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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4 Ordinance/Resolution# 12-153

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of March 5, 2012
 (Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING AGREEMENTS WITH THE POLICE ATHLETIC LEAGUE, INC. (PAL) FOR OPERATIONS AND THE DISBURSEMENT OF STIPENDS FOR THE BOXING PROGRAM IN THE AMOUNT OF \$14,000 AND SALARY FOR THE PAL EXECUTIVE DIRECTOR IN THE AMOUNT OF \$6,000 FOR A TOTAL REIMBURSEMENT OF \$20,000.

PURPOSE(S) OF ACTION:

To approve the operational agreements and stipends for the PAL Boxing Program.

COUNCIL DISTRICT: ALL		
<u>Drafter/Staff Contact:</u> Alma Cortez	<u>Department/Section:</u> Police/Codes	<u>Phone:</u> 528-4100
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Police Athletic League (PAL) assumed the responsibility of providing a boxing program for Las Cruces youth in 1972. PAL volunteers relieve the City of a significant program responsibility by conducting all organized training, coaching, and supervision of boxing events. For many years, the City of Las Cruces has subsidized a portion of the operational expenses associated with the provision of programs through PAL.

The requested stipends will be used to help offset the operational expenses (\$14,000) for the PAL Boxing Program and provide a nominal (\$6,000) salary for the PAL Executive Director. The funds are requested for FY 2011/12. It is anticipated that requests for funding will be required for FY 2012/13 and for FY 2013/14. At the conclusion of FY 2014, the PAL Boxing Program will no longer require City funding.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Agreement between the City of Las Cruces and the Police Athletic League.

(Continue on additional sheets as required)

3. Exhibit "B", Boxing Program Policy between the City of Las Cruces and the Police Athletic League for operations and the Executive Director's salary.
4. Attachment "A", Guidelines and Fee Schedule for the Police Athletic League Boxing Program.

SOURCE OF FUNDING:

Is this action already budgeted?	Yes	<input checked="" 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 type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
1000/General Fund Purchased Services General	10147010-722190	\$20,000	\$37,953	\$17,953	Police Department needs.

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the agreements for stipend allocation (\$14,000) and executive salary (\$6,000) for FY 2011/12.
2. Vote "No"; this will not approve the agreements for stipend allocation and executive salary.
3. Vote to "Amend"; and provide different funding options.
4. Vote to "Table"; and provide staff with further 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.

1. Resolution No. 07-054.

RESOLUTION NO. 12-153

A RESOLUTION APPROVING AGREEMENTS WITH THE POLICE ATHLETIC LEAGUE, INC, (PAL) FOR OPERATIONS AND THE DISBURSEMENT OF STIPENDS FOR THE BOXING PROGRAM IN THE AMOUNT OF \$14,000 AND SALARY FOR THE PAL EXECUTIVE DIRECTOR IN THE AMOUNT OF \$6,000 FOR A TOTAL REIMBURSEMENT OF \$20,000.

The City Council is informed that:

WHEREAS, the Las Cruces Police Athletic League (PAL) has been operating a boxing program since 1972 and has been providing youth activities; and

WHEREAS, the parties desire to enter into an agreement to provide reimbursement for the operational expenses of a youth boxing program in the amount of \$14,000 for FY2011/2012; and

WHEREAS, the parties desire to renew an agreement to provide funding for the salary of an executive director for the PAL Youth Program in the amount of \$6,000; and

WHEREAS, the City has previously funded the PAL Executive Director's salary (\$6,000) and provided a stipend (\$14,000) for operations; and

WHEREAS, funding for the salary and stipend is identified in the FY2011/2012 Police Department operational budget.

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

(I)

THAT the agreements attached hereto as Exhibit "A" and "B", and made a part of this resolution are hereby approved.

