



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL AGENDA

Mayor Steve Dallas
Council Members Carolyn Hardy
Jan Reimers, Bobby Richards, and Carrie Theis

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

Contact: 831.620.2000 www.ci.carmel.ca.us/carmel

REGULAR MEETING TUESDAY, June 7, 2016 4:30 P.M.

CALL TO ORDER, ROLL CALL, & PLEDGE OF ALLEGIANCE

EXTRAORDINARY BUSINESS

1. Employee Introduction: Gerald Maldonado, PSO, Christina Woznuk, CSO and Maxine Gullo, Human Resources Manager.

ANNOUNCEMENTS

2. Beach Rescue Commendation
3. Centennial Committee Update
4. Short-term Rentals Report

PRESENTATIONS

5. National Weather Service Presentation

PUBLIC APPEARANCES

Matters not appearing on the City Council's agenda will not receive action at this meeting but may be referred to staff for a future meeting. Presentations will be limited to three (3) minutes, or as otherwise established by the City Council. Persons are not required to give their names, but it is helpful for speakers to state their names in order that the City Clerk may identify them in the minutes of the meeting. Always speak into the microphone, as the meeting is recorded

PUBLIC HEARING

Public Hearings consist of Zoning amendments, General Plan amendments, appeals of Commission decisions and other State-mandated items. If the Public Hearing is an appeal, appellants are allowed a total of 10 minutes to speak on their own behalf after the staff report and at the close of public comment in order to have an opportunity to rebut public comments. Other speakers will be allowed three minutes.

1. [AB 1140 Public Hearing and Adoption of the FY 2016-2017 Budget \(p. 3\)](#)
2. [AB 1141 Consideration of a resolution approving FY 2016-2017 Gann Limits \(p. 6\)](#)
3. [AB 1142 Consideration of a resolution approving MOU maintenance efforts \(Prop 172\) \(p. 11\)](#)

ORDERS

Orders of Council are agenda items that require City Council discussion, debate and/or direction.

4. [AB 1139 Consideration of a resolution adopting a policy City Council policy C16- : City of Carmel-by-the-Sea Special Events Policy, and a resolution rescinding City Council policy C89-45: Establishing a Policy on Temporary Street Closures for Residential and Community Events; C90-01: City-wide Facilities Use Policy; C95-06: Short-term Use of Municipal Buildings and Public Spaces for Special Events; and C12-02: Event Fee Waivers \(p.16\)](#)

FUTURE AGENDA ITEMS

ADJOURNMENT

SPECIAL NOTICES TO PUBLIC

The City Council of Carmel-by-the-Sea meets in Regular Session on the First Tuesday of each month at 4:30 p.m., unless otherwise noticed. The City Council may also meet on the First Monday of each month in a Special Meeting and/or a Workstudy Session at 4:30 p.m., unless otherwise noticed. City Council agenda packets are available for public review on the City website at www.ci.carmel.ca.us and in the Clerk's Office on the Friday prior to the scheduled meeting. Any writings or documents provided to a majority of the City Council regarding any item on the agenda will be made available for public inspection. Interested members of the public may subscribe to the Council Agenda by submitting a request to the City Clerk. Meetings are open to the public and the City Council welcomes your participation. Any member of the public may comment on any item on the agenda. Testimony is limited to three (3) minutes per speaker, or as otherwise established by the City Council. Meetings are streamed live on-line and archived for easy access anytime day or night. Visit the City's website at www.ci.carmel.ca.us to view the meetings or watch a television rebroadcast on the first Sunday after the City Council meeting at 8:00 a.m. on MCAET Channel 26. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2007 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA

AGENDA BILL

AB 1140
June 7, 2016
Public Hearing

TO: Honorable Mayor and Members of the City Council
Chip Rerig, City Administrator

FROM: Chip Rerig, City Administrator

SUBJECT: Adoption of the FY 2016-17 Budget

AMOUNT OF EXPENDITURE	\$ Click here to enter text.
AMOUNT BUDGETED	\$ Click here to enter text.
APPROPRIATION REQUIRED	\$ Click here to enter text.

RECOMMENDATION

Adopt FY 2016-2017 Budget by Resolution

SUMMARY

The Council received the Draft FY 2016-2017 Operating Budget on 2 May 2016. Preliminary discussions were held at a Council Meeting on 1 June 2016 and staff was requested to make and return with answers to several questions. Staff is providing the Revised Draft Operating Budget and CIP for Council's consideration and adoption.

PRIOR CITY COUNCIL ACTION

Click here to enter text.

ATTACHMENTS

- 1. Resolution 2016-

APPROVED: _____ Chip Rerig, City Administrator	Date: _____
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**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION 2016-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
ADOPTING THE FISCAL YEAR 2016-2017 BUDGET.**

WHEREAS, the City Council of the City of Carmel-by-the-Sea received the proposed Capital Improvements Plan in March and dispatched it to the Planning Commission for General Plan conformity review, which the Commission did on 13 April 2016; and,

WHEREAS, the Proposed Budget for Fiscal Year 2016-17 was presented to the City Council on 2 May and the Council held public meetings to discuss on 1 June and 7 June.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES:

Approve the Proposed Budget for Fiscal Year 2016-17 inclusive of the capital projects, and those decisions made by Council on 7 June, 2016.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA, CALIFORNIA, this 7th day of June 2016 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

SIGNED:

ATTEST:

Steve Dallas, MAYOR

Ashlee Wright, City Clerk



MEMO

DATE: June 3, 2016
TO: Members of the City Council and the public
FROM: Ashlee Wright, City Clerk
SUBJECT: Adoption of the FY 2016-17 Budget.

This report will be provided under separate cover in advance of the Regular Council Meeting to be held Tuesday, June 7, 2016 at 4:30PM by Monday, June 6 at 12:00 pm.



CITY OF CARMEL-BY-THE-SEA

AGENDA BILL

AB 1141
June 7, 2016
Public Hearing

TO: Honorable Mayor and Members of the City Council
FROM: Chip Rerig, City Administrator
SUBJECT: Gann Limit Calculation for FY 16-17

AMOUNT OF EXPENDITURE	\$ 0
AMOUNT BUDGETED	\$ 0
APPROPRIATION REQUIRED	\$ 0

RECOMMENDATION

Approval of the Gann Limit calculation for FY15-16.

SUMMARY

In November, 1979, the California electorate adopted Proposition 4 which was codified into the California Constitution as Article XIII B and provided for the establishment of a maximum appropriation limit for California, and its cities and districts, commonly called the "Gann Limit." This limit acts as a maximum limit that a city or district may spend in a given fiscal year. This Resolution adopts the factors that are used in calculating this limit, accepts the calculated limit, and declares that each fiscal year's appropriations do not exceed this calculated limit.

