

REPORT TO THE CITY COUNCIL



DATE: October 17, 2017

TITLE: (Continued from October 3, 2017) Resolution Prohibiting Facility Use Agreements for a Period Longer Than 30 Consecutive or Non-Consecutive Days in Any Calendar Year, Unless Otherwise Approved by the City Council

Submitted by: Charles L. Maynard, City Manager

Reviewed by: Jennifer Mizrahi, City Attorney

RECOMMENDATION

Adopt a Resolution of the City Council of the City of Desert Hot Springs amending Resolution No. 2016-049 authorizing the City Manager to negotiate, award and execute award facility use agreements and/or other non-exclusive licenses for city-owned, operated or controlled facilities, and to prohibit facility use agreements for a period of longer than 30 consecutive or non-consecutive days in any calendar year, unless otherwise approved by the City Council.

BACKGROUND:

On December 6, 2016, the City Council adopted Ordinance Number 594, which added Section 3.44.170 to the Desert Hot Springs Municipal Code, which currently reads as follows:

"The City Council may, by resolution, provide an officer other than the Mayor the specific authority to negotiate, award, and execute Facility Use Agreements and/or Non-Exclusive License Agreements for certain City-owned, operated, or controlled facilities or properties. City Council may set forth restrictions, limitations, or further prescriptions by City Council Resolution, with this ordinance being considered as enabling and directive in this regard."

Pursuant to Section 3.44.170, the City Council adopted Resolution Number 16-049, which authorizes the City Manager to negotiate, award and execute Facility Use Agreements and/or other non-exclusive licenses for City-owned, operated or controlled facilities. This Resolution would amend Resolution 2016-049, in a manner so as to prohibit persons from using a City Facility for longer than 30 consecutive or non-consecutive days in any calendar year, unless the use is approved by the City Council. The reason for this is because City Facilities are designed to fulfil supportive functions related to the residents' quality of life in the City, and should remain open to the residents to the extent possible. Further, City Facilities play an essential role in providing services to create viable, sustainable, health and cohesive communities, and are not intended to benefit merely a select few.

The City requires persons to enter into a Facility Use Agreement, which template Agreement is attached hereto as Exhibit 2. A few pertinent terms of the Agreement are:

- Non-exclusivity
- Term of use
- Proper use of the premises
- Monetary term
- Insurance, and proof thereof
- Indemnification
- Attorney's Fees for prevailing party
- Background Checks

EXHIBITS:

- 1) Draft Resolution
- 2) TEMPLATE Facility Use Agreement