(II)

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

DONE AND APPROVED this _____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

City Attorney

44
**CITY OF LAS CRUCES
AND POLICE ATHLETIC LEAGUE
AGREEMENT**

THIS AGREEMENT is entered into between the Police Athletic League of Las Cruces, a non-profit organization, hereinafter referred to as "P.A.L.", and the City of Las Cruces, New Mexico, a municipal corporation, hereinafter referred to as "City".

WHEREAS, P.A.L. has been operating in the Las Cruces area since 1972 and has been providing youth activities including but not limited to a boxing club.

WHEREAS, the City of Las Cruces has been a partner in providing funding for the continued operation of the P.A.L. boxing program.

IT IS THEREFORE AGREED AS FOLLOWS:

1. P.A.L. will:

- a. Operate a boxing program at the City owned P.A.L. boxing club facility located at 700 N. Solano.
- b. Provide a detailed financial statement on an annual basis, within 30 days of conclusion of this Agreement, covering funds received and expended for program operations to include local, state, regional, or national tournaments for the previous year program. The City of Las Cruces may also require an audit of the organization's expenses in cases where the City of Las Cruces provides funding or direct support.
- c. Provide proof of insurance on an annual basis. Being that the program is in operation year-round, insurance will be up-to-date at time of contract start date. If for any reason the insurance expires prior to conclusion of the Agreement, P.A.L. will provide proof of up-to-date information.
- d. Provide proof of non-profit corporation status with the State of New Mexico Public Regulation Commission on an annual basis, stating P.A.L. is in good standing throughout the Agreement term. If for any reason, status expires prior to conclusion of Agreement, P.A.L. will provide proof of up-to-date information.

- e. Provide a prior year copy of Form 990 Tax Exempt Report, filed with the Internal Revenue Service, within ⁴⁵30 days of taxable year-end date.
- f. Indemnify and hold harmless the City from any claim for personal injury or property damage caused by the negligent act or omission of P.A.L., its employees or agents, and from all claims or causes of actions including attorney fees and court costs that may arise out of or as a result of this Agreement.
- g. Procure and maintain a policy of Workmen's Compensation Insurance of its employees, and a policy of general liability insurance, with limits of coverage as specified in the New Mexico Tort Claims Act with the City named as an additional insured on such liability policy. P.A.L. will not undertake any activities under this Agreement until the City is provided proof of such insurance.
- h. Not discriminate against any person regarding access to, or participation in any program contemplated by this Agreement, or to any facility used in connection herewith, on the basis of race, color, sex, national origin, age or disability.
- i. Ensure that all programs, services, and activities are accessible to and usable 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 adhering to the City of Las Cruces Communication Policy. If portable toilets are going to be provided, accessible units must also be provided at each bank of standard units.
- j. Provide sportsmanship orientation/training for managers, coaches and participants on an annual basis.
- k. Provide an established, written appeals procedure for participants, parents, coaches, managers, and board members.
- l. Assist the City with administration and full compliance of the PAYS Program by providing "Parents Association for Youth Sports Training" for every parent or legal guardian of each participant on an annual basis.
- m. Provide a written, established policy on corrective action to be taken by P.A.L. officials dealing with the consumption of alcohol by coaches and

managers prior to, during, and after practices and games, and corrective
46
action by P.A.L. officials on reports of mistreatment of participants.

