



Meeting Date: November 17, 2011

**SAN RAFAEL PARKS AND RECREATION COMMISSION
AGENDA REPORT**

Department: Community Services

Prepared by: Carlene McCart

**SUBJECT: FACILITY USE AND MANAGEMENT AGREEMENT FOR THE
ALBERT PARK BOCCE BALL COMPLEX**

**RECOMMENDATION: Approve the Agreement and authorize the City manager to
execute the Agreement with Marin Bocce Federation**

BACKGROUND: After extensive public outreach, the City Council approved a Masterplan Amendment for Albert Park in 1993 that included installation of a new bocce ball facility, playground and formal garden features. In 1994 an Agreement was struck with the Marin Bocce Federation, a 501(C)3 non profit organization to use the southwest portion of the park for a bocce ball facility. The Federation was allowed to install equipment, furnishings and facilities for the sport of bocce ball in the park with the provision that it make those facilities accessible to the public for use. With a small investment from the City, and two \$10,000 loans, now retired, the Federation installed over \$1.1 million of improvements to the Bocce Complex in the past 18 years.

An estimated 50,000 visitors access the Complex for league play, drop in play, tournaments, public and private events and fundraisers. The Complex is open 7 days a week, 8 months a year, and for limited use 4 months a year during the winter.

The Federation reports annually to the Park and Recreation Commission to review the organization's financial statements, the program status, attendance and facility issues.

The Federation and the City have amended and extended the original Agreement over the last 18 years to coincide with the site improvements and the enhanced program scope at the Complex. The term of the current Agreement expires in 2015.

Looking forward, the Federation is planning a major renovation of the courts, and an installation of solar equipment for the generation of electrical power. The organization has been approved for a loan for the court renovation from a local bank. The loan requires a longer term than what

FOR CITY CLERK ONLY

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is left on the current Agreement. Therefore, the Federation and the City concur that an extended Agreement is in the best interest of both parties.

ANALYSIS: The relationship between the City of San Rafael and the Marin Bocce Federation has been a model for other partnerships whereby the ultimate result is increased service to the community. Terra Linda Orcas Swim Club, Marin Master Gardeners, Catholic Charities, Trust for Public Land, Canal Alliance are examples of other partners that use of City owned property in exchange for public programs or services. The Federation is a responsive organization that works closely and well with the Community Services Department to offer a healthy, low cost recreational opportunity for all ages.

The Bocce Complex enhances the community with vibrant activity. League play begins in March and continues through October, Monday through Friday in the evening and three days per week in the morning hours. Drop in play occurs during non league hours when courts are available. The Complex also provides a venue for local non profits to stage fundraising events. The Federation estimates over \$1 million has been raised by local organizations hosting bocce tournaments at the Complex. In recent years an annual average of 25-30 corporate and commercial groups utilizes the Complex for employee events.

The proposed Agreement chronologically updates the history of the partnership between the Federation and City. It defines the Complex and the roles of the Federation and the City.

The Agreement commits the Federation maintain a 501(C) 3 status, manage and maintain the Complex; pay for all utilities; conduct programs for the public, enforce reasonable rules and procedures for use of the Complex; annually report to the City the schedule of programs and the collection and disperse of revenue; provide appropriate personnel to manage the facilities; maintain compliance for the possession and consumption of beer and wine. Additionally, the Federation must notify the Community Services Department when events are planned with an estimated attendance of 100 or more to coordinate with activities scheduled for the San Rafael Community Center.

A new provision is proposed in this Agreement stipulating that a separate event management plan will be required in the case of larger events: those estimated to draw more than 300 in attendance, gathering for four hours or longer and occurring over a period of two or more days. Such a plan must be approved in advance by the City and address such issues as parking, traffic, noise controls, security, neighborhood concerns, and impacts on the community and City resources. The Agreement underscores the primary intension of the Bocce Complex is to serve the community.

The Agreement calls for the Federation to complete phases of improvements previously approved by the City including the structural improvements to the site of the former 525 B Street structure, further improvements or expansion to the 535 B Street structure, and improvements to the existing ten courts. The Federation within the term of the Agreement will conduct the planning process for possible installation of solar power equipment, subject to applicable local ordinances and State and Federal law.

The City agrees to waive fees in light of the \$1.1 million in facility improvements and the ongoing management and maintenance costs born by the Federation.

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The term of the Agreement is proposed to include the three years afforded by the current Agreement and an additional 15 years. Either party may terminate the Agreement with sixty days notice, or in the event the Federation files for bankruptcy or an audit shows the organization to be insolvent.

Indemnity, insurance and City standard language regarding the Federation's status as an independent contractor, assign ability compliance with all laws, authority, waivers, notices and attorney's fees are included in the proposed Agreement.

The proposed Agreement is a comprehensive document that chronicles a successful partnership with the City and sets in motion the structure to continue to serve the community into the future.

FISCAL IMPACT: There is no fiscal impact to the City in this Agreement.

OPTIONS:

1. Recommend the City Council Approve the Agreement.
2. Recommend the City Council Approve the Agreement with additional conditions.
3. Recommend staff amend the proposed Agreement and return for Commission review.

ACTION REQUIRED: Motion to Recommend the City Council Approve the Facility Use and Management Agreement for the Albert Park Bocce Ball Complex

Encls.

1. Facility Use and Management Agreement for the Albert Park Bocce Ball Complex