



City of Rialto

Legislation Text

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For City Council Meeting [December 10, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Rod Foster, City Administrator

FROM: Perry Brents, Director of Community Services

Request City Council to Review and Adopt **Resolution No. 7563** Approving Special Events for the Calendar Year and **Resolution No. 7587** Adopting a Special Events Policy. **(ACTION)**

BACKGROUND:

This Agenda Item addresses the adoption of the Special Events Calendar and an accompanying policy to address special event rental reservations for the use of City streets, parks, open space, facilities, resources and services. **Attachment A** lists and identifies the City's current special events that have been held as City events or co-sponsored events. **Attachment B** identifies a special events policy.

ANALYSIS/DISCUSSION:

Special events are those activities that result in or provide a substantial community benefit. Partnerships between the City, event sponsors and the community are valuable in ensuring that events are successful. The activity should provide cultural enrichment, promote economic vitality, and enhance community identity and pride. The events may also provide opportunities for family activities and funding for our community's nonprofit agencies.

Events and activities placed on the City's listing of special events are adopted through City Council action and placed on a Citywide Special Events Calendar. Some of the events have taken place annually for several years, while others may have taken place as recent as last year. Regardless of purpose or age of an event, for any event provided using City funding as a source, it is appropriate for the City Council to determine whether the City will carry out those programs.

In the final analysis, if the City expends public funds in whole or part, the event should serve a public purpose. It is the intent of the City, as implemented through policy and any procedures adopted hereunder, to recognize the substantial community benefits that result from special events.

Adopting the attached resolutions addresses the adoption of the Special Events Calendar and the establishment of a special events policy to address special event rental reservations for the use of City streets, parks, open space, facilities, resources and services. Events listed on the Special Events Calendar held within the City are part of the City's larger scope of events, organized by the City or co-sponsored because of a collaborative effort, a historical significance, and/or by the City having taken a role as a co-sponsor. There are also those miscellaneous special events that are proposed by external users, nonprofit agencies and others.

It is the City's goal to have successful special events that enrich and enliven the community. In consideration of both City events and miscellaneous special events, a special events application policy is being proposed for City Council consideration. The purpose of the policy is to establish a coordinated special events process for permitting the temporary use of City streets, parks, open space, facilities, resources and services, so that public health, safety and welfare are protected. The policy sets forth criteria to be considered in approval of special event permit applications and in doing so, provides a guide in the governance of special event activities, along with partnerships between the City, event sponsors and the community to ensure successful event planning. Said policy shall apply to all City of Rialto streets, parks, open space, resources, services and facilities.

Funding for the events as presented in Exhibit A was appropriated in each of the responsible department's annual budgets for fiscal year 2019-2020. These events, as determined by the City Council, represent a public purpose. If funds are used for a public purpose of the city making the expenditure, they are not a gift within the meaning of Cal Const art XVI, §6. (*County of Alameda v Janssen* (1940) 16 C2d 276, 281.) A mere incidental benefit to an individual does not make a "public" purpose a "private" purpose. (*American Co. v City of Lakeport* (1934) 220 C 548, 556.) Thus, for example, social welfare expenditures of counties are not illegal gifts. (See, e.g., *City & County of San Francisco v Collins* (1932) 216 C 187, 193.)

The determination of what constitutes a public purpose is primarily a matter for the legislature (here, the City Council), and its discretion will not be disturbed by the courts so long as the determination has a reasonable basis. (*Board of Supervisors v Dolan* (1975) 45 CA3d 237, 243.) A public purpose expenditure is one which relates to the purpose for which the City of Rialto exists and the duties and responsibilities of the City of Rialto, its elected and appointed officials, employees and other representatives. A public purpose is also present if the activity benefits the community served by the City. Every City of Rialto expenditure on special events must be valid based upon the public purpose for which it serves.

The Special Events Calendar as listed, is a guide for the members of City Council in their deliberations to decide whether the events as stated and/or amended will continue to be a part of the City's calendar of special events. The costs as presented represent departmental expenditures reported for staff and one-time event expenses. In adopting the Special Events Calendar and budget or by having the City co-sponsor events, members of the City Council can determine the value and costs given to each of the events and thus determine the public purpose served.

For any approved event, any information provided about such event should appropriately designate the City of Rialto as the host, a participant, or sponsor of such event, as appropriate. City Departments participating in special events have those certain costs associated with the departmental direct and indirect participation in the events listed. Departmental special events costs are typically associated with one-time purchases, personnel costs, and equipment rentals specifically related to one or more particular special events.

Currently, there are 28 proposed City Sponsored Special Events. These events are detailed in Attachment A. Attachment C provides the total budgeted expenditures and revenues for these events. The revenue received by the City from special events include sponsorship, licenses, admission, vendor registration and other fees such as parking and event wristbands. Any specific donations are not included in this analysis as donations are voluntary, if received.

- The City's expenditures for Special Events in 2019/2020 is estimated at \$420,657.
- Expected revenue generated from Special Events is estimated at \$84,967.
- The net expense to revenue shows the City's expenditure to be approximately \$335,690.

Staff further seeks ratification of those actions of the City Administrator and staff to fund the Special Events included in the Resolution that have occurred before the date of the Resolution in Fiscal Year 2019/2020.

ENVIRONMENTAL IMPACT:

The requested action is not a "Project" as defined by the California Environmental Quality Act (CEQA). Pursuant to section 15378(a), a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. According to Section 15378(b), a Project does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

GENERAL PLAN CONSISTENCY:

Guiding Principle: Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

LEGAL REVIEW:

The City Attorney has reviewed and approved the staff report.

FINANCIAL IMPACT:

The estimated financial impact of the approval of this item includes total estimated budgeted expenses of \$420,657 and revenue of \$84,967. The net cost to the City for all special events is \$335,690. These expenses and revenues are included in the City Clerk, Community Services, Fire, Police, and the Public Works Departments' 2019-20 budgets. In all subsequent years, special events budgets will be consolidated and presented as a single program for transparency and ease of understanding.

RECOMMENDATION:

Staff recommends that the City Council:

1. Review and approve the Special Events for Calendar Year 2019-2020 and the Estimated Costs Associated Totaling \$420,657 and ratify the actions of the City Administrator and staff to fund the Special Events included in the Resolution that have occurred before the date of the Resolution in Fiscal Year 2019/2020.
2. Adopt a Resolution, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO FINDING THAT THE PUBLIC PURPOSE WOULD BE SERVED BY THE PROVISION OF CITY RESOURCES AND FUNDING FOR SPECIFIED SPECIAL EVENTS AND APPROVES SUCH SPECIFIED SPECIAL EVENTS FOR FISCAL YEAR 2019-2020"

3. Adopt a Resolution, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO ESTABLISHING A POLICY FOR SPECIAL EVENTS"