Article XIII B does three key things. Specifically, it:

Places annual limits (or ceilings) on the appropriations of tax proceeds that can be made by the state, school districts, and local governments in California. These limits are based on the amount of appropriations in the 1978-79 "base" year, as adjusted each year for population growth and cost-of-living factors.

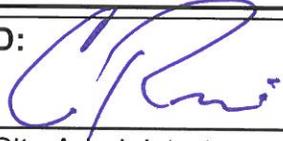
Precludes state and local governments from retaining any "excess revenues" (that is, revenues above each jurisdiction's state appropriations limit).

Requires the state to reimburse local governments for the cost of certain state mandates.

Each year, the State of California calculates and forwards to us the two factors related to local population growth and statewide inflation, which staff used to calculate the appropriations limit.

ATTACHMENTS

1. Resolution 2016-
2. Calculations for FY 16-17

APPROVED: 	Date: <u>6.2.16</u>
_____ Chip Rerig, City Administrator	_____

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2016-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
ADOPTING THE PER CAPITA PERSONAL INCOME AND CITY POPULATION AS
THE FACTORS FOR THE PURPOSE OF DETERMINING THE CITY'S FISCAL
YEAR 2016-2017 GANN LIMIT**

WHEREAS, in November of 1979, the California electorate did adopt Proposition 4, commonly called the Gann Amendment, which added Article XIII-B to the California Constitution; and,

WHEREAS, the provisions of that Article establish maximum appropriation limitations, commonly called "Gann Limit," for public agencies; and,

WHEREAS, the City must establish a projected Gann limit for the 2016-17 fiscal year in accordance with the provisions of Article XIII-B and applicable statutory law;

NOW, THEREFORE, BE IT RESOLVED that this Council does provide public notice that the attached calculations and documentation of the Gann limit for the 2016-17 fiscal year (Attachment A) is made in accordance with applicable constitutional and statutory law;

AND BE IT FURTHER RESOLVED that the City does hereby declare that the appropriations in the Budget for the 2016-17 fiscal year does not exceed the limitations imposed by Proposition 4;

AND BE IT FURTHER RESOLVED that the Council provide copies of this resolution along with the appropriate attachments to interested citizens of this city.

Resolution No. 2016-
Page Two

PASSED AND ADOPTED BY THE CITY OF COUNCIL OF THE CITY OF CARMEL-
BY-THE SEA this 7th day of June 2016, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

ATTEST:

Steve Dallas
Mayor

Ashlee Wright
City Clerk

Carmel-by-the-Sea
 Gann Limit Calculation
 FYE 6/30/2017

	Population Factor	Inflation Factor	All Taxes	Property Tax - Secured	Property Tax - Unsecured	Property Tax - Unitary	Property Tax - Transfer	Sales & Use Tax	Business License Tax	VLF Tax	TOT
2001-02	1.73	7.82	\$ 15,741,192	\$ 2,724,900	\$ 114,000	\$ -	\$ 115,000	\$ 1,845,000	\$ 460,000	\$ 45,770	\$ 3,677,000
2002-03	1.35	-1.27	\$ 17,266,514	\$ 3,050,000	\$ 130,000	\$ 30,000	\$ 230,000	\$ 2,050,000	\$ 520,000	\$ 305,000	\$ 3,800,000
2003-04	1.11	2.31	\$ 17,276,873	\$ 3,415,604	\$ 147,960	\$ 32,436	\$ 204,000	\$ 2,217,000	\$ 555,400	\$ 312,800	\$ 4,220,000
2004-05	1.56	3.28	\$ 17,872,926	\$ 3,599,500	\$ 140,000	\$ 39,500	\$ 113,000	\$ 2,164,000	\$ 630,000	\$ 335,580	\$ 4,260,640
2005-06	1.015	1.0526	\$ 18,746,912	\$ 3,869,050	\$ 153,577	\$ 39,602	\$ 126,665	\$ 1,619,968	\$ 550,666	\$ 352,139	\$ 3,830,432
2006-07	1.0121	1.0396	\$ 20,029,200	\$ 3,824,941	\$ 156,577	\$ 39,849	\$ 136,422	\$ 1,805,510	\$ 526,251	\$ 353,246	\$ 3,878,772
2007-08	1.0067	1.0442	\$ 21,074,725	\$ 4,264,610	\$ 150,546	\$ 22,514	\$ 129,590	\$ 1,722,659	\$ 514,374	\$ 170,338	\$ 4,177,730
2008-09	1.0156	1.0429	\$ 22,153,751	\$ 4,215,825	\$ 174,669	\$ 44,529	\$ 193,035	\$ 2,251,453	\$ 560,376	\$ 297,067	\$ 4,619,137
2009-10	1.0145	1.0062	\$ 23,465,253	\$ 4,333,090	\$ 172,533	\$ 41,611	\$ 162,384	\$ 4,226,000	\$ 497,000	\$ 346,000	\$ 4,846,000
2010-11	1.0137	0.9746	\$ 23,953,330	\$ 4,574,223	\$ 174,885	\$ 46,086	\$ 167,805	\$ 5,380,526	\$ 571,000	\$ 356,380	\$ 5,380,526
2011-12	1.0059	0.9746	\$ 23,665,880	\$ 4,721,824	\$ 178,383	\$ 47,008	\$ 175,000	\$ 5,222,560	\$ 583,000	\$ 376,000	\$ 5,373,000
2012-13	1.007	1.0377	\$ 24,401,899	\$ 5,410,000	\$ 198,000	\$ 52,000	\$ 245,000	\$ 5,361,000	\$ 583,000	\$ 400,000	\$ 6,103,754
2013-14	1.0512	1.0059	\$ 25,499,984								
2014-15	1.0000	0.9977	\$ 26,963,684								
2015-16	1.0000	1.0382	\$ 27,929,311								
2016-17	1.009	1.0537	\$ 29,694,443								



CITY OF CARMEL-BY-THE-SEA AGENDA BILL

AB 1142
June 7, 2016
Public Hearing

TO:	Honorable Mayor and Members of the City Council
FROM:	Chip Rerig, City Administrator
SUBJECT:	Consideration of a Resolution approving MOU Maintenance efforts (Prop 172)

AMOUNT OF EXPENDITURE	\$ 0
AMOUNT BUDGETED	\$ 0
APPROPRIATION REQUIRED	\$ 0

RECOMMENDATION

Adopt the Resolution approving MOU Maintenance efforts (Prop 172)

SUMMARY

The Local Public Safety Protection and Improvement Act of 1993 was approved as Proposition 172 by the voters at the statewide general election conducted on November 2, 1993, and authorized the imposition of a sales and use tax at the rate of one-half percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this State on and after January 1, 1994, proceeds of which tax were specifically designated exclusively to help fund public safety activities and services.