- n. Provide a written, established refund policy.
- o. Have designated officials attend financial training provided by the City of Las Cruces Finance Department.
- p. Provide qualified boxing coaches, material, and equipment for said program.
- q. Provide janitorial services to maintain the boxing club facility in a clean condition.
- r. Comply with boxing expenditure guidelines adopted by the P.A.L. Board of Directors and as amended.
- s. Prepare a written request to the City of Las Cruces for reimbursement for operational funding in the amounts not to exceed the following:
 - \$3500.00 for operational expenses incurred from July 2011 to September 2011, submitted on or before October 30, 2011.
 - \$3500.00 for operational expenses incurred from October 2011 to December 2011, submitted on or before January 30, 2012.
 - \$3500.00 for operational expenses incurred from January 2012 to March 2012, submitted on or before April 30, 2012.
 - \$3500.00 for operational expenses incurred from April 2012 to June 2012, submitted on or before July 15, 2012.
- t. Conduct a minimum of one public meeting open to the public on an annual basis. The meeting shall include the election of the board of directors for the association and shall be held prior to the start of the season(s). Additionally, the meeting shall be held to discuss and formally approve any changes in rules or regulations and/or formal action to be considered by the association. The association shall notify the City of the meeting place, date and time; and shall also advertise the same a minimum of one week in advance through a newspaper of general circulation. The minutes of this meeting shall be recorded, transcribed and forwarded to the City Recreation Section along with a copy of the public notice. Failure to conform with this section may delay award of City funds to the association.
- u. Provide program registration information, contact name and number to the Recreation Section Office at least two weeks prior to registration date.

- v. Provide all league/facility schedules to Recreation Section at least two weeks prior to start of season.⁴⁷

2. The City will:

- a. Provide athletic facilities and funding only after this Agreement has been signed, the City will notify the Association when the Agreement is ready to be signed.
- b. Schedule, monitor and provide assistance with the PAYS Training Program as needed.
- c. Provide cash handling and financial management training, and disburse monies in accordance with the City's Finance Department policies, after receipt of proof of expenditures by the Association.
- d. Have the Internal Auditor's Office review the financial statement as needed.
- e. Pay for utility and building expenses for the boxing facility located at 700 N. Solano.

IT IS FURTHER AGREED by and between the parties:

1. That this Agreement shall not be altered, changed, or amended except in writing by both parties.
2. That this Agreement incorporates all the agreements, covenants, and understandings between the parties concerning the subject matter, hereof, and all such covenants, agreements, and understandings verbal or otherwise, of the parties or their agents, shall not be valid or enforceable unless embodied in this written agreement.
3. That this Agreement shall be governed by the laws of the State of New Mexico.
4. That failure of P.A.L. to sign this Agreement, and attend required financial training will be cause to terminate the Agreement as well as the use of City athletic facilities.
5. This Agreement shall extend from August 7, 2011, through June 30, 2012. At the end of the term, the Agreement will remain in effect until negotiations are complete with a new Agreement or until one party notifies the other of intent not to renegotiate an agreement.

6. That the City of Las Cruces 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.

DONE AND APPROVED THIS _____ DAY OF MARCH, 2012.

POLICE ATHLETIC LEAGUE OF LAS CRUCES

BY: _____

TITLE: _____

CITY OF LAS CRUCES, NEW MEXICO

BY: _____

CITY MANAGER

(ATTEST)

CITY CLERK

(SEAL)



APPROVED AS TO FORM:

CITY ATTORNEY

**CITY OF LAS CRUCES POLICE DEPARTMENT
BOXING PROGRAM POLICY**

**BOXING PROGRAM CRITERIA AND GUIDELINES
FOR THE DISTRIBUTION OF CITY FUNDS/STIPENDS**

PURPOSE:

1. Provide partial funding (stipends) to the Police Athletic League Boxing (PAL) Program to assist with the operational costs of the Program.
2. Provide funding to the Police Athletic Executive Director to oversee the day to day activities of the Police Athletic League, in the amount of \$6,000.

OBJECTIVE:

To provide guidelines and criteria for the distribution of City funding/stipend(s) to the PAL Program and the Executive Director. The funding is intended to be used to lower the cost of participation for local youth participants. Youth is defined as any person under the age of 18 or 18 years of age.

PROCEDURE

All youth from the City of Las Cruces are eligible to join the PAL Boxing Program. All participants/members must be registered with USA Boxing.

