility use, fees and programs; and

**WHEREAS**, the two policies have been combined into one Parks and Recreation Fees and Facility Use Policy attached as Exhibit "C"; and

**WHEREAS**, a Public Hearing and Parks and Recreation Advisory Board Meeting were held on April 15, 2010, and the Board approved the Parks and Recreation Fees and Facility Use Policy and sent forward a recommendation for City Council action.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces:

(I)

**THAT** the City of Las Cruces hereby repeals Resolution No. 08-255, Exhibit "A", and Resolution No. 08-270, Exhibit "B", attached hereto and made a part of this Resolution.

Resolution No. 10-273  
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(II)

THAT the City of Las Cruces hereby approves the Parks and Recreation Fees and Facility Use Policy, Exhibit "C", attached hereto and made a part of this Resolution.

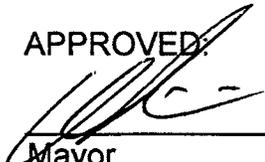
(III)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this 3rd day of May 2010.

(SEAL)

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

VOTE:

Mayor Miyagishima:	<u>Aye</u>
Councillor Silva:	<u>Aye</u>
Councillor Connor:	<u>Aye</u>
Councillor Pedroza:	<u>Aye</u>
Councillor Small:	<u>Aye</u>
Councillor Sorg:	<u>Aye</u>
Councillor Thomas:	<u>Aye</u>

Moved By: Connor

Seconded by: Thomas

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

**RESOLUTION NO. 10-251****A RESOLUTION APPROVING THE NEW PROPOSED FEE SCHEDULE FOR PUBLIC AND PRIVATE USE OF THE REGIONAL AQUATIC CENTER.**

The City Council is informed that:

**WHEREAS**, the New Regional Aquatic Center is scheduled to open in July 2010;  
and

**WHEREAS**, the facility does not have an approved fee schedule for public and private use; and

**WHEREAS**, current City Council approved policy requires the collection of one third the costs for operations of swimming pools; and

**WHEREAS**, it is estimated and reflected in the FY 10/11 budget proposal that the Regional Aquatic Center will cost \$1.5 million per year for full operations; and

**WHEREAS**, it is anticipated that the proposed fee schedule will generate approximately \$500,000 in revenue complying with current policy; and

**WHEREAS**, the facility will operate seven days per week on a year-round basis.

**NOW, THEREFORE**, Be it resolved by the Governing Body of the City of Las Cruces:

(I)

**THAT** the City of Las Cruces hereby adopts the proposed fee schedule for the Regional Aquatic Center.

(II)

**THAT** City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

Resolution No. 10-251, cont'd.  
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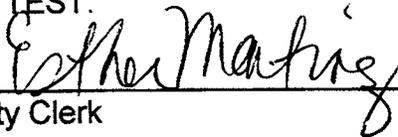
**DONE AND APPROVED** this 5th day of April 2010.

(SEAL)

APPROVED

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

VOTE:

Mayor Miyagishima:	<u>Aye</u>
Councillor Silva:	<u>Aye</u>
Councillor Connor:	<u>Aye</u>
Councillor Pedroza:	<u>Aye</u>
Councillor Small:	<u>Aye</u>
Councillor Sorg:	<u>Aye</u>
Councillor Thomas:	<u>Aye</u>

Moved By: Connor

Seconded by: Thomas

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

**CITY OF LAS CRUCES  
PARKS AND RECREATION SECTION  
2011/2012 FEES & CHARGES/FACILITY USE POLICY**

**INTRODUCTION**

The City of Las Cruces Parks and Recreation Section has the responsibility to establish policy for recovering costs for using the City's parks, recreation facilities and taking part in various recreation programs. This policy is meant to be a guide to Administration, the Parks and Recreation Advisory Board, and the City Council, in developing a fair and consistent fee schedule.

**AUTHORITY**

The authority to establish appropriate fees and facility use on an annual basis rests with the City Council. The Parks and Recreation Advisory Board shall act in an advisory capacity to the Parks and Recreation Sections and to the City Council in the establishment of the policy.

**FACILITATION**

The Parks and Recreation Section shall develop fees and recommend appropriate uses of parks facilities and participation in recreation programs. The fee will be reviewed annually by staff, the Parks and Recreation Advisory Board, and ultimately approved by the City Council with the adoption of each annual budget.

**PURPOSE OF POLICY**

The policy is intended to establish a standardized approach to assessing fees for the use of City facilities, parks and participation in recreation programs; for determining which users or groups should pay at what percentage; to keep all fees at a fair market level in order to encourage participation; to strive for a degree of cost recovery; and to lessen the burden on the City and the General Fund.

**USER FEES**

User fees are established by the City Council. All applicable fees and/or deposits must be paid by cash, credit card, check, or money order, made payable to the order of the City of Las Cruces, a minimum of ten working days prior to the approved event.

## **CATEGORIES OF COST RECOVERY**

1. **MINIMAL COST RECOVERY** – Small percentage of direct program costs. Normally 0-20 percent of direct cost:  
Program Examples:
  - Therapeutic Art
  - Summer Recreation
  - Therapeutic Dances
  
2. **PARTIAL COST RECOVERY**  
Recreation programs will strive to recover 85 percent of direct program cost.  
Program Examples:
  - Teen Dances
  - Youth Classes
  - Youth Athletics

*NOTE: Addressed in Resolution No. 93-264*
  
3. **FULL COST RECOVERY:**  
Recreation programs will strive to recover 100 percent of direct program costs.  
Program Examples:
  - Adult Recreation
  - Adult Classes
  - Adult Athletics

*NOTE: Addressed in Resolution No. 93-264*
  
4. **SPECIAL RECREATION PROGRAM COST RECOVERY:**  
Recovery of 100 percent of direct program costs associated with the Special Parks and Recreation Programs Fund. Fund will be utilized for introduction of new programs, classes and special events.

## **TARGETED COST RECOVERY**

Targeted cost recovery for recreation programs is 85-100 percent of direct costs, 33 percent for Aquatics, 85 percent for Youth (not to go below 75 percent), and 100 percent recovery for adult programs and special recreation programs.

## **DEFINITIONS DIRECT COST**

Costs directly associated with providing activities and/or services required for program functionality. Examples: cost for instructor/leader, supplies, materials, building rental, advertising, etc.

## **FACILITIES**

Existing City Parks and Recreation Facilities including recreation centers, tennis and other playing courts, sports fields, swimming pools, and parks. Examples are, but not limited to, the following:

- Meerscheidt Recreation Center
- Henry Benavidez Center
- Life Center
- Tennis Courts
- Public Pools
- Branigan Field
- Harty Complex
- Paz Complex
- Regional Aquatic Center (RAC)
- Triviz Multi-Purpose Path
- La Llorona Park
- Veterans Memorial Park
- Mesilla Park Community Center
- Club Fusion Teen Center
- East Mesa Recreation Center
- Volleyball Courts
- Ron Galla Complex
- Soccer Complexes
- Maag Complex
- Apodaca Fields
- Lions Park
- Young Park
- Four Hills Park
- Pioneer Women's Park

## **PROGRAMMING HOURS OF OPERATION**

In order to provide the most efficient and effective use of Parks and Recreation staff, facilities, and programs, the City of Las Cruces Parks and Recreation Section reserves the authority to change facility hours of operation in accordance with recreation programming. At designated facilities, City of Las Cruces Parks and Recreation staff will be on site only during scheduled recreation programming hours. Any change in programming hours of operation at a designated facility will be posted in advance. Facility hours may be further adjusted based on staffing levels, budget constraints and/or public demands.

## **SPONSORSHIP OF GROUPS**

Groups which are may be co-sponsored and/or supplementary funded by the City of Las Cruces: (Group sponsorship is currently under review and subject to change).

- LC Bantam Weight Association
- ~~High Noon~~ Las Cruces Youth Soccer League
- LC In-Line Hockey Association
- LC Men's Fastpitch Association
- Mesilla Valley Soccer
- Picacho Gun Club
- USSSA Slowpitch Softball Association
- Sammy Burke Youth Boxing Center
- LC Tennis Club
- LC Senior Olympics
- Dog Obedience Club
- LC Youth Baseball Association
- Greater LC Slowpitch Softball Association
- Las Cruces Aquatic Team
- Southwest Youth Sports, Inc.