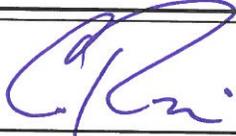
The law requires that the legislative body of the City and the Directors of the designated public safety service departments must agree on or before the adoption of the budget for each fiscal year through a contractual memorandum of understanding to the reduced funding levels.

Memorandum of Understanding between the City and Directors of the designated public safety service departments, assures that the new fiscal year funding levels for operations will meet the Maintenance of Effort guidelines as provided in Proposition 172.

ATTACHMENTS

- 1. Resolution
- 2. Memorandum of Understanding

APPROVED:



Date: 6.2.16

Chip Rerig, City Administrator

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2016-

**A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING
REGARDING THE MAINTENANCE OF EFFORT REQUIREMENTS
RELATED TO PROPOSITION 172 FUNDING**

WHEREAS, the Local Public Safety Protection and Improvement Act of 1993 was approved as Proposition 172 by the voters at the statewide general election conducted on November 2, 1993, and authorized the imposition of a sales and use tax at the rate of one-half percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this State on and after January 1, 1994, proceeds of which tax were specifically designated exclusively to help fund public safety activities and services; and

WHEREAS, Assembly Bill 2788 was enacted into State statute implementing "Maintenance of Effort" minimum expenditure requirements for public safety services in each community receiving Proposition 172 funds; and

WHEREAS, the City Council is required to establish the departments and municipal activities which they consider to be public safety services and officially designate those services by Council Resolution; and

WHEREAS, Resolution 95-122 established the Fire and Police Departments as the designated Public Safety Service Departments of the City of Carmel-by-the-Sea; and

WHEREAS, Proposition 172 allows for a jurisdictional exemption when total Maintenance of Effort funding falls below the Fiscal Year 1992-93 base year plus growth factor. The law requires that the legislative body of the City and the Directors of the designated public safety service departments must agree on or before the adoption of the budget for each fiscal year through a contractual memorandum of understanding to the reduced funding levels;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES:

1. Approve the Memorandum of Understanding between the City and Directors of the designated public safety service departments stating that the new fiscal year funding levels for operations will meet the Maintenance of Effort guidelines as provided in Proposition 172.

2. Authorize the Mayor to execute the Agreement on behalf of the legislative body of the City of Carmel-by-the-Sea.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of June 2016, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

ATTEST:

Steve Dallas
Mayor

Ashlee Wright
City Clerk

**MEMORANDUM OF UNDERSTANDING
REGARDING THE MAINTENANCE OF EFFORT REQUIREMENTS
RELATED TO PROPOSITION 172 FUNDING BETWEEN THE
CITY OF CARMEL-BY-THE-SEA LEGISLATIVE BODY AND THE
DIRECTORS OF THE DESIGNATED SAFETY SERVICE DEPARTMENTS**

Proposition 172 was passed and authorized a one-half cent public safety sales tax to help fund public safety activities and services.

Assembly Bill 2788 was enacted into state statute implementing “Maintenance of Effort” minimum expenditure requirements for public safety services in each community receiving Proposition 172 funds.

The City Council is required to establish the departments and municipal activities, which they consider to be public safety services by Resolution.

Resolution 95-122 established the Fire and Police Departments as the designated Public Safety Service Departments.

Proposition 172 allows for a jurisdictional exemption when total Maintenance of Effort funding falls below the Fiscal Year 1992-93 base year plus growth factor. The jurisdiction’s (City of Carmel-by-the-Sea) legislative body and the Directors of the designated public safety service departments must agree through contractual memorandum of understanding to the reduced funding levels.

It is agreed that the fiscal year funding levels for operations of the safety departments of Fire and Police will meet the Maintenance of Effort guidelines as provided in AB 2788 and Proposition 172.

Executed this 7th day of June, 2016, at Carmel-by-the-Sea, California

Mike Calhoun
Public Safety Director

Steve Dallas, Mayor
City of Carmel-by-the-Sea
on behalf of the legislative body



CITY OF CARMEL-BY-THE-SEA

AGENDA BILL

AB 1139
June 7, 2016
Orders

TO: Honorable Mayor and Members of the City Council
Chip Rerig, City Administrator

FROM: Janet Bombard, Library and Community Activities Director
Paul Tomasi, Police Commander

SUBJECT: Consideration of a resolution adopting City Council policy C16: "City of Carmel-by-the-Sea Special Events Policy", and a resolution rescinding City Council policy C89-45: "Establishing a Policy on Temporary Street Closures for Residential and Community Events"; policy C90-01: "City-wide Facilities Use Policy"; policy C95-06: "Short-term Use of Municipal Buildings and Public Spaces for Special Events"; and policy C12-02: "Event Fee Waivers"

AMOUNT OF EXPENDITURE	\$ N/A
AMOUNT BUDGETED	\$ N/A
APPROPRIATION REQUIRED	\$ N/A

RECOMMENDATION

Adopt a resolution authorizing a new special event policy and rescinding outdated policies.

SUMMARY

BACKGROUND:

In September 2015, former mayor Jason Burnett appointed an ad hoc Event Policy and Event Fee Waiver Policy Review Committee, and charged it with reviewing the current outdated (and sometimes conflicting) policies governing events and fees, and creating an updated, comprehensive policy in their place. The ad hoc committee consisted of Jim Emery, Carolyn Hardy, Bob Mulford, Dick Stiles, Monta Potter, Ken White and Jon Wolfe. City staff support to the committee was provided by Police Commander Paul Tomasi and Library and Community Activities Director Janet Bombard.

In addition to the basic charge, the mayor asked the committee to address the following issues:

- Develop standard criteria for the approval of special events
- Ensure that special event fee waivers, if continued, fit within the budget set by the City Council
- Consider ways in which the special event and fee waiver policies might advance the ethics, character and strategic goals of the community
- Find ways to encourage events during the non-peak tourism months

The ad hoc committee employed a variety of methods to fulfill its charge, including:

- Reviewing, combining and incorporating still-relevant sections of existing City event and fee waiver policies into the new document
- Reviewing other cities' special event policies
- Review of existing statutes that pertain to special events (alcohol and health permits, for example)
- Securing an opinion from the City's insurance carrier as to desired levels and necessary types of coverage for events (see Attachment 2)

The committee began its work by reviewing the existing City policies governing special events: C89-45: "Establishing a Policy on Temporary Street Closures for Residential and Community Events"; C90-01: "City-wide Facilities Use Policy"; C95-06: "Short-term Use of Municipal Buildings and Public Spaces for Special Events", and C12-02: "Event Fee Waivers". These policies were in many cases outdated, but even more importantly, often conflicting. The committee incorporated what it felt were the essential, still-relevant points from these policies into the new proposed Special Event Policy.

