

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 02/19/2008		Item Number: <u>A-2</u>	
AGENDA ITEM: (1) Discussion and Implementation of a Process to Determine the Status of Various Culver City Community Organizations and Events; and (2) Adoption of a Resolution Establishing a City Council Policy Related to Community Organizations			
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Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Mr. Tom Camarella (02/08/2008); Community Organizations included in Staff Report (02/08/2008); Master Notification List (02/13/2008).			
Department Approval: Martin R. Cole (02/13/08) William LaPointe (02/13/08)		City Attorney Approval: Carol Schwab (by H. Baker) (02/13/08)	
Fiscal Impact Review: Jeff Muir (02/13/08)		City Manager Approval: Jerry B. Fulwood (02/13/08)	
<u>RECOMMENDATION:</u> Staff recommends the City Council discuss a proposed process to determine the status of various Culver City Community Organizations and Events and adopt a resolution establishing a City Council Policy relating to Culver City Community Organizations to use in the implementation of this process. <u>BACKGROUND:</u> The City of Culver City was officially incorporated in 1917. Since incorporation, the City has grown in population and in land area. Just as Culver City has grown, the City's governmental operation has also grown in both size and complexity. From time to time, to ensure the implementation of best management practices, Staff reviews operations and may propose updated policies to the City Council for consideration. Staff has conducted a thorough review of the policies and practices pertaining to the City's interaction with various organizations throughout the Culver City Community (which for ease of reference, staff has identified generally as "Community Organizations" in this report). This report is presented to the City Council to propose replacing the compilation of 90 years of practice with a policy based on objective criteria and best management practices.			
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DISCUSSION:

A. Initial Concern

At the City Council meeting of April 16, 2007, the City Council reviewed a request by the Culver City Democratic Club to be considered City-sponsored (a copy of the Staff Report from April 16, 2007 is provided as Attachment 1 for the City Council's ease of reference). In brief, the issue arose from a June 15, 2006 update to the City's rental rate categories used to determine the rates paid when renting City facilities at the Veterans' Memorial Complex. "City sponsored Organizations" are eligible for a full or partial waiver of fees. Based upon the update to the City's rental rate categories, the Culver City Democratic Club fell into a different category (from Category B to Category C of the Veterans Memorial Complex Rental Rates), resulting in a higher rental rate being applicable. At that meeting, the Culver City Democratic Club withdrew its request, with the understanding that the City Council would be considering a policy which would address a number of issues related to Community Organizations.

B. Current Procedures and Practices and Areas Proposed for Update

For purposes of determining rental rates at the Veterans Memorial Complex, the City Council authorized by resolution the Director of Parks, Recreation and Community Services to exercise some discretion in determining when an Organization is considered "City Sponsored." Over the 90 years of the City's existence, a number of Organizations have been awarded "City Sponsored" status by past Directors. However, in preparing for this report, staff was unable to discover the standard each Director may have used to make that determination. Staff was also unable to determine if individual Directors applied the same or similar standards in making these determinations.

The absence of clear, easily applicable, objective, and City Council-adopted standards may have created a potential for different categorization of Community Organizations even though those organizations may meet the same objective criteria. This past practice could impact categorization for purposes of determining rental rates at the Veterans Memorial Complex. The proposed policy also addresses other important issues that have arisen over the past few years. Specifically, the policy proposes certain minimum criteria to clarify the relationship between the City and Community Organizations.

B.1 Existing Definition of "Sponsorship"

Currently, Section 17.330.040 of the Culver City Municipal Code (CCMC), relating to Signs in the Public Right-of-Way, provides for certain exceptions to posting signs in

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the public right-of-way (which is generally prohibited). One such exception is for signs relating to the “promotion of civic events and activities” where those events and activities are “organized or sponsored by the City or Redevelopment Agency.” (CCMC Section 17.330.040.B.7.a) For purposes of this Section, the City has adopted the following standards/definitions to determine whether an event or activity qualifies for this exception:

“Civic event or activity” means any event or activity organized or sponsored by the City or Redevelopment Agency including, but not limited to, (a) any public program or educational activity; and (b) the commemoration or celebration of any historical date, event or person, holiday or persons or events of local, state or national significance. (CCMC Section 17.330.040.B.7.b.i)