- ~~A Children's Theater of the Mesilla Valley~~
- Wild West Aquatic Team
- Mesilla Valley Shotgun Sports, Inc.
- Las Cruces Youth Softball Association
- Minor Threat Junior Roller Derby

## **REFUND POLICY**

The Parks and Recreation Section will refund fees for the following only:

1. Department cancellation of activity due to low registration.
2. Department cancellation of activity due to inclement weather.
3. Department cancellation of activity due to mechanical malfunctions.
4. Inability of class or league to proceed with activity.
5. A 25 percent service charge assessed prior to the second game or class with no refund to be granted after the second class or game.
6. In cases of emergency, i.e., death or illness, the deposit of the rental fee paid in advance to secure the rental will be refunded. A 25 percent service charge will be assessed to all cancellations other than emergencies of rentals of facilities and parks.

## **RETURNED CHECK POLICY**

There will be a \$30.00 service charge on all returned checks as per the City's Finance Department.

## **TRANSFER POLICY**

City Parks and Recreation Program transfers are permitted on a space available basis.

## **AGE CATEGORIES FOR RECREATION PROGRAMS**

- Infant            0-2 years of age
- Child            3-12 years of age
- Youth            13-17 years of age
- Adult            18-59 years of age
- Senior           60 and over

## **RECREATION FACILITY AGE LIMITS**

It is recommended that all children under the age of 18 be under the direct supervision of an adult 18 or older, however the Parks and Recreation Section shall use the information below as a guide for regular open hours at all facilities (pool rules differ):

1. Ages 1-7. Allowed admittance to the facilities (recreation/community) centers under direct supervision of an adult 18 or older, but never allowed in the weight room or group fitness classes. This age group must be accompanied by an adult at all times.

2. Ages 8-11. Must be accompanied by an adult 18 or older in the facilities. This age group is not allowed in the weight room or group fitness classes. Allowed use of the racquetball courts with an adult 18 or older.
3. Ages 12-14. This age group will be allowed access to most areas of the facilities without an adult, except for the weight room (some group fitness classes, but not spinning). They will also be allowed use of the racquetball courts without an adult.
4. Ages 15-17. This age group may participate in all group fitness classes and will be permitted in the weight room (parent/legal guardian must sign a waiver) only under the direct supervision of an adult 18 or older.
5. Ages 18 and over. This age group will be allowed full access to facilities.
6. In swimming pool facilities children ages 8 and under must be accompanied by an adult in the water unless child has passed a designated swim test.

### **FAMILY DEFINITIONS**

Husband, wife and children, including natural, adopted, foster and step-children, living within the same household, also, persons who are not married, including children, who are living in the same household.

### **ORGANIZATION AQUATIC FEE**

1. The Organization or Agency must be non-profit and show financial need:
  - a. Verification of non-profit and low income status (prior year's tax filing)
  - b. Letter of Incorporation from State of New Mexico
2. The Organization or Agency must be located within Dona Ana County.
3. Member or clients of the Organization or Agency must reside within the same building.
4. Submit a letter to the Parks and Recreation Administrator with above documentation requesting discounted punch card or swimming pool pass.
5. Approved non-profit agencies will receive a 50 percent discount on the appropriate 30 punch card rate. For Profit agencies will be charged current rates. For Profit/Non-Profit agencies will adhere to the following:
  - a. 1-10 clients – at least one supervisor required and actively supervising in water.

- b. 11-30 20 clients – at least 2 supervisors required with one actively supervising in water.
  - c. 21-30 clients – at least 1 supervisor to 10 clients required.
6. Organizations wishing to utilize the discounted punch card must make arrangements to attend a mandatory swimming pool training and schedule pool time with Aquatic staff (available during June and July at outdoor pools only).

### **MEDICAL AQUATIC FEE**

Individuals needing assistance for a prescribed medical need may receive a 20 percent discount on the appropriate punch card/swimming pool pass rate only after the following procedures have been met:

1. Proof that the individual's health insurance will not cover the cost of a punch card /swimming pool pass.
2. A licensed physician's or certified physical therapy agency's prescription is provided for swimming as a therapeutic rehabilitative program.
3. Submit request in writing to the Parks and Recreation Administrator for approval with copies of above documentation.  
(The City is currently reviewing the possibility to accept insurance payment).

City of Las Cruces Parks and Recreation programs prohibit the release of personal information to anyone outside the organization. Release of information must be authorized in writing by the individual concerned, or required by law. Discussions of Protected Health Information (PHI) or personal information within the organization should be limited. Acceptable uses of PHI within the organization include, but are not limited to, exchange of personal information needed for provisions of specific city services, billing, and other essential operations, peer review, internal audits, and quality assurance activities.

### **RESTORATIVE/MEDICAL POOL PROGRAM**

The City of Las Cruces Parks and Recreation Section is offering use of the aquatic features and Warm Water Pool at the Las Cruces Regional Aquatic Center at a reduced fee for qualifying individuals and their care-provider(s). Individuals with medical conditions that would benefit from water to enhance, restore, and maintain a person's functional abilities may qualify. Conditions can be acute, transient, or chronic. Individuals and their care-provider(s) will be charged an admission fee of \$1.00 per person to use the Aquatic Center's amenities for one hour during any open swim session. Individuals participating in this program must be accompanied by their care-provider(s).

Both the participant and care-provider(s) must pay for each session of use at the facility. A doctor's note validating the need for the use of the facility must be provided at the time of registration.

## **FREE SWIM**

City staff has the authority to offer free swim session admission on a weekly basis for everyone (not to exceed capacity based on New Mexico Environment Department Public Swimming Pool Regulations). ~~during the months of June and July only.~~

## **SCHOOL DISTRICT YEAR-END PARTIES**

Schools may schedule Frenger Pool, ~~East Mesa or Laabs Pool~~ or the Las Cruces Regional Aquatic Facility for end-of-the-year school parties, not to exceed two hours and a minimum of 50 students as availability allows (not to exceed capacity based on New Mexico Environment Department Public Swimming Pool Regulations). Adults/Students who plan to swim will pay the daily rate.

## **FACILITY USE/RENTALS (RECREATION CENTERS)**

Facilities refer to Henry Benavidez, Club Fusion, East Mesa, Mesilla Park, Life Center, Meerscheidt Center and Regional Aquatic Center. In consideration of the payment of the rental fee and the agreement with the Renter to comply with the Contract, the City of Las Cruces agrees to make space indicated available to the Renter for the dates and times set forth, and make available the equipment requested. By signing the Contract, the Renter agrees to the following:

### I. Payment

- A. Reservations: Facility reservations are taken on a first-come, first-served basis by phone or in person. Reservations must be made two weeks prior to the event.

Reservations for group sports in the gymnasium are taken on a first-come, first-served basis by phone or in person. Reservations may be made beginning at 8:00 am on the Monday the week of the rental.

Deadline for arrangements and payment is 6:00 PM the Thursday prior to the date of usage. Otherwise, the reservation will be terminated.

- B. Deposit: Damage/Clean-up Fee: ~~The \$100.00 deposit is due at the time of the completion of the Contract. The deposit will be returned to the Renter upon satisfactory inspection of the rented facility after use. The Renter is responsible for~~

loss or damage to CLC property. ~~All or portions of the deposit will be retained to compensate for damages, additional clean-up cost attributed to the Renter, or any other break of the Contract. Additional fees may be assessed. If, after inspection, room/facility is not left in a satisfactory condition, clean-up/damage fees will be assessed.~~

- C. Rental Fee: To secure reservation, one hundred percent (100%) of the rental fee is due at the time of the completion of this Contract. ~~Additional fee will be assessed for use of Kitchen.~~
- D. Request for Changes: Any requests for changes to this Contract must be agreed upon in writing between the Renter and the City of Las Cruces staff. Requests must be completed no later than two (2) weeks prior to event or by mutual agreement.
- E. Cancellation/Refund: If reservation is cancelled by Renter the City of Las Cruces will retain a 25% cancellation fee. The exceptions to this are injury, illness or in case of emergency or extenuating circumstances.
- F. Returned Checks: ~~There will be a \$30.00 (plus tax) fee for any returned check.~~
- II. Set-Up, Duration Supervision, Caterers, Decorations, Equipment, Clean-Up and Closing of Facility
- A. Set-Up: Access to the facility for setting up including caterers set-up, will be during the hours on the face of the Contract ONLY.
- The City of Las Cruces provides certain items for use to Renter and/or Caterer such as tables, chairs, and equipment within the facility(s). We do not provide linens, silver, or tableware. The City of Las Cruces staff's sole responsibility is to supervise the facility, the equipment and supply the above listed rental items for space being rented, along with trash cans and liners. The City of Las Cruces will not be responsible for moving, set-up and break-down including stacking of tables, chairs, and other equipment used during the event.
- B. Duration Supervision: Any individual at this event under the age of 18 must be supervised at all times. Any area of the facility that is not under Contract is off limits. Only activities conducive to the facility will be allowed. If required, security services must be present for the duration of the event. Parking is permitted at the facility. Please obey all posted signs.
- C. Caterers: Caterers must have proper licenses and liability insurance coverage. ~~There will be NO preparation of raw food or refrying of fully prepared foods in the kitchen—~~

~~Health Department Regulations.~~ The City of Las Cruces requires that a copy of the Caterer's Certificate of Insurance be made available when final payment is received for catered event.