The committee then reviewed a number of special event policies from other cities and integrated what it felt were essential elements and procedures, including formatting, into the draft policy. The resulting draft policy is a comprehensive "how-to" for staff and event organizers that provides necessary information and steps regarding the special event permit process, obtaining event funding from the City, and the practical details involved with all special events: permits, legal requirements, timelines, definitions, etc.

FEE WAIVERS AND CASE LAW

One of the questions tackled by the committee was fee waivers for special events, and whether they should be continued. The committee was of the opinion that a means of encouraging and helping special events should be retained; however, it was the committee's opinion that the amount of funding allocated to individual special events should be limited, should not continue longer than three years after the inception of the event, and that no City funding should be allocated to any event going into its fourth year or more. This is a carry-over from the existing event fee waiver policy, C12-02.

A 2008, 9th District United States Court of Appeals decision (Long Beach Area Peace Network vs. City of Long Beach) affects the way in which municipal funds may be allocated to special events. The Court of Appeals found that allowing a City Council the discretion to fund or waive permit fees without specified criteria for making fee waiver decisions afforded the Council the opportunity to potentially engage in content-based discrimination, and that making such decisions allows "the exercise of unbridled discretion" and is therefore unconstitutional.

In the wake of this decision California cities have adopted alternative procedures regarding the subsidization of special events. Specifically, cities have adopted policies establishing special advertising and promotion funds, to be used for events that, among other things, provide benefits to residents and promote tourism. In accordance with the court's decision, cities have also identified specific criteria for the funding of special events and adopted grant programs for awarding those funds.

In April, 2015, the Monterey City Council adopted an ordinance, based on the Court of Appeals finding, which is in line with policies and procedures that have been adopted by other California cities. The ad hoc committee reviewed the City of Monterey ordinance, and is proposing a similar granting process for allocating funding to City special events (see pages 10 – 12 of the draft policy). The proposed

“Community Promotions Fund” shifts the discussion away from fee waivers, eliminates confusion and the resulting discussions of hard and soft event costs, and protects the City legally.

As with any typical grant program, funding will last no more than three years: its purpose is to help new special events get started. The ad hoc committee was aware that adoption of the new policy could affect events that have received fee waivers for a number of years.

As provided in the proposed policy, to be eligible to receive City support, applicants must demonstrate that:

- The event takes place within the City.
- The event is scheduled to take place during the Fiscal Year for which the event was funded and the exact date(s), time(s) and location within the City have been determined.
- The event is not financially dependent upon receiving City support.
- The event directly or indirectly benefits the Carmel community by supporting its schools, cause-related or non-profit organizations.
- The applicant has no outstanding debt due to the City.
- The event is accessible to the community/public, but need not be free of charge.
- Participation in the organization requesting funding not be predicated on a person’s race, color, religion, ethnicity, national origin, age, sex, sexual orientation, marital status, political affiliation, disability or medical condition.
- Carmel-by-the-Sea residents are served by the organization.

Also per the policy, the City will not provide support to:

- Individuals.
- Events that benefit for-profit enterprises.
- Invitation-only events that are not open to the general public.
- Events that have been held in the City for more than three years.
- Event Organizers and organizations that have not fulfilled previous special event obligations.

The proscription against providing support to for-profit enterprises is a departure from past City practice; however, it is consistent with all other California city special event grants/promotional funding policies staff was able to find on the Internet. It also protects the City with respect to California Government Code section 8314 and the California State Constitution, which prohibit gifts of public funds to any individual, corporation, or another government agency.

COMMUNITY ACTIVITIES AND CULTURAL COMMISSION RECOMMENDATIONS

The Community Activities and Cultural Commission considered the Special Event Policy at its April 12, 2016 meeting, and voted to send the following recommendation to the City Council regarding the policy:

1. Insert language on page 6 under “Permit Process”, and page 9 under “Application Approval/Denial Notification”, that once the application is received, city staff will acknowledge receipt in a timely manner, or no later than 30 days from the receipt of the application.
2. Insert language on Page 9 with regard to the “Appeals Process” that the appealing party will be notified in writing of the City Administrator’s decision of action in a timely manner, or no later than 30 days from the receipt of the appeal.
3. Table 2: Sales of Merchandise, page 6: Change the table to “YES” to allow sales of merchandise at Scout House, Forest Theater, and Vista Lobos (City Policy C95-06, from which the table was copied, did not allow sales of merchandise at the three facilities.)

4. All Special Event permit application documents submitted by hand will be date stamped.
5. Fix glitches in timelines regarding turning in permits (page 6) and scheduling pre-event meetings on page 20. Per the policy, new events require meeting at least 90 days in advance but they also require meeting at least 90 days in advance.

Page 6, "Permit Process" states: "Applications for small-scale or special events are to be submitted at least 90 days in advance of the event and evaluated by the Staff Committee. For large-scale events drawing 7,500 people or more, applications must be submitted at least 180 days in advance."

Page 20, Table 3, Required Timeline specifies that an event organizer must attend a pre-event meeting scheduled by the City. New events require meeting at least 90 days in advance. Returning events require meeting 60 days in advance

Staff recommends the following suggested language in the "Due Date" column on page 20, Required Timeline, to fix the issue:

Large-scale events require meeting at least 90 days in advance. Small-scale events require meeting at least 60 days in advance.

Although it was not recommended by the Community Activities and Cultural Commission, staff is also recommending eliminating the third grid in Table 3 on page 20 which decrees that fee waiver requests must be submitted 90 days in advance. Fee waivers were removed from the new policy and replaced with the community promotions fund; therefore, that item is no longer relevant.

Although the Draft Policy appears long, it is needed to be comprehensive and to protect the City legally.

NEXT STEPS

After the policy has been approved, staff will develop a digest (summary) of the information contained in the policy for prospective special event permit and promotions fund applicants.

The Special Event Policy replaces the following policies, which upon adoption of the new policy are to be rescinded:

- C89-45: "Establishing a Policy on temporary Street Closures for Residential and Community Events"
- C90-01: "City-wide Facilities Use Policy"
- C95-06: "Short-term Use of Municipal Buildings and Public Spaces for Special Events"
- C12-02: "Event Fee Waivers"

ACKNOWLEDGEMENT

Staff wishes to thank the ad hoc Event Policy and Event Fee Waiver Policy Review Committee for the many hours and hard work its members put into the drafting of the attached proposed Special Event Policy. Special thanks go to ad hoc committee member Carolyn Hardy for volunteering to undertake the onerous task of creating the first draft of the policy and overseeing it through its many revisions, and participating in additional meetings with both staff and the City Attorney.

Adoption of policies C89-45, C90-01, C95-06 and C12-02.

