

RESOLUTION NUMBER R- 311478DATE OF FINAL PASSAGE DEC 20 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING THE PARK AND RECREATION DEPARTMENT FEE SCHEDULE, AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF REVENUE COLLECTED BY THE RECREATION COUNCILS, AND RELATED ACTIONS.

WHEREAS, Council Policy 700-42 recognizes recreation councils and states the purpose of recreation councils is “to promote the recreation programs in the community through planning, administering, publicizing, coordination, and interpretation;” and

WHEREAS, pursuant to Council Policy 700-42, the City issued special use permits to fifty-two recreation councils to plan, administer, promote, and develop community recreation programs; and

WHEREAS, Council Policy 700-42 and the special use permits authorized recreation councils to conduct certain administrative responsibilities, including collecting and expending funds paid pursuant to the Park and Recreation Department (Department) Fee Schedule and participation fees paid by the public for community recreation programs and classes offered at City facilities; and

WHEREAS, on September 8, 2017, the Office of the City Attorney issued a memorandum opining that all funds collected by recreation councils are City funds subject to San Diego Charter (Charter) and San Diego Municipal Code requirements governing the use of City funds; and

WHEREAS, as a result of this legal conclusion and in accordance with the Charter, the Department is proposing amendments to the Department Fee Schedule to cause fees currently paid to recreation councils to be paid to the City and deposited in the City Treasury; and

WHEREAS, the City is seeking authority to appropriate and expend funds received through these actions to continue recreation programming at City facilities either directly or in partnership with the recreation councils; and

WHEREAS, the City desires to allow those recreation councils with current nonprofit status to retain funds received from grants, donations, and fundraising efforts with proper documentation upon expiration of their special use permits; and

WHEREAS, to provide for continuity of services to the community, the City desires to enter into assumption agreements with independent contractors currently providing services at City facilities through contracts with the recreation councils; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, as follows:

1. That the Park and Recreation Department Fee Schedule is amended to remove all references to "Recreation Council" and any reference to specifically named recreation councils and to replace all of those references with "City of San Diego".
2. That the Park and Recreation Department Fee Schedule is amended to authorize the Director of the Park and Recreation Department to establish a category for and set programming fees for individual recreation programs provided at City facilities.
3. That the City Clerk is hereby directed to amend the Ratebook of City Fees and Charges maintained in the Office of the City Clerk to include the amendments described above.
4. That the Chief Financial Officer is authorized to appropriate and expend all recreation center area funds, including recreational program and permit revenue.
5. That all such funds shall be expended only in the geographical area in which the funds were collected and shall be used exclusively for the continued provision and administration of recreational programming and activities, including City administrative costs.

6. That Mayor or his designee is authorized to execute, for and on behalf of the City, assumption agreements with independent contractors currently providing recreation classes and programs at City recreation facilities under contract with the recreation councils.

7. That upon expiration of the Special Use Permits with recreation councils, the City Treasurer is authorized to allow those recreation councils with current non-profit status to retain funds received from grants, donations, and fundraising, if documented appropriately.

8. Recommend proposed Interim Standard Operating Procedures and Responsibilities for recreation councils be adopted.

9. That a working group be established to recommend changes to related documents such as a permanent Standard Operating Procedures, any Special Use Permit and Council Policy; and to provide a proposal to the City Council and that the working group include two members from each City Council District, selected by the Councilmember representing the District.

10. Request the Park and Recreation Department return to Committee/Council with an update on the status of the working group by June 30, 2018.

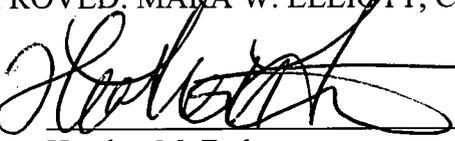
11. Recommend that until amendments to Council Policy 700-42 are adopted, the Park and Recreation Department work closely with the recreation councils to maintain programs and events consistent with the status quo, to establish fees charged by the City for programs, and to adopt a budget for the expenditure of funds in each City account assigned to a recreation council, all in accordance with the requirements of the San Diego Charter and San Diego Municipal Code.

12. That from January 1, 2018, until amendments to Council Policy 700-42 are adopted, each City account assigned to a recreation council will be allocated the revenue

collected by the City from City park facilities and programs, which were previously collected by the recreation councils.

13. Recommend City staff work with the recreation councils on the expenditure and collection of City funds currently held by the recreation councils in accordance with the requirements of the San Diego Charter and San Diego Municipal Code.

APPROVED: MABA W. ELLIOTT, City Attorney

By   
Heather M. Ferbert  
Deputy City Attorney

HMF:nja  
12/01/17  
12/20/17 Revised  
Or.Dept: Park & Recreation  
Doc. No.: 1637642\_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

See attached memo and signature page

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM  
MS 59**

**(619) 533-5800**

**DATE:** December 20, 2017  
**TO:** City Clerk  
**FROM:** City Attorney  
**SUBJECT:** Docket Item S500 on December 13, 2017, revised resolution R-2018-241

---

Attached to this memorandum is Resolution Number R-2018-241 REV. This item was heard at council meeting December 13, 2017 has been updated.

MARA W. ELLIOTT, CITY ATTORNEY

By



Heather M. Ferbert  
Deputy City Attorney

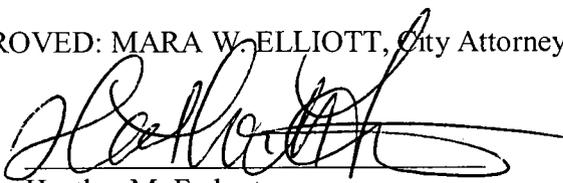
HMF:nja  
Doc. No.: 1653130

6. That Mayor or his designee is authorized to execute, for and on behalf of the City, assumption agreements with independent contractors currently providing recreation classes and programs at City recreation facilities under contract with the recreation councils.

7. That upon expiration of the Special Use Permits with recreation councils, the City Treasurer is authorized to allow those recreation councils with current non-profit status to retain funds received from grants, donations, and fundraising, if documented appropriately.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Heather M. Ferbert  
Deputy City Attorney

HMF:nja  
12/01/17  
Or.Dept:Park & Recreation  
Doc. No.: 1637642

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 13 2017.

ELIZABETH S. MALAND  
City Clerk

By Sty Brady  
Deputy City Clerk

Approved: 12/20/17  
(date)

Kevin L. Faulconer  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on DEC 13 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 20 2017

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By *Hy Brady*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311478