- D. Decorations: ~~Except with the prior written consent of the Facilities Director or Parks and Recreation Administrator,~~ The renter shall not (a) cause or permit the facility to be injured, marred, or in any manner defaced or changed; (b) place any nails, tacks, screws or other fasteners into any part of the facility; (c) place or permit to be placed, signs on painted walls in any part of the facility. No decorations such as posters, pictures or banners are to be fastened to walls, woodwork or curtains inside or out.
- E. Equipment: All equipment not owned by the City of Las Cruces and being used by Renter/Caterer must be removed at the conclusion of the event. The City of Las Cruces is not responsible for any lost, stolen or damaged property.
- F. Clean-Up: At the conclusion of any event the facility must be returned to its pre-event condition. All City of Las Cruces equipment must be returned to the original designated areas. All food, beverages, equipment and rented supplies must be removed from the premises immediately after each use of the facility(s) AND NO LATER THAN THE EXIT TIME STATED ON THE FACE OF THIS CONTRACT. ~~or the deposit will be forfeited and Renter may be charged additional fees.~~ Any catering areas used must be cleaned and left in "as found or better" condition. All trash must be removed from the building and placed in an appropriate dumpster. All floors must be swept and/or vacuumed after use of space. ~~If using the Kitchen area(s), it must also be cleaned.~~ Renter will give floors a light mop where needed. Renter must immediately take care of any major spills. If renter is unable to remove spills, the City of Las Cruces will have area(s) professionally cleaned at the renter's expense.

### III. Alcohol, Drugs and Tobacco

- A. Alcohol: No alcohol or liquor is allowed on City property without prior City Council approval.
- B. Drugs: No illegal drugs are allowed on City property.
- C. Smoking: No smoking is permitted inside any facility. Any person smoking must be at least 50 feet away from any facility entrance.
- D. ANY VIOLATION OF THESE RULES MAY CAUSE THE EVENT TO BE TERMINATED.

#### IV. Destruction and Damage

- A. Damage: If anyone damages the facility(s) during the rental period, the Renter shall be liable for all necessary repairs.
- B. Destruction: If the City of Las Cruces facility(s) are destroyed or damaged by fire or any other cause or unforeseen occurrence that shall make the fulfillment of the Agreement impossible, then the rental contract shall terminate and payments will be returned and Renter waives all rights to any claims against the City of Las Cruces.

#### V. Facility Use

- A. Compliance: Renter agrees that any use of City of Las Cruces facility(s) must comply with all statutes, ordinances, rules and regulations issued by Federal, State and Municipal governments, including all rules of the Las Cruces Police and Fire Departments. When requested, the Renter shall provide Liability insurance naming the City of Las Cruces, its employees and agents as additionally insured with the limits of \$1,000,000.
- B. License & Payments: Renter agrees to obtain or collect and to pay and deliver to the proper governmental agency or regulating authority, any and all license fees, permits, royalties and taxes required in connection with the use of the facility(s).
- C. Hazardous Materials: Renter agrees not to bring on to the premises any material, substance, equipment or object which is likely to endanger the life of, cause bodily injury to any person or property or which is likely to constitute a hazard.

#### VI. Responsibility and Indemnity

- A. Conduct: The conduct of all event participants while on City of Las Cruces property shall be the responsibility of the Renter. The Renter also accepts all responsibility for any injury to person(s) or property, or loss of or damage to property or theft of personal property on City of Las Cruces premises during the rental period or resulting therefrom. Failure by any individual or group to follow all applicable rules and regulations will be cause for eviction. The City of Las Cruces retains the right to evict objectionable persons from the premises. Repeated violations may result in denial of future reservation requests.
- B. Indemnity: The Renter shall release, indemnify, keep and save harmless the City of Las Cruces, its agents, officers or employees from any and all responsibility or liability for any and all damages or injury of any kind or nature whatever (including death) to all persons, whether agents or employees of the Renter or persons attending the event

for which the premises have been lease, and to all property damage proximately caused by, incident to, resulting from, arising out of, occurring in connection with, the use of the Renter of the premises. The provisions of this section shall include any and all losses, damages, injuries, settlements, judgments, decrees, awards, fines, penalties, claims, costs and expenses, including reasonable attorney's fees.

## VII. Security

- A. Building Security: Different uses of the facility(s) may entail different requirements concerning security. The City of Las Cruces is not responsible for any items left in the facility(s). The Renter will take the necessary precautions to protect personal property and to maintain order during event. ONE PROFESSIONAL SECURITY GUARD PER FIFTY (50) PARTICIPANTS MAY BE REQUIRED. Receipted confirmation of professional security services obtained must be presented at time of final payment.

## **CONTRACTS TO CONDUCT CITY PROGRAMMING**

If the City contracts with any organization to conduct a city-sponsored program, it is the City's responsibility to ensure such activities are carried out by the contractor in compliance with the requirements of the Americans with Disability Act. The following language shall be included in all such contracts entered into by the City.

The Contractor shall ensure that all programs, services and activities are accessible to and useable by persons with disabilities in accordance with the Americans with Disabilities Act. Including but not limited to, equal opportunity to participate and benefit, equally effective communication for persons with speech, hearing or cognitive disabilities, integrated seating, and the provision of reasonable modifications and/or accommodations and to maintain, and provide to the City upon request, a recorded of all such requests received, granted and/or denied and the reason for any denials.

## **FACILITY USE/RENTALS (BALL FIELDS/PARKS/SPORTS COURTS)**

### **PERMITTING PROCEDURE**

1. Requests for exclusive use of a City-owned park/recreation facility or portion thereof by any individual, group or organization must be submitted in writing to the Department, and require a minimum of ten days submittal, in advance of the requested date and shall contain the reason for the request.
2. Requests for use of City-owned parking lots adjacent to City-owned parks and recreation facilities must be submitted in writing to the Departments a minimum of ten

working days in advance of the requested date and shall contain the reason for the request.

3. Requests for use of the City-owned parking lots on the Downtown Mall (Main Street from Picacho Street to Lohman Avenue) must be submitted in writing to the Facilities Department a minimum of ten working days in advance of the requested date and shall contain the reason for the request. Uses that compete with established businesses or the Farmers and Crafts Market are prohibited. Because of the proximity to businesses on the Downtown Mall, use of these parking areas shall only be permitted from 7:00 p.m. to 10:00 p.m., Monday through Saturday, or from 9:00 a.m. to 10:00 p.m., Sundays.
4. Permits for exclusive use of City-owned parks, recreation facilities or parking areas will be issued for a period not less than four hours for the established fee, with the following considerations:
  - a. Permit requests for all parks, pavilions, gazebos and shelters will be rented for an established fee and time period.
  - b. The proposed use will not unreasonably interfere with general public enjoyment of a facility.
  - c. The proposed activity is not anticipated to incite violence, crime or disorderly conduct.
  - d. The proposed activity will not entail unusual expense (overtime scheduling) or risk to the City.
  - e. The facility or portion thereof requested has not previously been reserved.
  - f. The facility requested is suitable for the activity proposed.
  - g. The proposed activity will not interfere with the promotion of public health, welfare and safety of the citizens of Las Cruces.
  - h. All appropriate paperwork has been completed in full and accepted by the Departments.
  - i. The individual, group or organization insures the permitted facility will be left in a clean and acceptable condition.