“**Sponsored**” means that the City and/or Redevelopment Agency is (a) participating in an **official capacity** in the planning, preparation or promotion of the event or activity; **and** (b) contributing 25% of the total estimated costs of the civic event or activity, or at least \$1,000, whichever is less. This contribution may take the form of funds, labor, staff time, materials, a waiver of fees, or any combination of the foregoing. (emphasis added) (CCMC Section 17.330.040.B.7.b.ii)

During administration of this provision of the CCMC, it is sometimes misinterpreted that if an Organization meets either criterion (a) OR criterion (b) under “Sponsored” in the previous paragraph, then the Organization or event is City Sponsored. However, the CCMC clearly requires both (a) AND (b) to be met. Staff recommends that this existing standard apply to determining sponsorship issues as discussed in this report and be included in the Council Policy relating to Community Organizations.

B.2 Current Rental Categories at Veterans Memorial Complex

Attachment 3 is the current rental rate table for the Veterans Memorial Complex. Should the City Council adopt this proposed policy, it would provide additional clarity for determining if a Community Organization is eligible to be considered “City Sponsored”.

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C. Goals of Proposed Policy

In presenting this proposed policy to the City Council for consideration, staff wishes to address three important issues that have been raised by Community Organizations, the City Council, and staff:

1. How does the City determine if a Community Organization or Community Event is considered “City Sponsored” for determination of rental rates at the Veterans Memorial Complex and/or other purposes?
2. Which Community Organizations and/or Community Events are eligible to place a banner on the City’s three banner poles located at (1) Overland Avenue near Culver Boulevard; (2) Sepulveda Boulevard near Sawtelle Avenue; and (3) Washington Boulevard.
3. When the City and/or Community Organization want to form a relationship with each other, what process should be used to formalize the relationship between the City and the Community Organization?

In proposing this policy, staff has attempted to address each of these three issues through replacement of the current practice with a consistent policy based upon objective criteria. The proposed policy:

- creates six categories containing objective criteria which determine if an Organization is “City Sponsored” or if another type of relationship between the City and the Organization/Event exists.
- implements objective criteria to determine if an Organization or Event qualifies for placement of a banner on the City’s banner poles.
- provides basic “ground rules” for all Community Organizations to create a formal relationship between the City and the Organization.

D. Proposed Policy

In preparing this report, staff reviewed a number of Community Organizations in an attempt to ensure the greatest number of situations would be addressed by the policy. This review produced a listing of Community Organizations, each of which has significant differences. These differences can be distilled into the following main categories:

- Relationship with the City and/or Redevelopment Agency (“Agency”)*
- Legal Organization of the Community Organization
- Organizations vs. Events

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Where appropriate, the term City Council includes the Redevelopment Agency throughout this report.

Faced with a large number of possibilities, staff determined it should look at the proposed policy from a different viewpoint. Rather than attempting to have the policy fit all of the organizations, staff created six categories based upon objective criteria into which all organizations could be placed. In summary, staff proposes the City Council adopt the following six categories with corresponding objective criteria as defined later in this report:

- (1) Official City Committees
- (2) Cooperative Community Groups
- (3) City Sponsored Events
- (4) City Facilities Lessees
- (5) Volunteer Organizations
- (6) Other Groups

It is important to note that the City Council and City Administration have adopted certain facility reservation procedures. This proposed policy does not supersede the existing appropriate and applicable facility reservation procedures.

To help clarify the proposed categories and associated criteria, each category will have a "Summary Table" at the end of the discussion of that category. The "Summary Table" has three subjects: (1) City Sponsored, (2) Banner, and (3) Lease/MOU Needed. For example, Category 1 (Official City Committees) has the following summary:

City and/or Agency Sponsored?	Banner ?	Lease/MOU Needed?
Yes	Yes	No

This means Organizations in Category 1 ARE considered City Sponsored, ARE allowed to use the City's banner poles, and ARE NOT required to have a lease or MOU (or similar document) with the City.