ATTACHMENTS

1. Resolution adopting the special event policy
2. Resolution rescinding certain policies
3. Draft Special Event Policy
4. Email from the City's insurance and risk carrier regarding suggested coverage for special events
5. C89-45, Establishing a Policy on temporary Street Closures for Residential and Community Events
6. C90-01, City-wide Facilities Use Policy
7. C95-06 Short-term Use of Municipal Buildings and Public Spaces for Special Events
8. C12-02, Event Fee Waivers

APPROVED: 	Date: 
_____ Chip Rerig, City Administrator	_____

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
ADOPTING CITY COUNCIL POLICY C16- : "CITY OF CARMEL-BY-THE-SEA SPECIAL
EVENTS POLICY"

WHEREAS, current City policies governing special events are conflicting and outdated;
and

WHEREAS, an Ad Hoc Event Policy and Event Fee Waiver Policy Review Committee
was appointed to create an updated, comprehensive policy;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF
CARMEL-BY-THE-SEA DOES:

Adopt City Council Policy C16- : "City of Carmel-by-the-Sea Special Events Policy".

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 7th day of June, 2016, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS

SIGNED:

ATTEST:

Steve G. Dallas, Mayor

Ashlee Wright, City Clerk

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
RESCINDING CITY COUNCIL POLICIES C89-45: "ESTABLISHING A POLICY ON
TEMPORARY STREET CLOSURES FOR RESIDENTIAL AND COMMUNITY EVENTS"; C90-
01: "CITY-WIDE FACILITIES USE POLICY"; C95-06: "SHORT-TERM USE OF MUNICIPAL
BUILDINGS AND PUBLIC SPACES FOR SPECIAL EVENTS"; AND C12-02: "EVENT FEE
WAIVERS"**

WHEREAS, the City Council developed a formal Policy and Procedure Manual in March 1989; and

WHEREAS, current City policies governing special events are conflicting and outdated; and

WHEREAS, a new special event policy which incorporates and updates the aforementioned policies has been drafted;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES:

Adopt a resolution rescinding the following City Council Policies:

1. City Council policy C89-45: "Establishing a Policy on Temporary Street Closures for Residential and Community Events";
2. City Council policy C90-01: "City-wide Facilities Use Policy";
3. City Council policy C95-06: "Short-term Use of Municipal Buildings and Public Spaces for Special Events"; and
4. City Council policy C89-45C12-02: "Event Fee Waivers."

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of June, 2016, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS

SIGNED:

ATTEST:

Steve G. Dallas, Mayor

Ashlee Wright, City Clerk

City of Carmel-by-the-Sea **SPECIAL EVENTS**

REVISION 12

POLICY

Draft

Library and Community Activities Director
Community Activities Department
Carmel-by-the-Sea, CA 93921
(831) 624-1366



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Draft

SPECIAL EVENTS POLICY

Policy No. C16-___

GENERAL

INTRODUCTION

The City of Carmel-by-the-Sea supports and encourages events that have a significant economic, charitable, or community benefit while maintaining the values and unique character of the village.

PURPOSE

The purpose of this policy is to provide guidelines, processes, and regulations for special events that will protect public property and provide safety for participants and residents, and will strike an appropriate balance between the benefits of organized events and their associated impacts on the community and on the environment.

PREVIOUS POLICIES RESCINDED

This policy incorporates relevant information contained in previously adopted City policies pertaining to events and eliminates conflicting policies. For those reasons, the following policies are to be rescinded by City Council resolution: C89-45, C90-01, C95-06 and C12-02.

CRITERIA FOR EVALUATING AND SCHEDULING SPECIAL EVENTS

Careful consideration will be made for each event being held in the City of Carmel-by-the-Sea taking into consideration the following:

COMMUNITY BENEFITS

Special events can create a sense of community by, among other things:

- Providing a social gathering place for residents and visitors.
- Establishing and maintaining local traditions.
- Enhancing and supporting the unique village character and residential values.
- Showcasing talents of local artists.
- Providing cultural, educational and recreational enrichment.
- Enhancing the local economy and the City's reputation as a world-renowned destination.
- Providing funding opportunities for local community-serving, non-profit organizations.

COMMUNITY IMPACTS

Special events can impact the community by, among other things:

- Adding to traffic congestion and exacerbating parking problems.
- Impinging on use of public spaces for passive enjoyment by area residents.
- Having a negative impact on the health and appearance of public landscaping and on the condition of public buildings and property.
- Adding direct and indirect expenses to the City budget for maintenance of public facilities.
- Adding direct and indirect expenses to City operations by diverting staff resources away from other high priority work programs and projects.

CRITERIA FOR EVENT EVALUATION

The City of Carmel-by-the-Sea has the responsibility for determining whether or not any applicant shall be entitled to hold a special event. The City shall take into account the effect

the proposed special event will have upon the community and the environment as defined in the purpose. The City will also consider:

- Whether any inconvenience that the general public may suffer is outweighed by the potential benefit to the community as a whole.
- Whether the holding of the special event as planned would create an undue burden upon the resources of the City.
- The safety of the proposed event.
- The frequency of the same or similar event(s).
- Whether the requested event date coincides with peak tourism periods.
- Whether an event is held during the off-season (typically during periods from November through March).

EVENTS THAT REQUIRE A PERMIT

A formal permit is required for use of public property in the City of Carmel-by-the-Sea for any of the following conditions:

- Exclusive use of any portion of any City property to the exclusion of the general public. (CMC Chapter 17.70 Definition of “Temporary Event”)
- Support of any commercial enterprise, e.g., caterer, portable restrooms, etc.
- Sound equipment use requiring greater than a 12-volt system. (CMC Chapter 8, 56.085)
- Erection of any structure, e.g., stage, tents, etc. (CMC Chapter 12, Section 32.060)
- Any request that involves special outside or City support, e.g., traffic control, traffic cones, barricades, signage, extra trash pickup, etc.
- Any request that involves the use of a stationary internal combustion engine, e.g., gas generator.
- A gathering or assemblage of 50 people or more.

Any request for exception from current City codes, rules, regulations, restrictions and policies governing activities on City property requires City Council authorization.

CITY SUPPORT GROUPS

This policy does not apply to City support groups as designated by the City Council and defined in the City’s Support Groups Policy. Requests for use of public facilities by City support groups shall be in compliance with the Support Groups Policy C89-47 dated September 21, 1989 (adopted in Resolution No. 89-121) and revised from time to time thereafter.

FACILITY USE

CITY WIDE FACILITIES USE

The City of Carmel-by-the-Sea provides for the use of municipal facilities and public property for city and community groups as set forth in Table 1. Facilities and public properties will be made available at no fee if the event is held by an official City Support Group and/or co-sponsored by the City of Carmel-by-the-Sea. Privately-sponsored group activities may use municipal facilities and public property as listed in Table 1, subject to acceptance of the established criteria and regulations, scheduling and staffing availability, and fees as set forth in this policy.