## **NON-DISCRIMINATION COMPLIANCE**

Facility users will not discriminate against any person in access to or participation in any program contemplated by this policy, or in any facility used in connection therewith, on the basis of race, color, national origin, age, disability, or sex. Facility users will ensure that all programs, services and activities are accessible to an useable by persons with disabilities in accordance with the Americans with Disabilities Act, including but not limited to, equal opportunity to participate and benefit, equally effective communication for persons with speech, hearing, and other impairments, integrated seating and the provision of reasonable modifications and/or accommodations and shall adhere to the City of Las Cruces Communication Policy (if portable toilets are going to be provided, accessible units must also be provided at each blank of standard units).

## **INSURANCE**

The City requires that users of City-owned facilities for special requests, one-time events, athletic leagues, tournament play, and recreational programs provide proof of liability insurance to cover such use of the facilities, with the City of Las Cruces named as an additional insured on the policy, if staff determines that such insurance is necessary. This proof of insurance will be forwarded to the Departments no later than 30 working days prior to the scheduled event for annual routine requests or no later than ten working days prior to the scheduled event. The amount of this insurance shall coincide with the limitations of the *New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1*.

## **SPECIAL EVENTS AND SPORTS LEAGUE REQUESTS**

Annual exclusive use requests for special events and use of athletic facilities must be submitted in writing to the Departments no later than December 30 for the following year and must contain the reason for the request.

1. The following information/documentation must be submitted along with the request for facilities:
  - a. On an annual basis 30 days prior to a special event, submit a detailed financial statement covering funds received and expended for the event or league operations to include local, state, regional or national tournaments for previous year special event or program. The City of Las Cruces may also require an audit at the organization's expense in cases where the City of Las Cruces provides funding or direct support.

- b. On an annual basis 30 days prior to a special event, submit proof of insurance for upcoming special event, season or operations, or within ten days prior to the special event.
  - c. On an annual basis 30 days prior to a special event, submit proof of non-profit corporation status with the State of New Mexico Corporation Commission.
  - d. On an annual basis 30 days prior to a special event, submit prior year copy of Form 990 tax-exempt report filed with the Internal Revenue Service.
2. It shall be the responsibility of the individual, group, or organization to insure the permitted facility is left in a clean and acceptable condition.
  3. Use of athletic facilities for scrimmages will be controlled and coordinated by league officials with approval of the Parks Management Section of the Facilities Department.
  4. It shall be the responsibility of the individual, group, or organization to follow up with Park Management personnel five days prior to the event to secure needed equipment and ensure all services approved will be properly coordinated.
  5. The Parks and Recreation Section shall reserve the right to reschedule, cancel, or postpone league games, tournaments, and/or parks special events due to inclement weather, or unforeseen City related events.
  6. Leagues/Associations will provide program registration at a non-City facility(s) and conduct all business away from Parks and Recreation facilities.

## **BOATING**

~~Depending on water conditions, non-motorized craft will be allowed at Burn Lake only with a pre-approved Park Permit unless closed for unacceptable water conditions. Electric powered remote control model boats will not be allowed in Young Park Pond and Burn Lake except during approved special events with approved Park Permit.~~

## **FISHING**

Fishing will be allowed at Burn Lake during normal park operating hours (5:00 a.m. to 11:00 p.m.) under the New Mexico Game and Fish Department Regulations. Fishing will be allowed at Young Park Pond for those 12 years of age and younger.

## **SWIMMING**

Swimming is allowed at Laabs Pool, East Mesa Bataan Memorial Pool, Regional Aquatic Center and Frenger Pool. No swimming is allowed in the Young Park Pond.

## **CARNIVALS AND AMUSEMENTS**

Requests for conducting Circuses, Carnivals/Amusement Parks and similar businesses must be submitted to the Planning Department's Permitting Office. If approved, these businesses must then apply for a Park Permit if the activity is conducted at a Parks and Recreation area or facility.

## **ROLLER SKATING, ROLLERBLADING AND SKATEBOARDING**

The City of Las Cruces may designate and restrict areas and facilities for these purposes.

## **GOLFING**

No hitting of golf balls allowed on any City or park facility as per *LCMC, Part II, Chapter CD 20.5, Section 20-36*, with the exception of City golf programming.

## **MOBILE CONCESSIONS/VENDING**

Any individual, group, business entity or organization engaged in the sale of food, beverage, or any other merchandise at a public park within the City limits must obtain a permit from the Parks and Recreation Section. Applicant is responsible and required to meet all applicable city, state and health department laws and regulations, including acquiring all necessary permits for food and beverage preparation. All such permits must be provided to the City prior to the issuance of a permit from the Parks and Recreation Section. Applicant is required to provide the City a copy of proof of liability insurance coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence, naming the City of Las Cruces as an additional insured. The City of Las Cruces recognizes that some youth leagues/organizations utilize concession space to help off-set program costs. In this instance, insurance is required as well as financial records.

## **SPECIAL USE PERMITS (MODEL AIRPLANES/MODEL ROCKETS/METAL DETECTING)**

Model Airplanes/rockets and metal detecting are recognized as legitimate recreation activities when they are conducted in ways that do not damage the natural and cultural resources of City of Las Cruces park facilities.

A Facility Use Permit is required to use any city park for these activities. Use of metal detectors is limited to park areas only and not in ball field areas. To obtain a Facility use Permit visit the Parks and Recreation Administrative Office at 1501 E. Hadley.

## **INFLATABLE/PORTABLE PLAY EQUIPMENT**

The City of Las Cruces allows inflatable play equipment at designated sites in certain parks. Some parks do not allow inflatable play equipment at all. Any business that operates/leases party and or event equipment, i.e. jumping balloons, dunk tanks, sporting equipment, etc., in a City park/facility is required to provide proof of general liability insurance in the amount of one million dollars (\$1,000,000) per occurrence, with the City of Las Cruces named as an additional insured.

The amount of the insurance shall coincide with the limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1. This proof of insurance must be forwarded to the Parks and Recreation Section for record keeping. Uninsured businesses may be held personally responsible for injury or damages caused by any uninsured or unauthorized inflatable or portable play equipment.

## **VEHICLES AND DRIVING IN CITY PARKS**

Driving or parking vehicles on the grass or landscaping located in a City park or on City property is prohibited except during events for which a permit has been granted. Driving on park property results in damage to both turf and irrigation sprinkler systems and can result in costly repairs. Items should be hand carried from the street or parking lot to the interior of a park. This is also true for local businesses that offer tents or other large items for party rentals or other activities. In addition, no parking is allowed on the grass surrounding soccer fields and softball/baseball fields. This section does not apply to City vehicles, emergency vehicles or public utility service vehicles.

## **WELLNESS PROGRAM**

The City of Las Cruces has expanded the current workplace Wellness Program by recognizing the value of improving the health and well-being of its employees. The program is designed to improve employee morale, loyalty, and productivity. Employees have been provided access to physical fitness classes, the weight room and cardio rooms, nutrition classes, diabetes checks, health fairs, and golf opportunities through a partnership with New Mexico State University. Staff will continue to seek ways to increase the benefits for City of Las Cruces employees and their family members.

## **PARK OPENING AND CLOSING HOURS**

1. City parks may be open from 5:00 a.m. until 11:00 p.m., except for emergencies, permitted special events and in parks where hours are posted differently from those operating under the normal operating time. *Refer to LCMC, Chapter 22, Parks and Recreation, Article I. "In General", Section 22-1*

2. Unidad Park and Butterfield Shooting Range hours of operation are sunrise to sunset.
3. Individuals shall not be allowed in any City park during closing times unless authorized by permit.
4. The City Manager has the authority to change opening and closing hours of City parks.
5. Parks and Recreation Section employees or Police employees are not restricted by the opening and closing hours when in performance of their duties.
6. For further information regarding park operations, please *refer to LCMC, Chapter 22, Section 22-1*, available in the City Clerk's Office.

## **WEAPONS**

As the owner of public lands and facilities, the City does not and will not consent to or permit any person to possess a deadly weapon of any type, concealed or otherwise, on or in any City park(s) or public facility(s), with the exception of Butterfield Shooting Range. The consent of any person to be in or on a public park(s) or facility(s) while carrying a deadly weapon of any type, concealed or otherwise, is expressly withdrawn by the City.

## **PET OWNER'S RESPONSIBILITIES**

The City of Las Cruces requires by *LCMC, Ordinance Section #7-4.e.* that all pet owners clean up after their pet while they visit our parks and facilities.

In addition, dog owners must have their dogs under their control and on a lead not longer than eight (8) feet; off leash recreation is provided at the "Off Leash Dog Park".

Pet owners will be restricted from bringing their pets to athletic complexes, unless designated as a service animal.

