



## ADMINISTRATIVE POLICY

### Non-Profit Organization Facility Use Policy

#### A. Purpose

This policy is designed to address the City's desire to provide equitable treatment to all current and future Non-Profit Organizations ("NPOs") serving the community. The City of Lake Forest supports activities that provide social, cultural, educational, and recreational programs that benefit the community. NPOs are permitted and encouraged to use the facilities owned by the City to host such activities, on a reservation permitted basis.

In supporting NPOs and the value they bring to the community, the City provides facility use to these organizations at a discounted rate, as well as provides up to 12 free uses per year at the Sports Park. For NPOs that wish to use facilities daily or weekly, this policy outlines the City's discretion, and serves as a guideline for processing requests in a fair and equitable manner, addressing situations where demand exceeds supply.

#### B. Policy Principle

The City aims to aid locally based, or locally serving NPOs in their formative years, with the objective of independence and sustainability within the community. The decision process for NPO facility use shall be based on City needs, capacity, demand, and consideration of costs incurred for general maintenance and repairs. The City encourages NPOs to seek Community Development Block Grant ("CDBG") funding to further support the needs and goals of their organization beyond the initial assistance provided by the City through this policy.

#### C. Applicability

This policy applies to all Lake Forest based NPOs and NPOs that provide service to Lake Forest residents and businesses.

#### D. Provisions of the Policy

The costs associated with the use of City facilities, as outlined in the facility use policies, have been reduced to accommodate NPOs. Below is an explanation of options available to NPOs, varying based on need.

#### Facility Use Options

Daily Use – City owned facilities available for use will be determined at staff's discretion. NPOs requesting the use of facilities daily, will have the option of renting the facility at the NPO rate outlined in the applicable facility use policy, or by competing for the facility, through a fair and competitive manner. In the latter option, the City will utilize a Notice of Resource Availability ("NORA") process, prompted by requests from NPOs for use. Through this process, staff will

review proposals submitted, and recommend a contract award for a term of three years. Once selected, the NPO will enter an MOU with the City, outlining the terms and potential fees of the agreement, that is approved by the City Manager. Initial requests for facility use will require a Non-Profit Organization Facility Use Application (“Application”) to be submitted to the City. The Application will be initially approved or denied by the Deputy City Manager based on the request, facility availability, and appropriateness of selected location. If approved, the NORA process will commence. If denied, the applicant may follow the appeal process outlined in Section F of this policy.

Weekly Use – NPOs requesting use of City owned facilities on a weekly basis, will have the same options as ‘Daily Use’ listed above, or may be eligible to enter into a Contract Class Agreement.

Monthly or Limited Term Use – NPOs requesting use of City owned facilities on a monthly or limited term basis, will have the same options as both ‘Daily Use’ and ‘Weekly Use’ listed above, or may utilize the 12 ‘No Charge’ uses, per year, at the Sports Park.

**Table 1: Facility Use Options, based on consistency of use\***

	<b>Rental Fee</b>	<b>MOU</b>	<b>Contract Class Agreement</b>	<b>No Charge (12 Free Uses/Year at Sports Park)</b>
Daily Use	X	X		
Weekly Use	X	X	X	
Monthly or Limited Term Use	X	X	X	X

\*Limited to one option per application.

1. **Rental Fee (Non-Profit Rate):** The NPO will pay the hourly rate for Non-Profit User Groups, as outlined in the Civic Center Campus Facility Use Policy, as well as the Sports Park Facility Use Policy.
2. **MOU/Contract Agreement:** Through the NORA process, and with City Manager, or his/her designee approval, the City will enter into an MOU or contract agreement with the NPO, outlining the agreed upon terms for fees and payment, and duration. Staff will negotiate terms of the MOU, which may vary based upon the following criteria: financial resources, amount of time requested, space requested, and other indirect impacts of the request on the community and/or City staff. City Council will be notified of approved MOU/Contract Agreements. Should a reduction of fees be negotiated, this policy is adopted pursuant to the authority granted in and consistent with M.C. #13.02.033, along with the authority of the City Manager or his/her designee.
3. **Contract Class Agreement:** The City will provide a facility for use and publicity in the quarterly recreation brochure. The NPO will receive 90% of the total enrollment fees, with the remaining 10% retained by the City. This percentage split has been modified for NPOs from the typical 70/30 split, assuming the NPO meets the minimum requirements of the group classification, where Lake Forest residents make up 90% or more of participants. See the Recreation and Contract Instructor Guide and Application Packet, which reflects the regulations set forth in the Purchasing and Contracting Guidelines, including minimum requirements for group classifications.
4. **No Charge:** As referenced in the Sports Park Facility Use Policy, NPOs are eligible for

12 free facility uses per year at the Sports Park. NPOs may utilize free facility uses at desired intervals.