**TABLE 1
USE OF MUNICIPAL FACILITIES AND
PUBLIC PROPERTIES FOR SPECIAL EVENTS**

FACILITY	AVAILABLE FOR USE BY	RESERVATION INFORMATION	FEES
INDOOR SPACES:			
POLICE, FIRE, PUBLIC WORKS, FOREST & BEACH BUILDINGS	Departmental operations only.		N/A
CITY HALL Council Chambers Conference Room	City departments, special public agency meetings.	Call City Hall 620-2000	NONE
HARRISON MEMORIAL LIBRARY Reading Room Park Branch Youth Services Park Branch Local History	Educational, cultural, historical, departmental uses only, in accordance with Library Board Policy. Departmental uses only, in accordance with Library Board Policy.	Call Library Director 624-1366	NONE
VISTA LOBOS / J O LUMBERYARD COMMUNITY MEETING ROOM	City departments, individuals, community-based organizations, special public agency meetings, educational, cultural events.	Call Community Activities Department 620-2020	FEES VARY
FOREST THEATER	Community-based organizations, educational, cultural events.	Call Community Activities Department 620-2020	FEES VARY
OUTDOOR SPACES:			
DEVENDORF PARK	City departments, educational and cultural events	Community Activities Department 620-2020	FEES VARY
FOREST HILL PARK CARMEL BEACH	City departments, individuals, community-based organizations, special public agency meetings, educational, cultural events.	Community Activities Department 620-2020	FEES VARY

PERMIT PROCESS

On forms provided by the City, a group or individual may make application to hold a special event using public property. Applications for small-scale or special events are to be submitted at least 90 days in advance of the event and evaluated by the Staff Committee. For large-scale events drawing 7,500 people or more, applications must be submitted at least 180 days in advance.

The City is not obligated to accept applications submitted less than 90 days in advance. Special Event Permit applications may not be submitted more than one year in advance of the date of the proposed event. The application may be approved, denied, or approved with conditions by the Staff Committee. Following action by the Staff Committee, the application may be reviewed and/or approved by the Community Activities & Cultural Commission and/or the City Council.

STAFF COMMITTEE

The composition of the Staff Committee includes the following: Community Activities staff, Public Works Superintendent, Police Department staff, Planning Department staff, and Risk Manager. The Staff Committee may be expanded or contracted by enlisting the aid of other City personnel, as determined by event location or other pertinent criteria.

STAFF COMMITTEE REVIEW OF APPLICATION

The Event Organizer will be required to attend a pre-event meeting with the Staff Committee as referenced in the “Required Timeline”, Attachment 1.

If the proposed use is deemed by the Staff Committee to potentially impact the community or the general public’s wellbeing, the Event Organizer shall provide public notice. For annual or continuing events, the Staff Committee shall decide – taking into consideration factors such as size, complexity, significant or substantive changes, etc. – whether public noticing will be required in subsequent years.

For annual or continuing events the permit may be renewable, provided there are no significant or substantive changes to the event. Following each event the Staff Committee will evaluate the event and determine if permit conditions should be amended and/or whether it will be renewable.

All events that require downtown street closures, have a significant impact on public facilities, require a significant amount of City staff support, or require an exemption from current City codes or policies require City Council approval. City Staff will inform the Event Organizer of the date and time at which the Community Activities & Cultural Commission and/or City Council will review the application. The Event Organizer or a representative shall be present at this meeting to respond to questions.

CRITERIA FOR REVIEW OF APPLICATION

The Staff Committee will take into consideration:

- Consistency with the City’s General Plan, Shoreline Management Plan, Ordinances, and Policies.
- Safety of the proposed event.
- Anticipated amount of extra personnel hours required to be furnished by the City.
- Event interference with the flow of traffic in the area and the need to close streets in a safe manner to allow emergency access for fire, police and EMS vehicles.
- Anticipated number of attendees over the entire timeframe of the special event.
- Potential need for notification to impacted neighbors or businesses.

The Staff Committee will also consider the following issues:

- Season of year/time of day/duration of activity.
- Conflicts with other events.
- Staging requirements.
- Parking.
- Street closures.
- Noise.
- Lights.
- Vehicles (trucks/number of vehicles).
- Advertising and signage.
- Sale of merchandise.

With input from the Staff Committee, the City Administrator will make a determination whether the Event Organizer has demonstrated a positive working relationship with the City and staff by:

- Cooperating/collaborating with City staff prior to, during, and after the event.
- Meeting all application deadlines.
- Properly caring for City property and/or City equipment.
- Providing a pre-event budget and post-event financial report to the Community Activities Director.

In reviewing permits, the Staff Committee shall neither discriminate nor infringe on rights related to free speech, protected classes or their Constitutional issue. If such issues arise, the City Attorney will be consulted.

PUBLIC NOTIFICATION

An event can change the normal flow of residential and business activity, potentially causing a negative impact to the community. In such cases the Staff Committee may determine that public notice to the surrounding neighborhood is required prior to reaching a decision. The applicant shall be responsible for distributing such notice.

NOTIFICATION PROCESS

If an event involves a street closure, amplified sound (more than announcements), the sale of alcohol, or more than 200 anticipated attendees, the applicant will be required to notify, in writing, all residents and businesses within 300 feet of the event venue and/or route at least two weeks prior to the Community Activities & Cultural Commission or City Council meeting at which the event will be considered. The notification must include the following information:

- Name of event.
- Description of the event, including anticipated number of attendees.
- Name of person(s) or organization(s) sponsoring the event, with contact information including phone and e-mail.
- Proposed date, time and duration of the event, including setup and tear down.
- Proposed street closure(s) and alternative route(s), if applicable.
- Use of amplified sound, if applicable.
- Sale or serving of alcohol, if applicable.
- City staff contact information.
- Date, time and location of the public meeting(s) at which the event request will be considered.

The notification may be distributed door-to-door or mailed to the impacted area. A distribution list may be obtained from the Community Planning and Building Department. The applicant must also notice the proposed event in the local newspaper, and is encouraged to use other appropriate means of distribution such as e-mail blasts, and posting the notification on community or shared boards and at the Carmel Chamber of Commerce.

To complete the notification requirement, applicant must submit a Notification Certification listing the residents and businesses that were sent the notification, and the method of notification that was used. The Notification Certification form can be obtained from the Community Activities Department.

