

**RESOLUTION NO. 5089**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD  
AMENDING SOLEDAD ADMINISTRATIVE ORDER NO. 0000-02 ALLOCATION OF  
COMMUNITY CENTER HOURS**

**WHEREAS**, on January 4, 2006, the City Council adopted through Resolution No. 3724, City Policy No. 560 regarding the Allocation of Community Center hours to conform the Policy to an agreement with the YMCA; and

**WHEREAS**, on June 2, 2010, said Policy No. 560 was revised to reflect a new title as Administrative Order No. 0000-02.

**WHEREAS**, as a result of negotiations between the City and the South County YMCA towards a new management agreement, effective July 1, 2015, amendments to Administrative Order No. 0000-02 are necessary to reflect clarifications concerning the allocation of community center hours for consistency with the new Management Agreement.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the City Council of the City of Soledad approves an amendment to Administrative Order No. 0000-02 Allocation of Community Center Hours, as shown in "Exhibit A," attached hereto and by this reference, incorporated herein.


**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Soledad duly held on the 3<sup>rd</sup> day of June, 2015, by the following vote:

AYES, and in favor thereof, Councilmembers: Christopher K. Bourke, Richard J. Perez, Patricia D. Stephens, Mayor Pro Tem Alejandro Chavez and Mayor Fred J. Ledesma

NOES, Councilmembers: None

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None

  
\_\_\_\_\_  
FRED J. LEDESMA, Mayor

ATTEST:

  
\_\_\_\_\_  
ADELA P. GONZALEZ, City Clerk

## ALLOCATION OF COMMUNITY CENTER HOURS

### I. PURPOSE

To provide organizations, non-profit agencies and schools with a process whereby they may reserve and use the City's Community Center for events at no charge. As well as establishing guidelines and criteria to assure that the use and reservation of the City's Community Center are processed in a fair and equitable manner.

### II. SCOPE

This policy applies to all organizations, non-profit agencies and schools requesting use of the City's Community Center for events.

### III. POLICY

The City owns a community center which may be utilized by members of the community during established operating hours. The City has entered into an agreement with a Contractor whereby the Contractor is responsible for operating the Community Center. Under the City's agreement with the Contractor, the City enjoys unlimited use of the Community Center for City use or City-sponsored events. Additionally, the City may authorize up to fifty hours of use of the Community Center for non City-sponsored events free of charge.

Organizations that wish to utilize the Community Center, for non City-Sponsored events, free of charge must submit a request to the City Council for such use. In considering an organization's request for use of the Community Center free of charge, the City Council will consider whether the event is one which will actively enhance the quality of life for residents of the City of Soledad. In addition, proceeds generated from the event must be earmarked for the benefit of Soledad residents and may not be used to cover administrative costs such as salaries and benefits. Furthermore, the City Council encourages a goal of self-sufficiency for all community-based organizations and therefore requests may be limited to one per year.

### IV. DEFINITION

#### A. City and City-Sponsored Events

City events are events which the City organizes for City business. The City enjoys unlimited use of Community Center for City events.

City-sponsored events are those events which the City has formally sponsored, by Resolution. **City sponsored use results in no rental charge to the Requester and use hours are not deducted from the City's Allocation of Non-City Sponsored Hours. Unless the Requester assumes full responsibility for the set-up, take-down and clean-up, the Requester will be charged by the**

**YMCA a Set-up/Take-down/Cleaning fee for the number of hours necessary for set-up, take-down and clean-up.**

## **B. Non City-Sponsored Events**

Non City-sponsored events include those events which the City Council has not approved and/or sponsored, by Resolution. The City may authorize up to fifty (50) hours of use of the community center, ***with no rental fee***, for non City-sponsored events. In this case, the City approved hours in excess of 50 per year, the Contractor's current rental rates and charges will apply and be directly charged to the City.