## **CONCESSIONS, MERCHANDISING, ADVERTISING AND SIGNS**

1. Individuals, groups or organizations, while utilizing City-owned parks and/or facilities, are prohibited from the following unless authorized by the Departments in writing:
  - a. ~~The City of Las Cruces reserves the right to allow by permit all concessions to individuals, groups or organizations utilizing City owned facilities or to contract all or any part of the concessions to a sole vendor. Providing they obtain the required registration/license and permits from the City of Las Cruces and/or the State of New Mexico Environmental department.~~

- ~~b. Offering for sale any concessions, merchandise, or service, a minimum of ten percent (10%) of gross receipts must be submitted to the City with appropriate financial records no later than ten (10) working days after the event (Does not apply to special events).~~
  - a. Calling to the public attention an article or service for sale or hire.
  - b. Posting or erecting any sign on City-owned property unless authorized by the City Sign Code.
  - ~~e. Offering for sale any merchandise or service on any streets or public parking lots outside the facility area within 300 feet of concession operation.~~
  - c. Collection of money by an individual, group, or organization from the public for services and/or merchandise where all or some of such monies will be disbursed to an entity, individual, group or organization, will only be authorized by permit. Applicable park rental fees may apply.
2. a. The Parks and Recreation Section has created advertising opportunities that will develop partnerships with our local business community to increase the visibility of their respective businesses and to ensure the sustainability of offering quality/affordable programs to the citizens of Las Cruces. The manner in which these advertisements will be offered will be a 4 X 8 personalized banner to be displayed at designated athletic facilities. If advertising on additional facilities and or properties becomes permissible under City policy in the future, advertising may be extended to these facilities and properties subject to the conditions outlined within City policy.

## **EXCEPTIONS**

There may be requests that are exceptions to this policy. These requests will be reviewed on a case-by-case basis and may require ~~Facilities Department Parks and Recreation Section, Community Development,~~ Parks and Recreation Advisory Board, City Manager, or City Council approval.

## **PERMIT APPEAL PROCESS**

Individuals, groups, or organizations that have been denied use of City-owned parks and/or recreational facilities by the management of the Departments, whether for profit or non-profit use, have access to an appeal process to the City Council through City Council Policy Number 6001-1. This policy will be outlined on all facility permit requests.

## APPEALS TO DISCIPLINARY ACTION OF CITY OF LAS CRUCES RECREATION PROGRAMS/ACTIVITIES

### 1. Suspension Process

- a. Verbal discussion by the program administrator that puts the patron on notice that their behavior is unacceptable and will not be tolerated in the future. Incident report and documentation of discussion to be filed on site with a copy sent to the Department Director.
- b. Immediate suspension by program administrator, not to exceed two normal workdays. Saturday and Sunday for purposes of this policy are not considered normal workdays.
- c. Suspension of 30 to 60 days by Department Director. Written notice will be sent to the patron via certified mail.
- d. Suspension longer than 60 days by Review Board. Written notice will be sent to the patron via certified mail.

### 2. Appeal Process

If an individual believes that a Disciplinary Action imposed by City Facility or City Sponsored program personnel is not reasonable, the decision may be appealed. The appeal process will follow the steps outlined in City Council Resolution 02-323, Ban from Public Facility Policy.

- a. All incidents will be documented on an incident report. The next higher level of authority shall review the incident and the action taken.
- b. Immediate suspension can be appealed to the Department Director.
- c. Suspension by Department Director can be appealed to the Review Board.
- d. Suspension by the Review Board can be appealed to City Council.

All appeals beyond the Department Director will require a notice of appeal in writing requesting to appeal and stating the reason and facts as to why an appeal is being requested. The notice of appeal in writing must be submitted no less than fifteen (15) working days prior to the next Review Board or City Council Meeting.

**JUSTIFICATION** – This change is being implemented to comply with City Council Resolution 02-323 - Ban From Public Facilities Policy.

## **CITY OF LAS CRUCES RECREATION APPEALS TO DISCIPLINARY ACTION OF TEAMS/LEAGUES**

1. Any individuals, groups, or organizations which have been disqualified or suspended from further participation in a City-sponsored or co-sponsored activity and wish to appeal must have exhausted all league or organization appeals processes. After doing so, they may appeal to the Parks and Recreation Advisory Board and ultimately to the City Council if necessary.
2. Individuals, groups, and organizations will abide by the terms of this policy and any management issues brought forward to City staff and/or Board Members such as (but not limited to):
  - a. Disciplinary inconsistencies.
  - b. Disbursement of funds.
  - c. Open board meetings.
  - d. Complaints from the public regarding questionable and ethical practices.

Said items or issues, at the appropriate times, may be considered or addressed by the Parks and Recreation Advisory Board and ultimately by the City Council and may be grounds for revoking the permitted facility and/or funds by the City of Las Cruces.

### **PENALTIES**

1. All individuals, groups or organizations in violation of this policy or any facility regulations or City Ordinances may have their permit revoked immediately and/or may be issued a citation(s) for ordinance violations.

Any event at which individuals, groups or organizations create a noise nuisance to residents within the proximity of the facility being utilized will be subject to cessation by members of City staff, or if necessary, the Police Department.

### **CITY FEE WAIVER POLICIES (as established by City Council)**

1. City Fee Waiver Policy.
2. Park Facility Fee Waiver for Military Services at Veterans Memorial Park.
3. Official City Sponsored or co-sponsored events as approved by City Council.

**CITY OF LAS CRUCES  
PARKS AND RECREATION PROGRAMS AND FACILITIES  
PROPOSED 2011/2012 FEES & CHARGES/FACILITY USE SCHEDULE**

**I. GENERAL RECREATION PROGRAMS**

General Instructions:

<b>Program</b>	<b>Session</b>	<b>FY 10/11</b>	<b>Proposed FY 11/12</b>
Fitness/Circuit Training	1 class	\$2.00	\$2.00
Fitness Punch Card	30 visits	\$48.00	\$48.00
Gymnastics – Parent/Tot	8 classes	\$30.00	\$30.00
Gymnastics – Beginning	8 classes	\$30.00	\$30.00
Gymnastics – Intermediate	8 classes	\$30.00	\$30.00
Children's Dance Classes (Monthly)	4 classes	\$30.00	\$30.00
Adult Dance	4 weeks 8 classes	\$35.00	\$35.00
Cheer/Dance	4 weeks 8 classes	\$30.00	\$30.00
Racquetball/Pickleball	1 hour/court	\$2.00	\$2.00
Racquetball/Pickleball Racquet Rental	1 racquet	\$1.00	\$1.00
Teen Dance – Club Fusion	1 admission	\$3.00	\$3.00
Water Fitness Class	1 class	\$2.00	\$2.00
Water Fitness Class Punch Card	30 visits	\$48.00	\$48.00
Sticks for Kids - Youth	8 weeks	\$30.00	\$30.00
Sports 101 - Youth	8 classes	\$30.00	\$30.00
Weight Room	Daily Fee	\$1.00	\$1.00
Weight Room Punch Card	24 visits	\$20.00	\$20.00
Therapeutic Program Dance	1 admission	\$2.00	\$2.00
<del>Therapeutic Jazzercise</del>	<del>1 class</del>	<del>N/C</del>	
<del>Therapeutic Exercise</del>	<del>1 class</del>	<del>N/C</del>	
<del>Therapeutic Art</del>	<del>1 class</del>	<del>N/C</del>	
<del>Therapeutic Outreach Art</del>	<del>1 class</del>	<del>N/C</del>	
<del>Therapeutic Savvy Socialites</del>	<del>1 class</del>	<del>N/C</del>	
Shower Fee	1 each	\$1.00	\$1.00
Towel Fee	1 each	\$1.00	\$1.00
Recreation/Activity Camps (Old Summer Recreation Program)	AM Session PM Session	\$30.00 \$30.00	\$30.00 \$30.00
Start-Smart Sports Program-Youth	Per person	\$30.00	\$30.00
Preschool Class	8 classes	\$45.00	\$45.00
Locker Rental	Daily	\$.50	\$.50

Locker Rental	Weekly	\$2.50	\$2.50
Locker Rental	Monthly	\$10.00	\$10.00
Locker Rental	Yearly	\$120.00	\$120.00
Locker Deposit (long-term use)		\$20.00	\$20.00
Music Lessons	Monthly	\$35.00	\$35.00
Art Classes (Youth)	Monthly	\$15.00	\$15.00
Art Classes (Adult)	Monthly	\$20.00	\$20.00
Jewelry Class (Youth)	2 classes	\$5.00	
Lunch Bucket Basketball	Daily Fee	\$2.00	\$2.00
Summer Recreation Program	AM Session	\$30.00	
	PM Session	\$30.00	
<sup>1</sup> After School Program	20 days Semester	\$60.00	\$273.00
Copy Fee	Per copy	\$.50	\$.50
Indoor Cycling	1 class	\$2.00	\$2.00
Special Programs/New Opportunities*			

<sup>1</sup> Late registration midway through program will be accepted based on availability; a fee of \$3.00 per day (for each day remaining in program) will be assessed.