ORGANIZATION RESPONSIBILITIES:

In order to qualify for City funding the PAL organization must meet the following:

- a. Operate a boxing program at the City owned PAL boxing club facility located at 700 N. Solano.
- b. Provide a detailed financial statement on an annual basis (the end of the fiscal year), within 30 days. The financial statement(s) will detail all funds received and expended for all league operations to include local, state, regional, or national tournaments for the previous fiscal year. The City of Las Cruces may also require an audit of the organization's expenses and revenues in cases where the City of Las Cruces provides funding, direct support or use of City facilities.
- c. Provide proof of insurance listing the City of Las Cruces as additionally insured, on an annual basis, or 30 days prior to a special event. If for any reason the insurance expires prior to the conclusion of the calendar year, the league will provide proof of up-to-date information. The activities will not be authorized without proof of insurance listing the City of Las Cruces as additionally insured.
- d. Provide proof of 501c3 (or equivalent) non-profit corporation status with the State of New Mexico Public Regulation Commission on an annual basis, stating the

league is in good standing. If for any reason, status expires prior to conclusion of the calendar year, the association will provide proof of up-to-date information or return all City provided funding.

- e. Provide a copy of Form 990 or equivalent Tax Exempt Report, filed with the Internal Revenue Service, within 30 days of taxable year end date.
- f. Provide the City of Las Cruces with a letter of request for operating expenses stating the amount of the funding request; and outline how the funds will be utilized.
- g. Provide to the City the number of participants, teams, events, tournaments, coaches, volunteers and any paid position with the funding request.
- h. Procure and maintain a policy of Worker's Compensation Insurance of its employees, and a policy of general liability insurance, with limits of coverage as specified in the New Mexico Tort Claims Act with the City named as an additional insured on such liability policy. The Program will not undertake any activities until the City is provided proof of insurance.
- i. Not discriminate against any person regarding access to, or participation in any program, or any facility used in connection therewith, on the basis of race, color, sex, national origin, age or disability.
- j. Ensure that all programs, services, and activities are accessible to and usable by persons with disabilities in accordance with the American 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 adhering to the City of Las Cruces Communication Policy. If portable toilets are going to be provided, accessible units must also be provided at each bank of standard units.
- k. Provide an established written appeals procedure for boxers, parents, coaches, managers and board members.
- l. Provide a written established corrective action policy to be followed by program official dealing with the consumption of alcohol by coaches, manager, or participants prior to, during, or after practices or games and corrective action taken by league officials on reports of mistreatment of players.
- m. Provide a written, established refund policy.
- n. Have designated officials attend financial training provided by the City of Las Cruces Finance Department.
- o. Conduct a minimum of one Public Meeting open to the public on an annual basis. The meeting shall include the election of the board of directors for the program and shall be held in August. Additionally, the meeting shall be held to discuss and formally approve any changes in rules or regulations and/or formal action to be considered formal action to be considered by Program.

FUNDING REQUESTS WILL BE PRIORITIZED BASED ON THE FOLLOWING CRITERIA:

- A. All funds will be utilized for all boxers registered under the PAL Boxing Program.

- B. Program does not have paid positions (coaches) running the program.
- C. Number of youth benefiting from the stipend/funding.
- D. Program will utilize other type of funding opportunities.
- E. Program will utilize fund raising efforts to reduce costs to participate.

FUND DISBURSEMENT:

The PAL Boxing Program and the stipend for the Executive Director pending approval from City Council may submit requests for payment to the Las Cruces Police Department.

DONE AND APPROVED THIS _____ DAY OF MARCH, 2012.

POLICE ATHLETIC LEAGUE OF LAS CRUCES

BY: _____

TITLE: _____

CITY OF LAS CRUCES, NEW MEXICO

BY: _____

CITY MANAGER

(ATTEST)

CITY CLERK

(SEAL)

APPROVED AS TO FORM:

CITY ATTORNEY

**LAS CRUCES POLICE DEPARTMENT
POLICE ATHLETIC LEAGUE (PAL)
BOXING PROGRAM POLICY**

2011/2012 FEES & CHARGES/FACILITY USE POLICY

INTRODUCTION

The Las Cruces Police Department has the responsibility to establish policy for recovering costs for using the Police Athletic League Boxing Gym (also named: Sammy Burke Boxing Gym) and equipment. This policy is meant to be a guide to Administration, the Las Cruces Police Department, and the City Council, in developing a fair and consistent fee schedule.