It should be noted that staff has done a significant review of the historical record for this report. However, there may be additional historical documents which staff was unable to locate. Should the City Council determine to adopt this policy and in the case additional information is discovered, then the objective criteria in this policy would be applied with the new information in mind.

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D.1 Proposed Categories

Category 1: Official City Committees

To be eligible for this category, the Community Organization must meet the following criteria:

- (1) All members of the Community Organization are either appointed (a) directly by the City Council or (b) by any City Council/Agency created body upon direction of the City Council; **OR**
- (2) The Community Organization's members are approved and/or ratified by the City Council/Agency.

Examples of existing Community Organizations which staff considers "Official City Committees" are:

- The City's Commissions/Committees/Boards appointed by the City Council/Agency;
- Veterans' Affairs Committee (created and appointed by the Parks and Recreation Commission)

Please note: The Veterans' Affairs Committee is unique in that it is the only Official City Committee that was created by the Parks and Recreation Commission. This item will be included for City Council discussion in an upcoming report related to City Commissions. However, for purposes of this report, staff proposes to "grandfather" the Veterans' Affairs Committee into Category 1.

For clarification, the City Council, Redevelopment Agency, and City Staff (in the conduct of Official City Business) are also included in Category 1.

Summary Table

City and/or Agency Sponsored?	Banner ?	Lease/MOU Needed?
Yes	Yes	No

Category 2: Cooperative Community Groups

This category includes Community Organizations that meet **all** of the following criteria:

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- (1) Members are **not** appointed by the City Council or a City Council created body
- (2) The Community Organization works closely with the City Council/Staff to organize civic events and/or activities organized or sponsored by the City or Redevelopment Agency (as those terms are defined in Section 17.330.040.B.7.b of the Municipal Code – Attachment 2)
- (3) Directly receives or provides City or Agency funds (***as opposed to a waiver of fees***) approved by the City Council;
- (4) The Community Group is a legally recognizable group (for example, a corporation, a 501(c)(3) organization, etc.)
- (5) The Community Group has negotiated and executed a Memorandum of Understanding (MOU)* with the City.

Example of existing Community Organizations which staff considers “Cooperative Community Groups” are:

- Friends of the Culver City Dog Park
- The Cultural Affairs Foundation

Summary Table

City and/or Agency Sponsored?	Banner ?	Lease/MOU Needed?
No	Maybe**	Yes

*The terms Lease/MOU refer to any written agreement approved by both the City/Agency and the Organization.

**Subject to the terms of the MOU and compliance with CCMC Section 17.330.040.

As mentioned later in this report, many Community Organizations would qualify for Category 2, if they negotiated and executed an MOU with the City.

Category 3: City Sponsored Events

Staff proposes this category for **events** which are produced by Organizations that are not Official City Committees or Cooperative Community Groups. Placement in this category resolves a long-standing issue of which events are eligible to place an advertising banner on the City's banner poles. To be considered a City Sponsored Event, the event must:

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- (1) The event must be a civic event or activity organized or sponsored by the City or Redevelopment Agency (CCMC Section 17.330.040.B.7.a); **and**,
- (2) To determine whether the civic event or activity is “sponsored” by the City or Redevelopment Agency, the following criteria must be met: The City and/or Redevelopment Agency is (a) participating in an **official capacity** in the planning, preparation, or promotion of the event or activity; **and** (b) contributes 25% of the total estimated cost of the event or activity or at least \$1,000, whichever is less. (Note: this contribution may take the form of funds, labor, staff time, materials, a waiver of fees, or any combination of the foregoing); **and**,
- (3) By specific action, the City Council has determined that the above criteria have been met

Examples of existing events which staff considers “City Sponsored Events” are:

- Fourth of July Fireworks (coordinated by the Culver City Exchange Club)
- Fiesta La Ballona Event*
- Dr. Martin Luther King, Jr. Event*

*Please note, these two events are coordinated in part by the Fiesta La Ballona Committee and the Dr. Martin Luther King, Jr. Celebration Committee. A discussion of both Committees will be addressed later in this report.

Summary Table

City and/or Agency Sponsored?	Banner ?	Lease/MOU Needed?
Yes	Yes	No*

*While the event itself currently does not require an MOU, staff is proposing the Community Organization (except for those Community Organizations considered Category 1) involved with the production of event should be required to negotiate and execute an MOU with the City.