COMPETING INTERESTS

To avoid overlapping requests for a scarce resource, the Community Activities Department will maintain a calendar to schedule events at specific sites. The following ranked priority list shall be used as a guide by the Staff Committee in resolving conflicts among competing interests:

- Contractual obligations (leases, etc.).
- City Council, Commission, or department activities.
- City-sponsored events.
- Permit renewals for annual events.
- Events to raise funds for city programs.
- New events – non-profit organizations.
- New events – for-profit organizations.

RESOLVING CONFLICTS

If two or more events are proposed within the same priority at the same time and place, the Staff Committee shall use the following criteria for making a recommendation on which event to approve:

- Local organization vs. regional or outside organization.
- Impacts of the event on the community.
- Date of application.
- Ease of rescheduling to another time or place.

APPLICATION APPROVAL / DENIAL NOTIFICATION

After review, the Community Activities Director shall notify the applicant in writing of approval or denial of all special event requests.

All parties whose special event request have been approved shall assume full responsibility for compliance with all conditions, fees, and City, State and Federal laws. They assume responsibility for their actions, and any consequences associated with the special event. The Event Organizer or any event sponsors are advised not to announce, advertise or promote events until a permit has been issued.

Permit applications may be denied at the City's sole discretion. The City may propose alternate locations or dates, or may refuse to issue a permit. If the proposed special event does not satisfactorily pass the assessment in terms of the section "Criteria for Review of Application," the application will be recommended for denial.

APPEALS PROCESS

An Event Organizer whose application is denied, or who objects to the conditions or restrictions placed on the permit, may appeal to the City Administrator by submitting a written request to the Community Activities Director within 10 working days of the date on the City's notification of denial, conditions or restrictions. The appeal must be based on the original submitted application. The appealing party will be notified in writing of the City Administrator's decision or action.

If the appealing party is dissatisfied with the City Administrator's response, the party may appeal to the City Council within 14 working days of receipt of the City Administrator's response. The appeal shall be in writing, including a copy of the appeal to the Community Activities Director and City Administrator and their responses. The appeal must be based on the original submitted application and shall include the reasons for disagreeing with the responses and include any supporting documents.

Upon receipt of the appeal, the City Council will hear the matter at an upcoming meeting. The decision of the City Council is final.

REVOCAION OF PERMIT

Any conditions not met as set out in the approval of the application may be grounds for revocation of the permit by the City.

COST RECOVERY

Through permit review, the Staff Committee will estimate direct costs (labor, equipment and materials) for trash, portable toilets, and City departments Public Safety (Police and Ambulance), Forest and Beach, Community Activities, Public Works and Administration. Permit applications will be billed for staff hours, equipment, and associated costs.

Fees are established by Resolution of the City Council. These fees shall apply to short-term use for special events. Exceptions: Cost recovery will not be required for City-sponsored events (e.g., Fourth of July celebration, Sandcastle contest, Halloween parade and birthday party, Tree-lighting Ceremony).

SPECIAL EVENT SUPPORT PROGRAM

A Special Event Support Program is funded annually through the City’s budget process by a “Community Promotions Fund.” With clearly defined, goals, criteria, and evaluation measures, the program will result in a granting process that provides equal opportunity for all interested Event Organizers, and a reporting process that demonstrates transparency and accountability for public funds.

The number of years for which an organization will be eligible for City special event support for the same event shall be no more than three years from the inception of the event.

TYPE OF EVENTS FOR SUPPORT PROGRAM

- Community & charitable event – Either small- or large-scale event that serves or benefits locally-based organizations and causes, and/or provides recreational, cultural, and social benefits to Carmel residents. City-based organizations and events that serve the Carmel community specifically receive priority in funding.
- Large-scale event – An event based in the City of Carmel that is attended by 7,500 or more people, calls attention to and promotes the City regionally, attracts visitors as well as residents, has a major impact on the commercial and residential communities, and provides measurable economic benefits to the City of Carmel; or one that requires extensive staff time for pre-event processing, preparation, monitoring, and post-event rehabilitation of the village.
- Off-season event – Any event that is held off-season, between the months of November and March (inclusive), when the City is not already impacted by a major event, holiday or peak visitor time also receives priority in funding.

ELIGIBILITY CRITERIA

To be eligible to receive City support, applicants must demonstrate that:

- The event takes place within the City.
- The event is scheduled to take place during the Fiscal Year for which the event was funded and the exact date(s), time(s) and location within the City have been determined.
- The event is not financially dependent upon receiving City support.

- The event directly or indirectly benefits the Carmel community by supporting its schools, cause-related or non-profit organizations.
- The applicant has no outstanding debt due to the City.
- The event is accessible to the community/public, but need not be free of charge.
- Participation in the organization requesting funding not be predicated on a person's race, color, religion, ethnicity, national origin, age, sex, sexual orientation, marital status, political affiliation, disability or medical condition.
- Carmel-by-the-Sea residents are served by the organization .

INELIGIBILITY

The City will not provide support to:

- Individuals.
- Events that benefit for-profit enterprises.
- Invitation-only events that are not open to the general public.
- Events that have been held in the City for more than three years.
- Event Organizers and organizations that have not fulfilled previous special event obligations.

QUALIFICATION CRITERIA

To qualify for consideration to receive City special event support, all applications must comply with the following:

- Are submitted by the deadlines (see Table 3, "Required Timeline"), in the format required, and are 100% complete. Applications that are late, incomplete, or do not fully comply with the instructions will not be considered.
- Must include a copy of the complete event budget with explanation of income and expenses, a proposed promotion/marketing plan and mutually agreed upon performance measures for evaluating the event's marketing and economic impact on the City of Carmel.
- Must show anticipated direct or indirect charitable contributions to the Carmel community in support of its schools, cause-related or non-profit organizations. Additionally, for established events having previously received partial city funding, provide documentation that shows actual charitable contributions since inception of the event.
- Include non-profit tax ID number if the event is organized by a non-profit organization.

EVALUATION MEASURES

After qualification, applications will be reviewed and evaluated based on the following:

Community & charitable events

- The Event Organizers meet the above qualifying criteria.
- The event directly or indirectly benefits the Carmel community by supporting its schools, cause-related or non-profit organizations; offering educational, cultural or arts experiences; or providing recreational or social activities.
- The event benefits a City- or sphere-of-influence-based non-profit organization.
- The event serves, involves, call attention to and promotes the City of Carmel, its residents, non-profits, schools and/or organizations.

Large-scale events

- The Event Organizers meet the above qualifying criteria.
- The event enhances the quality of life within the City with cultural, social, recreational or educational activities of interest to the community.

- The event benefits a City- or sphere-of-influence-based non-profit organization.
- The event attracts visitors to the City.
- The event calls attention to and promotes the City as a highly desirable place to live, visit, work, play, and do business.
- The event directly or indirectly benefits or promotes City of Carmel businesses.