AUTHORITY

The authority to establish appropriate fee and facility use on an annual basis rests with the City Council. The Las Cruces Police Department shall act in an advisory capacity to the City Council in the establishment of the policy.

FACILITATION

The Las Cruces Police Department shall develop fees and recommend appropriate uses of the Police Athletic League Boxing Gym and participation in the PAL Programs. The fee will be reviewed annually by staff, Las Cruces Police Department 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 and participation in the program; for determining which uses 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

A \$75.00 registration fee for each participant is mandated by the rules and regulations of USA Boxing. The City of Las Cruces does not receive any of these funds. The fee is collected and sent to USA Boxing for mandatory insurance for each participant.

FACILITIES

The existing Police Athletic League Boxing Gym (Sammy Burke Boxing Gym).

REFUND POLICY

In the event a PAL sponsored activity is cancelled, all persons making a donation or having been charged a fee shall be reimbursed according to the actual donation or fee charged.

Participant Fee:

In order to ensure the safety and cover liability of participants with the Las Cruces PAL Boxing Program all individuals working out at the Sammy Burke Youth Center must register, no exceptions.

A \$75.00 registration fee for each participant is mandated by the City of Las Cruces and U.S.A. Boxing. Due to the immediate processing of the registration by U.S.A. Boxing, Colorado Springs, CO., the \$75.00 fee cannot be refunded.

RETURNED CHECK POLICY

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

AGE CATEGORIES FOR PROGRAM

Required Provisions for PAL Boxing Program:

USA Boxing Requirements for Amateur Boxing:

1. Junior Olympic Division: Age 8 – 16
 - a. Bantam Division: 8, 9 and 10 years old.
 - b. Junior division: 11 – 12 years old
 - c. Intermediate Division: 13 – 14 years.
 - d. Senior Junior Olympic Male; 15- 16
 - e. Senior Junior Olympic Woman 15 – 16.
2. Open Division: 17 – 34
3. Under nineteen/Jr. Men Division: 17 – 18
4. Master Division: 3 and above.

Section 101.8 USA State or Municipal Restrictions:

If any state or municipal statute/law prohibits or restricts participation in amateur boxing in accordance with USA Boxing rules, regulation or policies, the US Championships or other similar events will not be conducted or sanctioned in that (those states(s) or municipality(ies)).

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 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, 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 bank of standard units).

INSURANCE

Provide proof of insurance listing the City of Las Cruces as additionally insured, on an annual basis, or 30 days prior to a special event. The activities will not be authorized without proof of insurance.

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

Suspension Process

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.

Immediate suspension by program administrator, not to exceed two normal workdays. Saturday and Sunday for purposes of this policy are not considered normal workdays. Suspension of 30 to 60 days by Department Director. Written notice will be sent to the patron via certified mail.

Suspension longer than 60 days by Review Board. Written notice will be sent to the patron via certified mail.

1. 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.

PENALTIES

1. All individuals, groups or organization 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 for ordinance violations.
2. 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.

FACILITY USE

Only registered PAL Boxers are allowed to work out in the gym. They include:

- a. Youth 18 or under 18 (free)
- b. Over 18 (fees will be accessed)
- c. Pro Boxers (fees will be accessed)
- d. PAL Trainers (fees will be accessed)

They must be registered with USA Boxing and carry their own insurance.

FEES & CHARGES/ FACILITY USE SCHEDULE

All Boxers	\$75.00 per year – USA Boxing Insurance
Youth 18 and under	Free
Over 18	\$50.00 a year
Pro Boxers	\$60.00 a year plus insurance
Trainers	\$60 a year plus insurance