Category 4: City Facility Lessees

These are Community Organizations which are parties to a lease agreement with the City and/or the Redevelopment Agency. The lease agreement is subject to the legal review and approval of the City Attorney’s Office.

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The lease agreements embody the responsibilities of both the City/Agency and the lessee (Community Organization). Additionally, leases can only be executed between the City/Agency and a legally recognizable group.

Examples of existing Community Organizations which staff considers “City Facility Lessees” are:

- State of California (for the National Guard Armory)
- AmVets
- Western States Black Research and Education Center (for the Mayme Clayton Library located at the former courthouse)
- Culver City Historical Society
- Culver City Little League
- National Little League
- Babe Ruth
- Culver City Unified School District (for the former Assessor’s Office)
- Westchester Symphony Society (Culver City Symphony)
- La Playa Nursery School (for the use of Lindberg Hut)
- Fulcrum Ropes Course
- Various Groups for the Plunge
- American Youth Soccer Organization

Rental rates contained in the lease agreement are subject to the City Council’s review and approval as part of the Council’s consideration of the lease agreement. Where applicable, Staff recommends utilizing rental rates set by other City Council actions when preparing lease agreements (for example, rental rates for the Veterans Memorial Complex).

Summary Table

City and/or Agency Sponsored?	Banner ?	Lease/MOU Needed?
No	No	Yes

Category 5: Volunteer Organizations and Individuals

The City is fortunate to have a significant number of individuals who volunteer their time to assist the City in various programs and departments. To ensure a uniform process across all City Departments, the City Manager’s Office has directed the Human Resources Department and the Risk Management Division to create a

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Volunteer Registration Program. This Program will ensure compliance with applicable laws related to background checks for volunteers working with children and satisfy eligibility requirements for coverage by the City's insurance policies.

It should be noted that no specific privileges are granted to volunteer organizations or individuals, in general. However, Volunteer Organizations may request the City Council enter into a MOU or similar agreement which would require the City Council's approval (so long as the Volunteer Organization is a Legally Recognized Entity).

Summary Table

City and/or Agency Sponsored?	Banner ?	Lease/MOU Needed?
No	No	Maybe

Examples of existing Community Organizations which staff considers "Volunteer Organizations and Individuals" are:

- CERT (Fire Department Program with Separate Board of Directors)
- VIP (Police Department Volunteers)
- RSVP (Senior Services Program)
- C-CARES (Fire Department Program with Separate Board of Directors)
- Friends of the Culver City Library
- Fiesta La Ballona Committee
- Dr. Martin Luther King, Jr. Committee
- Culver City Sister Cities Committee (in process to become Category 2)

Category 6: Other Organizations

This category is proposed to capture those Community Organizations which do not qualify for the other 5 categories. However, to allow for consistent and fair application of this policy, Community Organizations which petition the City for benefits should be required to enter into either a lease agreement (in which case they would qualify for Category 4) or they should enter into an MOU with the City. Additionally, the number of Organizations which qualify for Category 6 should be small in number.

Currently, the following Organizations are considered for this Category:

- Culver City Exchange Club (with respect to the Car Show)

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- Culver City Senior Citizens' Association
- Culver City Chamber of Commerce
- AARP 55 Alive Driving Classes
- La Ballona Creek Renaissance Program
- Culver City Garden Club
- Culver City Lions Club Clam Bake
- Culver City Rock and Mineral Club
- Disabled American Veterans
- Los Angeles School of Gymnastics Tournament
- La Ballona Valley Bromeliad
- Melody Masters
- Westwood Folk Dance
- Westside Jazz Ensemble
- Culver City Public Theater
- Culver City Parks and Service Foundation
- Twelve Step Groups (AA, CA, NA, OA, etc.)
- UCLA Paramedics Training Programs
- LA County Registrar of Voters

Additionally, some of these Organizations may be considered as Category 2 (Cooperative Community Groups) should they negotiate and execute an MOU with the City (for example the Culver City Senior Citizens Association and the Chamber of Commerce).

