

ORDINANCE NO: 2009-02

**AN ORDINANCE OF THE ROLLING HILLS
COMMUNITY SERVICES DISTRICT
REGARDING FACILITIES USE – PARK AND FIELDS**

WHEREAS, the Board of Directors (the “Board”) of the Rolling Hills Community Services District (the “District”) believes that establishing rules governing District facilities use will serve to preserve the integrity, use and safety of District facilities and properties; and

WHEREAS, the Rolling Hills Community Services District is authorized to adopt ordinances, pursuant to California Government Code section 61060; and

WHEREAS the District believes that the adoption of an Park and Field Use Application Permit process whereby a Resident or Non-Resident would be required to obtain a permit, execute a release and indemnification agreement, and provide proof of insurance naming the District as an additional insured, is necessary to protect the District;

NOW THEREFORE, the Board of Directors of the Rolling Hills Community Services District ordains as follows:

SECTION 1

PURPOSE

The purpose of this ordinance is to provide rules governing the issuance of Park and Field Use Application Permits within the Rolling Hills Community Services District located in El Dorado County, California.

I. Permit Required. Whenever a Resident or Non-Resident desires to reserve a District Park for group event, youth event, adult event or other, they shall apply for and receive a Park and Field Use Application Permit (Permit).

II. Permit – Application. Within ten (10) business days prior to the reservation date, applications shall be filed with the General Manager. Applicants for permits under this section must file an application in writing on a form to be furnished by the District, which shall set forth the following information:

- a. The name, address, and telephone number of the applicant;
- b. The date of application;
- c. The description of the event and event location;
- d. The name, address and telephone number of the Organization, if applicable; and
- e. The requested use/event date.

III. Permit – Application Fee. All permit applications shall be submitted with payment of the fee applicable to cover the District’s administrative costs and designated use fees, as set forth in the District’s Fee Schedule in effect on the date of application.

IV. Permit – Issuance. Upon the filing of a complete Park and Field Use Application, the General Manager shall review, approve, approve with conditions, or deny it within five business (5) days of receipt. Permits will be granted on a case-by-case basis as determined by the District.

V. Release and Indemnification Agreement. Applicants shall execute a hold harmless agreement, in a form approved by District, to defend, indemnify and save harmless the District, its officers, agents, employees and representatives, and each of them, of and from any and all claims, demands, suits, causes of action, damages, costs, expense, losses or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with the alleged acts or omissions of the permit holder, its officers, agents or employees in connection with the Park and Field Use Permit activities. This indemnification agreement shall be executed prior to the issuance of the Permit.

VI. Insurance. Applicants shall obtain insurance policies of the type and in the amount required by the District prior to issuance of the Permit, including but not limited to the following minimum requirements: A \$1,000,000 Insurance Certificate listing the District as additional insured is required, along with additional approval for Jump Houses, Dunk Tanks, Professional Entertainment, Slip-n-Slides, Climbing Walls, Carnival Games, Caterers, etc. A \$2,000,000 Insurance Certificate listing the District as additional insured is required for all sports organizations. Applicant is responsible for securing the insurance, the cost therefore, and providing necessary copies to the District.

VII. Permit – Notice of Issuance. Immediately upon the issuance of the Permit, the General Manager shall send a copy thereof to the applicant.

VIII. Permit – Notice of Permit Denial. If a Permit application is denied, the General Manager shall provide the applicant with written notice of denial, which must contain a statement of facts upon which the denial is based and a statement of the appeal procedure set forth in paragraph XIII, hereof.

IX. Cancellations. Cancellations must be made in writing and received by the General Manager within five (5) business days of the reservation date. No refunds will be issued for cancellations received within three (3) business days of the reservation date.

X. Deposit Refunds. Deposit refunds will be processed within four (4) weeks of the reservation date. District shall withhold deposit funds if the facility is left with excessive trash and/or damage.

XI. Permit – Use. A Permit holder shall comply with all Permit conditions, and with all applicable laws and ordinances.

XII. Permit – Revocation. Permits issued pursuant to this Section may be revoked by the General Manager for failure to comply with the provisions of this section or failure to comply with any Permit terms and conditions. District's authority to revoke a Permit pursuant to this Section shall be in addition to any other remedies available to District under applicable laws.

XIII. Appeal Procedure. Any person excepting to the denial or revocation of a Permit under this Section shall have the right, within five (5) business days after receiving notice in writing of the denial or revocation, to file a written appeal to the Board of the District. The appeal shall set forth the specific grounds upon which it is based. The Board shall hold a hearing on the appeal within forty-five (45) days after its receipt by the District, or at a time thereafter agreed upon and shall cause the appellant to be given at least five (5) business days written notice of such hearing. At the hearing, the appellant or its authorized representative shall

have the right to present evidence and a written or oral argument, or both, in support of the appeal. The determination of the Board on appeal shall be final.

XIV. Not Exclusive Use. Permit is not for exclusive use of facilities; the public may officially reserve Park facilities as a courtesy only. Reservations enable District to inform the public that the picnic area or fields are reserved. Parks shall remain open to the general public.

SECTION 2.

AUTHORITY

I. The Rolling Hills Community Services District is authorized to adopt ordinances, pursuant to California Government Code section 61060.

SECTION 3.

DEFINITIONS

As used in this ordinance, the terms listed below shall have the meaning assigned them.

- I. "District" means the Rolling Community Services District.
- II. "General Manager" means the General Manager of the Rolling Hills Community Services District, or designee.
- III. "Permit" means the Park and Field Use Application Permit issued pursuant to this Section authorizing use of the specified facilities described in the Permit.


This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in full within fifteen (15) days after its adoption in a local newspaper.

This Ordinance was introduced and the entire ordinance read in full at a special meeting of the Rolling Hills Community Services District Board of Directors on July 7, 2009, and further reading was waived.

On a motion by Vice President Cruz Arellanes, seconded by Director John Kennedy, the foregoing ordinance was passed and adopted by the Board of Directors of the Rolling Hills Community Services District this 21st day of July, 2009, by the following vote:

AYES:	DIRECTORS: Halverson, Arellanes, Hicks, Kennedy and Magee
NAYS:	DIRECTORS: None
ABSTAIN:	DIRECTORS: None
ABSENT:	DIRECTORS: None

Tim Halverson
PRESIDENT OF THE BOARD


Linda Stone
BOARD SECRETARY