**Non-City sponsored events result in no rental charge to the requester. Hours used will be deducted from the City's Allocation of Non-City Sponsored Hours. The Requester assumes full responsibility for the set-up, take-down and clean-up associated costs.**

Priority for use of the Community Center is established as follows in the order named:

**CATEGORY A:** Activities sponsored by the City of Soledad.

**CATEGORY B:** Functions of non-profits organizations, groups not commercial in nature, not designed to produce private revenue, and normally promoted for general public attendance.

Included in this category are service organizations, youth groups promoted by service organizations, private and public schools, school organizations, school sports functions or activities, fund raising activities of recognized welfare organizations, church activities involved in fund raising, or group activities of a fund-raising nature.

Note: Category "B" groups will be required to show proof of non-profit status from the Secretary of State in order to qualify for into this category. Use of the facility will not be permitted until verification is received.

## **V. PROCEDURE**

The City of Soledad has developed guidelines whereby organizations may request use of the Community Center, for one-time events, free of charge. The purpose of the guidelines is to develop a procedure whereby organizations can request use of the Community Center at no charge when the City determines that such use will primarily benefit residents of the City of Soledad. Organizations which desire to use the Community Center free of charge shall clearly state in their application whether they are applying for City sponsorship of their event, or alternatively, whether their event is a non City-sponsored event.

### **A. Qualifying Criteria**

1. The requesting organization must be a non-profit agency as defined by the Internal Revenue Services (IRS) with a tax-exemption status of 501 C (3), (4), (7), (19).
2. The requesting organization should provide public service(s) which is not duplicated by the City of Soledad or other organizations in the City.

3. The majority of the beneficiaries (more than 75%) of the proposed program, activity and/or special project must be residents of the City of Soledad.
4. The requesting organization shall provide a written statement which affirms that funds generated from the event will not be donated to political action committees or to any candidates seeking election to office nor for conduct of any religious activity.
5. Requests for use of the Community Center shall be for a “one-time or one-day” use of the Community Center.

**B. Reservations of Community Center**

Organizations requesting allocation of Community Center Hours pursuant to this policy shall comply with the provisions set forth in the Contractor’s Rental Agreement packet.

**C. Criteria for Evaluating Proposals**

1. Staff will evaluate the specifics of the proposed program, activity or special project and how such comply with Section A “Qualifying Criteria.” and whether or not a public need will go unmet without the event.
2. Consistency with stated City Council goals and objectives including business attraction, employee recognition, programs for our youth, health and safety, education, neighborhood improvements and community-wide safe environment.
3. Whether or not the contribution could expose the City to civil liability.
4. Preventive nature of program, project or activity to protect our citizenry and, in the long run, to reduce future public agency expenditures due to focuses and prevention.
5. Performance history of the organization.

Once an application has been evaluated, Staff will recommend to the Council, at a City Council meeting, how many hours it recommends to be allocated for an event or to sponsor the event. The City Council thereafter has the ability to accept, deny and/or modify staff’s recommendation on the number of hours allocated to an event or sponsorship. If the Council does not approve all the hours required by the event, the organization is financially responsible for any costs associated with the hours in excess of those required by the Contractor and those approved by the City Council.

**ATTACHMENT I**  
**IRS TAX-EXEMPTION STATUS**

501(c)(1)-- Corporations organized under Acts of Congress

501(c)(3) -- Organizations

501(c)(4) -- Civic Leagues and Social Welfare Organizations

501(c)(5) -- Labor, Agricultural, and Horticultural Organizations

501(c)(6) -- Business Leagues, Etc.

501(c)(7) -- Social and Recreation Clubs

501(c)(8) and (10) -- Fraternal Beneficiary Societies and Domestic Fraternal Societies

501(c)(4), (9), and (17) -- Employees' Associations

501(c)(11)-- Teachers' retirement fund associations

501(c)(12) -- Local Benevolent Life Insurance Associations, Mutual Irrigation and Telephone Companies, and Like Organizations

501(c)(13) -- Cemetery Companies

501(c)(14) -- Credit Unions and Other Mutual Financial Organizations

501(c)(15)-- Mutual insurance companies

501(c)(16)-- Corporations organized to finance crop operations

501(c)(18)-- Employee funded pension trusts (created before June 25, 1959)