Summary Table

City and/or Agency Sponsored?	Banner ?	Lease/MOU Needed?
No	No	Maybe

D.2 Fiesta La Ballona Committee and Dr. Martin Luther King, Jr. Committee

Before entering into the discussion of these two organizations, staff wishes to state up front that staff's recommendations do not result in the dissolution of either Committee or the cancellation of funding for these two important community events. In fact, in 2007, the City Council determined to provide additional funding for both groups and authorized an opportunity for expansion of the Dr. Martin Luther King, Jr. event. As both events grow in popularity, it is important that all persons involved with both Committees have a clear understanding of the relationship between the

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City and the committee members. The recommendations made below are intended to safeguard and protect both the City and Committee members.

Currently, the Fiesta La Ballona Committee and the Dr. Martin Luther King, Jr. Committee qualify as Volunteer Organizations (Category 5) because they both:

- Are **NOT** comprised of a group of individuals that are appointed (a) directly by the City Council or (b) by any City Council created body upon direction of the City Council (which would qualify them as Category 1) OR assembled as legally recognized entity (which would qualify them as Category 2); and,
- Receive funding from the City as approved by the City Council.

Recently, the City Council considered a report related to the organization of the Culver City Sister Cities Committee (which currently would qualify as an Other Organization). Considering a number of issues, including applicability of insurance and compliance with accounting procedures, the City Council determined to support the Sister Cities Committee forming as a 501(c)(3) organization. Upon formation of the 501(c)(3), the Sister Cities Committee will qualify as a Category 2 (Cooperative Community Group).

Both the Fiesta La Ballona Committee and the Dr. Martin Luther King, Jr. Committee have issues similar to the Sister Cities Committee related to their current structures (i.e. neither is an official City Committee as their memberships are not appointed by the City Council, but both groups do receive and handle City funds to produce events which are closely associated with the City).

To ensure consistent and fair application of policy to all groups, staff recommends the City Council select from one of the following options with respect to the Fiesta La Ballona and the Dr. Martin Luther King, Jr. Committees:

- (1) Support the formation of a 501(c)(3) organization for both Fiesta La Ballona and Dr. Martin Luther King, Jr. Committees similar to the process implemented for the Culver City Sister Cities Committee. This option is recommended by Staff and would qualify both Committees as Category 2 Organizations; OR
- (2) Determine to create both an official Fiesta La Ballona Committee and Dr. Martin Luther King, Jr. Committee with members appointed by the City Council (this would create Category 1 Organizations);
- (3) Retain the existing undefined structure; OR
- (4) Determine if the Fiesta La Ballona and Dr. Martin Luther King, Jr. events should be incorporated into Staff's workplan.

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As with the Culver City Sister Cities Committee, the formation of a 501(c)(3) provides both groups with a Legally Recognized Status (please see the paragraph below) and also clarifies and resolves important issues of insurance coverage and financial operations for both the City and the members of these important Community Organizations. The City Council may determine different structures for each Committee

D.3 Chamber of Commerce Mayor's Luncheon and Safety Awards Luncheon

The Chamber of Commerce provides significant support in the production of the annual Mayor's Luncheon and Safety Awards Luncheon. The Chamber of Commerce is organized as a 501(c)(3) organization. However, over time, the Chamber and City have worked together on these events without benefit of a Memorandum of Understanding. The implementation of this proposed policy would require the negotiation of an MOU with the Chamber of Commerce. (Note: Once a Memorandum of Understanding is agreed upon, the Chamber of Commerce would qualify as a Category 2 Organization).

E. Legally Recognized Status

Given the complex legal environment prevalent in today's society, it is important for the City and all Community Organizations to operate under a legally recognizable format. The proposed policy includes procedures which will guide how the City will interact with various Community Organizations. However, there is an underlying understanding that all Community Organizations who wish to receive support from the City be organized in a legally recognizable way. Following are several examples of a legally recognized entity:

- Corporation
- Partnership (including limited partnership)
- Charitable Organization 501(c)(3) or equivalent
- Sole Proprietorship

The City Attorney's Office may determine other legally recognizable entities which would be eligible to enter into agreements with the City.