\*Staff will pursue additional program opportunities throughout the year and set fees based on Council's direction concerning rates of recovery.

### Therapeutic Recreation Programming – Private Entities

A programming fee will be charged for Therapeutic Recreation Program administered activities held at any private entity (outside of a City building). The Therapeutic Recreation programming fee will be a minimum of 25 cents per participant/care provider per activity. This fee may vary based on the activity, allowing for a wide-range of diversity in venues and opportunities for program participants. The Therapeutic Recreation Program will work with care providing agencies, care providers and participant families to set activity programming fees for more costly and expansive activities. This programming fee will provide a minimal cost recovery and help off-set direct expenses incurred for the facilitation and delivery of such activities.

### Sports League Program:

Program	Session	FY 10/11	Proposed FY 11/12
Adult Basketball*			
Winter League	11 games	\$420.00	\$420.00
Summer League	9 games	\$395.00	\$395.00
Youth Basketball **	10 games	\$300.00/team	
Holiday Camp	Per person	\$60.00	\$60.00

Racquetball League	12 games	\$12.00	\$12.00
Spring Break Sports Camp	AM Session	\$30.00	
	PM Session	\$30.00	
Flag Football League - Adult	Per Team	\$360.00	\$360.00
Flag Football Tournament- Adult	6games/team	\$200.00	\$200.00
Flag Football Tournament-Youth	6 games/team	\$150.00	\$150.00
City Nights Basketball League		N/C	
3-on-3 Hoops League/Tourney	Per person	\$10.00	\$10.00
Basketball Coaches Certif.	1 year	\$30.00	\$30.00
Officiating Clinic	1 year	\$25.00	\$25.00
Youth Sports Leagues (City)	8 games	\$25.00/child	\$35.00/child

\* Adult Leagues run at 100 percent recovery of direct cost.

\*\*Youth Leagues run at 85 percent recovery of direct cost.

The Parks and Recreation Section will have the authority to research and pursue new and innovative revenue sources by utilizing new and creative programming or single event activities for all ages and abilities.

#### Special Events:

Program	Session	FY 10/11	Proposed FY 11/12
Road Races/Road Races Late Fee			
Youth Running Events/Late Fee	1 race	\$20.00/\$25.00	\$15.00/\$25.00
Program Session Fee			
Adult Running Events/Late Fee	1 race		\$20.00/\$25.00
Running Event Series	3 5K races		\$30.00
Duathlon/Duathlon Late Fee	1 race	\$30.00/\$35.00	\$30.00/\$35.00
Children's' Triathlon and Races	1 race	\$15.00	
Harvest Festival	Per family	N/C	
Car/Motorcycle show	Per entry	\$20.00	

- II. **SWIMMING** (In the event of pool closures and capacity, open recreation and swim time will be split into two equal sessions. All swimming pools will have split sessions during summer months (Memorial Weekend thru Labor Day).

#### Community Education Classes:

Program	Session	FY 10/11	Proposed FY 11/12
First Aid	4 hrs.	\$25.00	\$25.00
CPR-PR		\$45.00	\$45.00
Recertification (CPR-PR or First Aid)	One time	\$20.00	\$20.00

Recertification (Lifeguard Skills)	One time	\$60.00	\$60.00
Home Swimming Pool/Spa Water Safety	1.5 hours	\$25.00	\$25.00
Open Water Safety	1.5 hours	\$25.00	\$25.00
Home Swimming/Water Safety/Open Water	3 hours	\$45.00	\$45.00
Swim Steps (8 & Under Swim Test Preparation)	1 Session	\$1.00	\$1.00

**NEW CHILD WATCH FEE!****Daily Fees (Frenger/East Mesa/Laabs):**

	Age Group	FY 10/11	Proposed FY 11/12
Infant	0-2 years	Free	Free
Youth	3-17 years	\$2.00	\$2.00
Adult	18-60 years	\$4.00	\$4.00
Senior	61 +years	\$3.00	\$3.00
Child Watch Fee (Parent/Guardian)	N/A		\$1.00

**30 Punch Admission Card – Dates to be enforced (Frenger/East Mesa/Laabs):**

	Age Group	FY 10/11	Proposed FY 11/12
Infant	0-2 years	Free	Free
Youth*	3-17 years	\$50.00/30 punch	\$50.00/30 punch
Adult*	18-60 years	\$110.00/30 punch	\$110.00/30 punch
Senior*	61 +years	\$80.00/30 punch	\$80.00/30 punch

\*Reduced rate at \$10 off of proposed Youth, Adult and Senior 30 Punch Admission. Monthly Passes/punch cards purchased at Frenger/East Mesa/Laabs Pool can ONLY be used at these Venues.

**Lessons:**

Program	Levels	FY 10/11	Proposed FY 11/12
Private Lessons	(All ages)	\$30.00/hour	\$30.00/hour lesson
Swimming Lessons			
Infant/Toddler/Preschool/Level 1,2	Beginner	\$40.00/8 classes	\$40.00/8 classes

	Levels 3,4 (Intermediate)	\$55.00/ 8 classes	\$55.00/8 classes
	Levels 5,6 (Advanced)	\$55.00/8 classes	\$55.00/8 classes
Lifeguarding does not include books or pocket mask		\$150.00/30 hours	\$155.00/30 hours
Lifeguarding Instructor (LGI) Does not include books		\$165.00/26 hours	\$170.00/26 hours
Water Safety Instructor (WSI) (minimum age 16 years) Does not include books		\$185.00/30 hours	\$190.00/30 hours
Water Safety Instructor Aide Be A Guard (WSIA and Guard Start) (minimum age 10-15 years/ have passed Level 3		\$60.00/10 hours	\$95.00/15 hours

**Rentals: Frenger Swimming Pool (Entire Pool)**

Amount of Group	FY 10/11	Proposed FY 11/12	Guards On Duty
1-20 People	\$75.00/hr	\$75.00/hr	2 Guards
21-45 People	\$85.00/hr	\$85.00/hr	3 Guards
46-60 People	\$95.00/hr	\$95.00/hr	4 Guards
61-90 People	\$105.00/hr	\$105.00/hr	4-5 Guards

**Rentals: Laabs/East Mesa Swimming Pools (Entire Pool)**

Amount of Group	FY 10/11	Proposed FY 11/12	Guards On Duty
1-20 People	\$150.00/hr	\$150.00/hr	4 Guards
21-45 People	\$170.00/hr	\$170.00/hr	6 Guards
46-80 People	\$190.00/hr	\$190.00/hr	8 Guards
81-102 People	\$210.00/hr	\$210.00/hr	8-10 Guards
103-124 People	\$230.00/hr	\$230.00/hr	8-10 Guards
125-146 People	\$250.00/hr	\$250.00/hr	8-10 Guards
147-165 People	\$270.00/hr	\$270.00/hr	10-12 Guards
166-185 People	\$290.00/hr	\$290.00/hr	10-12 Guards
186-200 People	\$310.00/hr	\$310.00/hr	10-12 Guards

**Rentals: Laabs/East Mesa Swimming Pools (Zero Entry and Slide)**

Amount of Group	FY 10/11	Proposed FY 11/12	Guards on duty
1-20 People	\$75.00/hr	\$75.00/hr	2 Guards
21-45 People	\$85.00/hr	\$85.00/hr	3 Guards
46-80 People	\$95.00/hr	\$95.00/hr	4 Guards
81-102 People	\$105.00/hr	\$105.00/hr	4-5 Guards

Swim Team Rentals as per agreement. ~~other than~~ LCAT, LCPS and Wild West \$8.00 per lane/hour (Fronger/East Mesa/Laabs/Regional Aquatic Center).

Rentals will be based on overall demand (public use) and safety window of opportunity (amount of daylight).

