



# City of Rialto

## Legislation Text

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For City Council Meeting [November 27, 2018]

TO: Honorable Mayor and City Council

APPROVAL: Ahmad Ansari, Interim City Administrator

FROM: Perry Brents, Director of Community Services

Request City Council to Adopt **Resolution No. 7428**, authorizing the Expenditure of \$20,000 to Co-Sponsor a "Rialto Holiday on Ice" Event to be held from December 8 through December 16, 2018.

### **BACKGROUND:**

In December of 2004, the Rialto City Council approved the first-ever, Rialto Holiday on Ice event. This event, held for 4 years (2004-2008) and again in 2013, was possible through donations by co-sponsorship of the City and various members of the business community. Staff is proposing to reinstate the Rialto Holiday on Ice event. Upon City Council approval, the event schedule would take place daily from Saturday, December 8 through Sunday, December 16, 2018.

### **ANALYSIS/DISCUSSION:**

The "Rialto Holiday on Ice" program provides a winter recreational event as a part of the City of Rialto continuing effort to sponsor events that promote family oriented recreation opportunities. Studio 33 Stage Productions, represented by Mr. Brian Jackson is a vendor with the capability of providing a portable ice skating rink. The vendor is available for the *Rialto Holiday on Ice* to take place from December 8 through 16, 2018. Co-sponsorship by the City allows for the provision of securing the vendor's commitment to the scheduled dates and confirming co-sponsorship from the various business entities and other donors.

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. City staff is seeking Council review and consideration for co-sponsorship of the *Rialto Holiday on Ice* for \$20,000. The cost for providing the skating rink is \$45,900. The remaining \$25,900 as proposed would come from sponsorships and donations.

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.

#### **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:**

##### **Operating Budget Impact:**

The total cost to provide the Rialto Holiday on Ice event is approximately \$45,900. The estimated financial impact to the City is \$20,000. The costs for this special event will be paid from the General Fund Account No. 010-500-0001-2021 and Project No. 190813-00. Staff is recommending to increase estimated revenues from sponsorships in Recreation-Temporary Ice Skating Rink Account No. 010-400-0001-7799 and Project No. 190813-00.

A transfer of funds from Account No. 010-500-1148-1030 \$11,200 and Account No. 010-500-1148-1050 \$8,500 to Account No.010-500-0001-2021 Project No. 190813-00 is necessary to fulfill this request.

##### **Capital Improvement Budget Impact:**

This report has no impact to the capital budget.

##### **Licensing**

Prior to execution of the Professional Service Agreement/Purchase Order, the vendor shall submit a business license application and pay a Business License tax at the Professional Service rate of \$79.00 plus Administrative fees.

#### **RECOMMENDATION:**

Staff recommends that the City Council Adopt a Resolution Authorizing the Expenditure of \$20,000 to Co-Sponsor a "Rialto Holiday on Ice" Event to be held from December 8 through December 16, 2018.