### **Additional Terms and Requirements**

1. Facility reservations may be booked up to one year in advance.
  - a. Requests for use of small rooms must be received no less than two weeks in advance, unless approved by the City Manager, or his/her designee.
  - b. Requests for use of large rooms must be received no less than 30 days in advance if available or unless approved by the City Manager, or his/her designee.
  - c. Approval for use will be on a first come, first served basis, and will depend upon space availability.
2. All NPOs entering into any agreement with the City for facility use will be required to provide a current Certificate of Insurance as well as an executed IRS Form W9.
3. The Facility may not be used for any political activities.
4. No permanent rental or assignment of the facilities shall be made to any individual or organization, unless approved by the City Manager or his/her designee. There will be no more than 12 rental days per fee group classification per calendar year, unless approved by the City Manager, or his/her designee.
5. Additional rules and regulations of facility use rentals can be found in the Civic Center Campus Facility Use Policy, or the Sports Park Facility Use Policy.
6. If the regulations set forth in this policy, in the Civic Center Campus Facility Use Policy, the Sports Park Facility Use Policy, or terms set forth in the MOU are violated, the City reserves the right to deny any NPO from facility use, cancel any MOU with 3 days' notice, and immediately remove any NPO from a City facility. They may also be prohibited from using the facilities in the future.
  - a. NPOs who are denied facility use, shall have ten (10) days from the date of the denial, to request an appeal hearing with the City Manager, or his/her designee. The appeal shall be in writing and submitted to the City Manager, or his/her designee. Within twenty (20) days of receiving the appeal request, the City Manager, or his/her designee, shall provide the appeal hearing. The City Manager, or his/her designee, shall have the right to approve the NPOs application for facility use. The decision delivered by the City Manager, or his/her designee, shall be the final determination, and no further course of action to appeal will be available.

### **Additional Fees**

1. All NPO deposit amounts, or other related fees including janitorial, can be found in the applicable facility use policy.

### **D. Definitions**

1. Facility –
  - a. Civic Center Campus
    - i. Large Room
      1. Sequoia

- 2. Eucalyptus
- 3. Oak
- 4. Redwood
- 5. Clubhouse Multipurpose Room and/or Kitchen
- ii. Small Room
  - 1. Maple
  - 2. Hickory
  - 3. Palm
  - 4. Spruce
  - 5. Cypress
  - 6. Clubhouse Outdoor Patio
  - 7. Courtyard

b. Sports Park:

- i. Large Room
  - 1. Meeting Room A and B
  - 2. Activity Room A and B
- ii. Small Room
  - 1. Meeting Room A
  - 2. Meeting Room B
  - 3. Teen Room
  - 4. Activity Room A
  - 5. Activity Room B

c. City Operated Passive Parks (Non-Sports Parks)

- i. Availability based on proposed use, at staff's discretion

2. Daily Use – Regular, repeated use, Monday through Friday.

3. Weekly Use – Regular, repeated use, on a weekly basis.

4. Monthly or Limited Term Use – One time, or recurring use, scheduled throughout the course of a year.

5. User Group Classifications –

**GROUP 1** CITY SPONSORED OR CO-SPONSORED

City held events or government and reciprocal use agreement agencies partnering with the City conducting social, cultural, educational, or recreational activities are considered in this group.

**GROUP 2** RESIDENT NON-PROFIT ORGANIZATION

Resident Non-profit organizations conducting social, cultural, educational, or recreational activities are considered in this group.

**GROUP 3** RESIDENT PRIVATE PARTY

Residents requesting use for a private party are considered in this group.

**GROUP 4** NON-RESIDENT NON-PROFIT ORGANIZATION

Non-resident Non-profit organizations conducting social, cultural, educational, or recreational activities are considered in this group.

**GROUP 5** NON-RESIDENT PRIVATE PARTY

Non-residents requesting use for a private party are considered in this group.

**GROUP 6** RESIDENT BUSINESS / COMMERCIAL

Business and/or commercial group requesting rental of the facility are considered in this group.

**GROUP 7** NON- RESIDENT BUSINESS / COMMERCIAL

Business and/or commercial group requesting rental of the facility are considered in this group.

GROUP 2 & 4 REQUIREMENTS:

All non-profit organizations requesting Group Classification 2 & 4 will be asked to submit proof of non-profit status (federal and/or state tax exemption determination letter required). To qualify for non-profit status, an organization must be organized and operated for the purpose described in the Revenue & Tax Code Sections (23701a-23701z).

**F. Appeals**

NPOs who submit an Application and are denied shall have ten (10) days from the date of the denial to request an appeal hearing with the City Manager, or his/her designee. The appeal request shall be in writing and submitted to the City Manager. Within twenty (20) days of receiving the appeal request, the City Manager, or his/her designee, shall provide an appeal hearing. The City Manager, or his/her designee, shall have the right to review and approve the application, and request staff to negotiate MOU terms for approval and signature, or uphold the initial decision made by the Deputy City Manager. The City Manager, or his/her designee's, decision is final.

**G. Authority**

This Policy is adopted pursuant to the authority granted in and consistent with Chapter 13.04 of the Lake Forest Municipal Code, along with the authority of the City Manager. This Policy may be amended at the discretion of the City Manager at any time.

  
Debra Rose, City Manager

3/23/22  
Date