**Holidays/Maintenance Closures:**

Swimming pools may be closed on City observed holidays with the exception of Memorial Day, Fourth of July and Labor Day.

**LAS CRUCES REGIONAL AQUATIC CENTER****GENERAL**

Program	Session	FY 10/11	Proposed FY 11/12
Shower Fee	1 each	\$1.00	\$1.00
Towel Fee	1 each	\$1.00	\$1.00
Locker Rental	Daily	\$0.50	\$1.00
Locker Rental	Weekly	\$2.50	\$2.50
Locker Rental	Monthly	\$10.00	\$10.00
Locker Rental	Yearly	\$120.00	\$120.00
Locker Deposit		\$20.00	\$20.00
Fitness Classes/Lap Swim	1 hour	\$2.00	\$2.00

**Special Events:**

Program	Session	FY 10/11	Proposed FY 11/12
Children's' Triathlon and Races	1 race	\$15.00	\$15.00

**NEW CHILD WATCH FEE!****Daily Fees:**

	Age Group	FY 10/11	Proposed FY 11/12
Infant	0-2 years	\$2.00	\$2.00
Youth	3-17 years	\$3.00	\$3.00

Adult	18-60 years	\$5.00	\$4.00
Senior	61 + years	\$4.00	\$3.00
Child Watch Fee (Parent/Guardian)	N/A	Regular Daily Fee	\$1.00

**30 Punch Admission Card – Dates to be enforced.**

	Age Group	FY 10/11	Proposed FY 11/12
Infant	0-2 years	\$50.00/30 punch	\$50.00/30 punch
Youth*	3-17 years	\$80.00/30 punch	\$80.00/30 punch
Adult*	18-60 years	<del>\$140.00/30 punch</del>	\$110.00/30 punch
Senior*	61 +years	<del>\$110.00/30 punch</del>	\$80.00/30 punch

\*Reduce rate at \$10 \$20.00 off of proposed Youth, Adult and Senior 30 Punch Admission Card.

Gift certificates are available for purchase at all swimming pool facilities.

**Swimming Lessons:**

Program	Levels	FY 10/11	Proposed FY 11/12
Private Lessons	All Ages	\$30.00/hour	\$30.00/hour
Infant/Toddler/Preschool/ Level 1 & 2	Beginner	\$40.00/8 classes	\$40.00/8 classes
	Levels 3 & 4 (Intermediate)	\$55.00/8 classes	\$55.00/8 classes
	Levels 5, 6 & 7(Advanced)	\$55.00/8 classes	\$55.00/8 classes
Lifeguarding (does not include books or pocket mask)		\$150.00/30 hours	\$155.00/30 hours
Lifeguarding Instructor (LGI) Does not include books		\$165.00/26 hours	\$170.00/26 hours
Water Safety Instructor (WSI) Minimum age 16 years. Does not include books		\$185.00/30 hours	\$190.00/15 hours
Water Safety Instructor Aide (WSIA) – Be A Guard WSIA & Guard Start (Working at Pools) Minimum age 10 15 years. Must have passed Level 3		\$60.00/10 hours	\$95.00/15 hours

\*Lifeguard Training fee is refundable upon successful completion of certification process and upon hire with the City of Las Cruces (completion of 90 days of service).

**Rentals: (Entire Pool – excluding Therapy Warm Water Pool)**

Amount of Group	Guards on Duty	FY 10/11	Proposed FY 11/12
1-20 People	4 Guards	\$175.00/hr	\$175.00/hr
21-45 People	6 Guards	\$200.00/hr	\$200.00/hr
46-80 People	8 Guards	\$225.00/hr	\$225.00/hr
81-102 People	8-10 Guards	\$250.00/hr	\$250.00/hr
103-124	8-10 Guards	\$275.00/hr.	\$275.00/hr
125-146	8-10 Guards	\$300.00/hr	\$300.00/hr
147-165-161	10-12 Guards	\$325.00/hr	\$325.00/hr
166-185	10-12 Guards	\$350.00/hr	
186-200	10-12 Guards	\$375.00/hr	

**Rentals: (Therapy Warm Water Pool)**

Amount of Group	Guards on Duty	FY 10/11	Proposed FY 11/12
1-20 People	2 Guards	\$100.00/half hour	\$100.00/half hour
21-40-30 People	4 Guards	\$200.00/half hour	\$200.00/half hour

**Rentals: (Party Room)**

Room	FY 10/11	Proposed FY 11/12
Party Room/Wet	\$50.00/hr.	\$50.00/1 ½ hours
Party Room/Dry	\$50.00/hr.	\$50.00/1 ½ hours

\*If pool swim session is to be utilized in conjunction with Party Room rental, pool fees will also be assessed.

### III. FACILITIES RENTAL

Meerscheidt, Mesilla Park, Henry Benavidez, East Mesa and Life Center (Weekend):

Rental Area	FY 10/11	Proposed FY 11/12
Multi Purpose Room	\$50.00/hr	\$50.00/hr
Class Room	\$30.00/hr	\$30.00/hr
Any additional room associated with Multi Purpose Rental	\$20.00/hr	\$20.00/hr
Auditorium (Mesilla Park Community Center only)	\$60.00/hr	\$60.00/hr
Gym Rentals (Meerscheidt Rec Center only)	\$40.00/hr	\$40.00/hr

## Mesilla Park (weekday operations only):

Rental Area	FY 10/11	Proposed FY 11/12
Multi Purpose Room	\$25.00/hr	\$25.00/hr
Class Room	\$15.00/hr	\$15.00/hr
Any additional room associated with Multi Purpose Rental	\$10.00/hr	\$10.00/hr
Kitchen Rental (hours restriction)	\$15.00/hr	
Auditorium (Mesilla Park Community Center only)	\$30.00/hr	\$30.00/hr

## East Mesa/Henry Benavidez (weekday operations only):

Rental Area	FY 10/11	Proposed FY 11/12
Multi Purpose Room Only	\$25.00/hr	\$25.00/hr

## Meerscheidt Recreation Center (weekday operations only):

Rental Area	FY 10/11	Proposed FY 11/12
Multi Purpose Room Only	\$25.00/hr	\$25.00/hr

## Club Fusion (Weekend/Weekday):

Rental Area	Amount of Group/Seating Capacity	FY 10/11	Proposed FY 11/12
South Side Rental	1-150	\$100.00/hr	\$100.00/hr
North Side Rental	1-280	\$150.00/hr	\$150.00/hr

City approved professional security guard services by the renter at a ratio of one guard for every 50 guests (licensed/bonded).

In an effort to reduce staff overtime costs, no rentals will be offered on Sundays.

#### IV. FUNDRAISING RENTALS FOR RECREATION FACILITIES

- A. Rate applies to any individual, group or organization holding fundraisers (i.e. enchilada dinners, dances, tournaments, etc.) excluding sponsored leagues.
- B. The cost of the rental fee in cases of fundraising will be the baseline amount of the facility rental plus 10 percent of the gross profit.
- C. This policy applies to all individuals, groups or organizations whether profit or non-profit, private or public.
- D. Individuals, groups or organizations charging the public will provide a financial statement and 10 percent of the gross profit 10 working days after the rental.
- E. Staff may require service Security Guards

**V. MERCHANDISE**

<b>Merchandise</b>	<b>Amount Requested</b>	<b>FY 10/11</b>	<b>Proposed FY 11/12</b>
Program/Event T-Shirts			
Short Sleeve	Each	\$10.00	\$10.00
Long Sleeve T-Shirts	Each	\$15.00	\$15.00
Sweatshirts	Each	\$20.00	\$20.00
Swim Pant Fee/Youth	Each	\$1.00	\$1.00
Swim Pant Fee/Adult	Each	\$2.00	
Goggles	Each	\$8.00	\$10.00
Towels	Each	\$10.00	\$10.00
Swim Cap	Each	\$4.00	\$4.00
Reusable Water Bottle	Each	\$5.00	\$5.00

**VI. PARK PERMIT FEE**

<b>Facility Requests</b>	<b>Number of Hours/Day Fee</b>	<b>FY 10/11</b>	<b>Proposed FY 11/12</b>
Park area/section	4	\$50.00	\$50.00