501(c)(19) -- Veterans' Organizations

501(c)(20) -- Group Legal Services Plan Organizations

501(c)(21) -- Black Lung Benefit Trusts

501(c)(22)-- Withdrawal liability payment fund

501(c)(23)-- Veterans' organizations (created before 1880)

501(c)(24) organizations (section 4049 ERISA trusts)

501(c)(25) -- Title Holding Corporations for Multiple Parents

501(c)(26) -- State-Sponsored High-Risk Health Coverage Organizations

501(c)(27) -- State-Sponsored Workers' Compensation Reinsurance Organizations

501(d)-- Religious and apostolic associations

501(e)-- Cooperative hospital service organizations

501(f)-- Cooperative service organizations of operating educational organizations

**AN AMENDMENT EXTENDING THE TERM OF THE COMMUNITY CENTER  
MANAGEMENT AGREEMENT BETWEEN THE CITY OF SOLEDAD  
AND THE CENTRAL COAST YMCA, SOUTH COUNTY BRANCH**

**Recitals**

- A. City is the owner of that facility known as the Soledad Community Center ("Community Center"), located and operated within the City of Soledad, California.
- B. In June of 2010, the City of Soledad and the Central Coast YMCA, South County Branch ("YMCA") entered into a two-year Community Center Management Agreement for said facility, which was extended for an additional two-year term by Council action in June of 2012.
- C. In May of 2014, the City of Soledad and the Central Coast YMCA, South County ("YMCA") entered into a six-month Community Center Management Agreement extension by Council action.
- D. City desires to once again extend the term of the Community Center Management Agreement an additional six-months, which will come to an end on December 31, 2014.

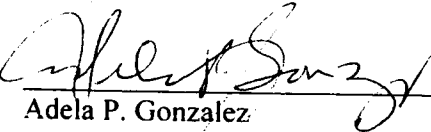
**NOW THEREFORE**, in consideration of the recitals set forth above and pursuant to the terms and conditions set forth below, the Parties Agree as follows:

1. **Extended Term.** The Community Center Management Agreement between the City of Soledad and Central Cost YMCA, South County Branch is hereby extended for six months, from December 31, 2014 to June 30, 2015. All stipends and/or payments from City to YMCA called for by said Agreement shall be prorated during the extension term.
2. With the execution of this Amendment the City Council has accepted and approved that the Contractor shall set all rates and charges for programs, services and rentals, and shall cause the schedule of rates and charges to be printed and made available at the Community Center and cause a copy to be delivered to the City Manager. This provision supersedes Section 10(b) of the existing agreement.
3. The Contractor shall set all policies and regulations for facility rentals and cause a copy of the policies and regulations to be available at the Community Center and cause a copy of the policies and regulations to be delivered to the City Manager. This provision does not affect Section 11 of the current contract regarding Reservation of Use by the City.
4. The Contractor shall not be required to pay the City of Soledad three percent (3%) of rental fees for a City reserve fund, for the six (6) month extension period. This provision supersedes Section 6 (a), B and 10 (c).
5. Upon City approval of an appropriate estimate, the City of Soledad will reimburse the Contractor for the cost of a certified profit and loss statement which includes line item

detail of all revenue and expenditures specific to the South County YMCA for programs, services and facility operations. The Contractor shall bear the full cost of its regular organizational annual financial audit and provide a copy to the City as requested.

All other terms and conditions of the Community Center Agreement shall remain in full force and effect.

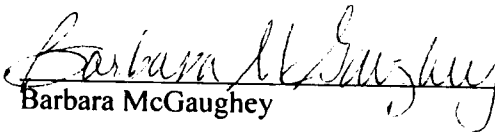
CITY OF SOLEDAD

By:   
Adela P. Gonzalez

Dated: 12/4/2014

Title: City Manager

YMCA

By:   
Barbara McGaughey

Dated: 11/28/14

Title: President and CEO