Additionally, legally recognized entities are often required to have some type of organizational document (for example: Articles of Incorporation, By-Laws, etc.). The Organizational Document often specifies the legal authority of the Community Organization to enter into contracts (including lease agreements) and the power of the Community Organization's Board and/or Officers. By requiring some type of

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legally recognized structure, issues such as the legal authority to enter lease and other agreements and the ability to obtain insurance are easily addressed. This benefits the City, the Community Organization, and the members of the Community Organization.

F. Fiscal Reporting

Because of the importance of carefully monitoring the use of the public's money, staff recommends the City Council direct staff to include in all MOU's with Community Organizations a requirement to report at least semi-annually to the City Council on the financial activities of the Group. This provides the Organization with an opportunity to inform the City Council of its activities over the last six-month period and provides the City Council with an opportunity to ask questions of the Organization.

G. Opportunity for Direction from City Council on Categorization of Organizations

Staff has made an attempt to apply the objective criteria proposed in this policy for categorization of Community Organizations (a full summary of which is contained in Attachment 5). However, the City Council may wish to provide staff with additional direction related to the categorization of the various Community Organizations.

NEXT STEPS:

Attached is a proposed Resolution (Attachment 6) establishing a Council Policy relating to Community Organizations, which policy is consistent with the objective criteria discussed in this report. Should the City Council adopt this policy, it would become necessary for staff to prepare a boilerplate MOU consistent with this policy and enter into negotiations with each of the Community Organizations. Each MOU would be presented to the City Council for consideration. It is expected this process could take several months. Staff would prioritize preparation of MOU's with Organizations that have pending events (such as the Exchange Club). Staff's goal would be to have this process completed by the end of calendar year 2008.

The creation and use of a "boilerplate MOU" by the City will reduce the amount of time and the potential expense to Community Organizations which will need to enter into an MOU as a result of this policy. Also, should Council adopt this policy, staff will review other existing, related policies, rules, and regulations for consistency with this policy. Any required amendments to such documents will be presented to the City Council for consideration at a future date.

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FISCAL ANALYSIS:

Initially, implementation of the proposed Policy is expected to involve additional staff time to help Community Organizations understand and comply with the Policy. Additionally, the City Council may be asked to increase support to Community Organizations to assist them in complying with the Policy, especially if a Community Organization needs to create a Legally Recognized Entity or obtain insurance coverage. The City Council may determine to consider those requests on a case-by-case basis.

With respect to estimated revenues derived from rentals, full implementation of this proposed policy would reduce the number of Community Organizations that meet the objective criteria and qualify for City Sponsorship. Those organizations that no longer meet the criteria would be subject to a higher rental rate (as City Sponsored Organizations are eligible for the lowest rental rate under current policy). This would result in increased revenue from rentals, the amount of which is difficult to estimate at this time.

Over time, however, through implementation of a consistent, objective policy, the amount of time needed to administer this program will decrease.

ATTACHMENTS:

1. April 16, 2007 Staff Report
2. CCMC Section 17.330.040
3. Veterans Memorial Complex Rental Rates
4. Current Listing of "City Sponsored Groups"
5. List of Community Organizations
6. Resolution

MOTION:

That the City Council:

1. Discuss the implementation of a process to determine the status of various Culver City Community Organizations and Events; and
2. Determine which of the following organizational structures the City Council desires for the Fiesta La Ballona Committee and the Dr. Martin Luther King, Jr. Committee (the City Council may determine different structures for each Committee):

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- 2A: 501(c)(3) charitable organization
- 2B: A City Council appointed or ratified committee
- 2C: Retain the existing undefined structure
- 2D: Incorporate the event(s) into staff's workplan

3. Determine which of the following implementation dates would apply to this Policy

- 3A: July 1, 2008
- 3B: January 1, 2009
- 3C: The first day after expiration of a specific Community Organizations existing agreement with the City or January 1, 2009 (whichever comes first)
- 3D: Any other date the City Council may determine.

- 4. Adopt the proposed Resolution establishing a Policy related to Community Organizations.
- 5. Should Council adopt this policy, direct staff to review other existing, related policies, rules, and regulations for consistency with this policy and return to the City Council with any required amendments to such documents.