**VI. SPORTS LEAGUES (PER FIELD/PER GAME FEE)**

<b>Sport/Age Group</b>	<b>FY 10/11</b>	<b>Proposed FY 11/12</b>
Recreational Youth Baseball/Softball/Soccer/Football (Local – 18 years and under)	\$0	\$0
Select Youth Baseball/Softball/Soccer/Football (Local - 18 years and under)	\$10.00	\$10.00
Adult Baseball/Softball	\$20.00	\$20.00
Adult Football/Soccer	\$15.00	\$15.00
Senior Softball/Baseball (Local)	\$0	\$0
Adult Tournaments (per 12 hours)		
4 Field Complex	\$400.00	\$400.00
3 Field Complex	\$300.00	\$300.00
Single fields	\$100.00	\$100.00
High Noon #6-16 (additional soccer fields at \$100 per day)	\$500.00	\$500.00
Provencio Van Dame	\$300.00	\$300.00
Soldados	\$200.00	\$200.00
Apodaca Baseball	\$200.00	\$200.00

Youth Tournaments (per 12 hours) 4 Field Complex 3 Field Complex Single fields High Noon #6-#16 (additional soccer fields at \$100 per day) Provencio Van Dame Soldados Apodaca Baseball	\$200.00 \$150.00 \$50.00 \$500.00  \$150.00 \$100.00 \$100.00	\$200.00 \$150.00 \$50.00 \$500.00  \$150.00 \$100.00 \$100.00
Camping Fees RV/Trailer Tents	 \$10.00 per night \$5.00 per night	 \$10.00 per Night \$5.00 per night

#### VII. MOBILE CONCESSION/VENDING FEES

Park Space	Monthly Fee Without Service FY11/12	Monthly Fee With Service FY 11/12
*Park/Ball field	\$50.00	\$100.00 (electricity)

\*These fees apply to private or for profit entities.

1 THE PARKS AND RECREATION ADVISORY BOARD CONDUCTED A PUBLIC  
2 HEARING MEETING ON THE FEES AND CHARGES/FACILITY USE POLICY AS  
3 PART OF THEIR REGULAR MONTHLY MEETING ON THURSDAY, MARCH 17,  
4 2011 AT CITY HALL.

5 "DRAFT EXCERPTS"  
6 FEES ANDCHARGES/FACILITY USE POLICY  
7

8 PARKS & RECREATION ADVISORY BOARD MEMBERS  
9

10 PRESENT: Mr. Ron Camunez, Advisory Board Vice-Chair, Mr. Frank  
11 Carill, Ms. Jill Steinhoff, Ms. Alice Ward and Mr. Eli  
12 Guzman, Mr. Mark O'Neill (arrived at 6:13 p.m.)

13 ABSENT: Mr. Isaac Chavez, Advisory Board Chair

14 OTHERS PRESENT: Ms. Coralie Carrier, Picacho Gun Club, Mr. John Moen,  
15 Mesilla Valley Shotgun Sports, Mr. Joe Fries, Mesilla Valley  
16 Shotgun Sports, Mr. Mark Johnston, Parks and Recreation  
17 Administrator Mr. Ray Reta, Parks District Supervisor, Mr.  
18 Ed Carnathan, Convention and Visitor's Bureau, and Ms.  
19 Barbara Gomez, Parks & Recreation Administrative  
20 Assistant/P & R Advisory Board Recording Secretary.  
21

22 Meeting was called to order at 6:00 p.m.  
23

24 Mr. Johnston covered the highlighted areas in the "draft" document provided in the  
25 Board packets. He stated that for the last couple of years the Parks and Recreation  
26 Section had adopted a separate Aquatic Fee schedule. After receiving much public  
27 input; staff is requesting to incorporate the following changes and/or additions as well  
28 as include the aquatic fees into one policy:  
29

30 Page 3 PROGRAMMING HOURS OF OPERATION (New) Faced with a  
31 \$300,000 budget shortage staff is proposing a reduction in hours of  
32 operation at Recreation Centers.

33 Pages 3-4 SPONSORSHIP OF GROUPS LC Youth Soccer formally High Noon  
34 Soccer League, Southwest Youth Sports, Mesilla Valley Shotgun Sports,  
35 Las Cruces Youth Softball and Minor Threat Junior Roller Derby were  
36 added to the section as "may be" previously stated as "are" co-sponsored  
37 by the City, and A Children's Theater of the Mesilla Valley was deleted  
38 from that section.

39 Pages 4-5 RECREATION FACILITY AGE LIMITS (New) Applies to age categories  
40 for all Recreation facilities.

41 Page 6 RESTORATIVE/MEDICAL POOL PROGRAM (New) The Regional  
42 Aquatic Center is offering a reduced fee for qualifying individuals and  
43 their care provider(s) for individuals with medical conditions that would  
44 benefit from water to enhance, restore, and maintain a person's  
45 functional abilities.

- 1 **Pages 7-8** Changed the language of Damage/Clean-Up fee in order to simplify the  
 2 refund procedure. If there is any damage beyond normal wear and tear,  
 3 the renter may be responsible. Use of kitchen was struck out, because  
 4 we don't have kitchens. Returned Checks language was struck,  
 5 duplication from page 4. Set-Up struck the word duration and substituted  
 6 with supervision. Caterers struck all references to preparation of raw  
 7 food or kitchen use.
- 8 **Page 9** Struck out Health Department Regulations because they are non-  
 9 applicable. Decorations verbiage struck out. Clean-Up verbiage struck  
 10 out.
- 11 **Page 11** Struck out the Facility Use/Rentals (Ballfields/Parks/Sports Courts) title.
- 12 **Page 14** (New) 7. Leagues/Associations. Struck out BOATING (boating is not  
 13 allowed except through special permit).
- 14 **Page 15** (New) Mobile Concessions/Vending – Last year we began offering  
 15 concessions in our City parks. Language added solidifies the rules.  
 16 Leagues will use concessions in order to off-set the costs of operation.  
 17 SPECIAL USE PERMITS (MODEL AIROPLANES/MODEL  
 18 ROCKETS/METAL DETECTING) (new) Staff would like for customers to  
 19 fill out a Facility Use form when using a park facility for the above  
 20 activities.
- 21 **Page 16** INFLATABLE/PORTABLE PLAY EQUIPMENT – Most vendors do not  
 22 carry insurance. In order to be legal, they (vendor) MUST have  
 23 insurance. Damage has occurred to pipes and wires in the past due to  
 24 hap-hazard placement of equipment. Signage is being worked on to  
 25 inform public of policies and procedures. (New) VEHICLES AND  
 26 DRIVING IN CITY PARKS and (New) WELLNESS PROGRAM.
- 27 **Page 17** CONCESSIONS and language under a. struck out.
- 28 **Page 18** Language under b. struck out (removing 10% allows staff to negotiate  
 29 fees). Language under e. also struck out. 2. a. (New) - Identifies what  
 30 Council is letting us do in advertising. EXCEPTIONS – Sentence struck.
- 31 **Pages 21-31 Fee & Charges/Facility Use Schedule**
- 32 • Revised to reflect the programming that we are currently offering and
  - 33 changed the sessions from “weeks” to “classes.”
  - 34 • Late registration was added due to the After School Program.
  - 35 Previously, there was no method to charge clients a pro-rated fee (\$3
  - 36 per day).
  - 37 • Anything redundant has been removed.
  - 38 • Special programs are now being sponsored by private entities and will
  - 39 be run in conjunction with the City.
  - 40 • Added a New Child Watch Fee \$1.
  - 41 • Adjusted Punch Card fee; Lifeguarding fee increased by \$5 in order to
  - 42 cover expenses.
  - 43 • Will not rent the entire Aquatic Center.
  - 44 • Changed Therapy Pool to Warm Water Pool.

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- In an effort to reduce staff overtime costs, no rentals will be offered on Sundays. Rental money goes back into the general fund and does not cover staff costs.
- Removed Adult Swim Pant fee.
- MOBILE CONCESSION/VENDING FEES (new) \$50 flat fee per month for park space without electricity; with electricity a flat fee of \$100 per month.

**ADJOURNMENT**

Mr. Camunez adjourned the Fees and Charges/Facility Use Policy part of the meeting at 6:32 p.m. This item was voted on during the Parks and Recreation Advisory Board regular meeting that followed immediately after.

**V. New Business**

**A. Fees and Charges/Facility Use Policy – Action**

Mr. Carril motioned to adopt the new policy with additions and corrections as presented. Mr. O’Neill seconded the motion. Motion passed 5-0.

Mr. Mark O’Neill voted YES	Ms. Jill Steinhoff voted YES
Mr. Frank Carril voted YES	Mr. Eli Guzman voted YES
Ms. Alice Ward voted YES	