GRANTING PROCESS & SELECTION COMMITTEE

Deadlines for funding requests correspond to the City’s budgeting cycle. The Staff Committee will evaluate all qualified applications received by the deadline and funding recommendations will be made based upon the application and the amount of funding that the City Council allocates to the “Community Promotions Fund”. Results will be presented to the Community Activities & Cultural Commission for review and its recommendations will be given to the City Council for final funding determination. The Council can approve, amend or deny any recommendation.

FUNDING LEVELS

Combined event support shall not exceed the amount budgeted annually for the “Community Promotions Fund” nor exceed the limits in the following categories:

Total funding for small-scale events	Up to 60% of available funds
Total funding for all large-scale events	Up to 40% of available funds

FUNDING

Grants provide funding support through a “Community Promotions Fund” for qualified events to advertise and promote the City, and/or provide recreational, cultural, social benefits to residents, and offset City fees associated with executing an event in the City of Carmel. The purpose is not to fund the entirety of an event and grant awards may not cover all of an event’s cost.

The City expects to receive more applications and/or requests for grant support amounts in excess of what it can provide. There is no guarantee that the City will be able to provide all, part or any of the financial support requested by each applicant. Thus, applicants should not make commitments on the expectation of receiving City support. Recurring events do not automatically receive funding each year. Event Organizers of recurring events must apply each year to be considered.

Successful applicants will be awarded grants in the form of credits toward their City fees. Grants awarded are not intended to cover all of an Event Organizer’s costs associated with City oversight. If event costs (fees) are higher than the grant funding, the City will be owed the difference. If event costs incurred are lower than was projected during the grant process, the City will keep the difference.

The City shall retain the right to withhold or revoke funds where a recipient violates any terms of this Special Event Support Program policy, or any special event permit requirement. Compliance with this requirement shall be determined by the Community Services Director.

OTHER REQUIREMENTS

Successful applicants (while grants are under review) will be expected to follow the City’s separate Special Event Permit process and submit all necessary forms, insurance and fees as required. Applications that do not meet the requirements and are not submitted within the specified deadlines (see Table 3, “Required Timeline”) risk forfeiting the City’s Special Event support.

Successful grant recipients will be required to enter into an agreement with the City and consent to the City's terms and conditions which will include language granting the City the right to audit financials. The agreement will also include measurable objectives and performance measures for evaluating an event's marketing and economic impact. Event Organizers will be required to demonstrate how the event met, or did not meet, the objectives and measures in a required, post-event report. The Event Organizers who are funded will be required to submit such a report to the City within 60 days of the event's conclusion.

EVENT DETAILS

PERMITS

The Event Organizer is responsible for obtaining all necessary required permits. Depending on the event, these may include, but are not limited to, the following:

- Sign or banner approval from the City's Community Planning and Building Department.
- Encroachment permits from the City's Community Planning and Building Department.
- Monterey County Environmental Health Department permit.
- Department of Alcoholic Beverage Control (ABC) permit.

The Event Organizer is also responsible for ensuring that event vendors obtain all required permits including, but not limited to, Temporary Event Food Permit and Temporary Seller's Permit. Event Organizer must also ensure that event vendors have a current City of Carmel-by-the-Sea business license.

ALCOHOL

The sale of alcohol is allowed by permit only. The Event Organizer:

- Must obtain a permit from the State of California Alcoholic Beverage Control (ABC).
- Must post signs at all exits that "Alcohol is NOT Allowed Beyond this Point."
- Will be responsible for maintaining controls as specified by the Alcoholic Beverage Control Board.

Hours of sale will be regulated by the Carmel-by-the-Sea Police Department. Police may close the sale of alcohol at any time during the event in the interest of public safety or if they determine that these controls are not being followed.

The ABC Permit application must be submitted to the City for approval at least 30 days prior to the event. A copy of the temporary license must be provided to the Community Activities Department at least 10 days in advance of the event.

CROWD MANAGEMENT / EVENT SECURITY / TRAFFIC CONTROL

The Event Organizer must develop an event security plan in cooperation with the Police Department, and should incorporate an on-site private security plan for final Police Department approval. The plan should also include how vehicular and pedestrian traffic will be directed, whether there will be shuttle buses, and location of pick-up and drop-off areas. The City may require the Event Organizer to retain uniformed police personnel as needed for traffic, alcohol control and event security.

STREET CLOSURES

Permits will not be issued for such thoroughfares as San Antonio Street, Junipero Avenue, Carpenter Street, Santa Lucia, or bus/truck routes. Closure of other downtown streets will be considered on a case-by-case basis and will require City Council approval.

For any street closure, the Event Organizer will be required to provide uniformed officers or security officers on site to ensure public safety. Any closure of public streets will require physical barriers (cones, barricades, delineators) to ensure public safety. The number and placement of street barriers will be determined by the City. Rental fees for the barriers will be charged.

The Event Organizer must work with the City to specify the times and locations of all proposed lane closures and develop a traffic control plan that will ensure an adequate level of service on the public streets that remain open.

PARADES / WALKS / RUNS / RACE GUIDELINES

All proposed routes will be reviewed by the Police Department and the City to determine the impact on public safety. Any route that would severely impact public safety or others' rights will not be approved.

The duration of any parade, walk, run or race should not exceed two hours. The Event Organizer will be required to provide sufficient monitors to control the staging area, direct orderly entry from the staging area, ensure continuous forward motion of participants along the route, and direct dispersal.

An adequate number of trash receptacles as determined by the City must line the route.

INSURANCE REQUIREMENTS

The City of Carmel-by-the-Sea requires liability coverage for \$1,000,000 (or \$2,000,000 for large-scale events) for non-City-sponsored special events on City property. All property and locations that are to be utilized and insured must be listed to reflect the City's interest in the insured property.

The policy must read as follows: The City of Carmel-by-the-Sea, its public officials, officers, agents, and employees are named as additionally insured in respect to <EVENT> on <DATE>. This information is typed in the "Description of operations/Locations/Vehicles/Exclusions Added by Endorsement/Special Provisions. A separate, "Additionally Insured" endorsement page, with the same wording as above, is also required.

The policy must specify commencement and expiration dates for coverage of the event. NAME/ADDRESS OF INSURED must read: City of Carmel-by-the-Sea, PO Box CC, Carmel, CA 93921. The name of the insurance company writing the policy, policy number, address, e-mail address, phone and fax must be included. The Insurance Company must be a company doing business in California and must be rated A+ or better. The rating of the company must be attached to the Certificate of Liability/Additionally Insured Endorsement.

The following insurance requirements are standard for special events. The Event Organizer shall furnish the City a "Certificate of Insurance" showing there is in force the following valid policy naming the Event Organizer as insured and showing:

- **Commercial General Liability** – minimum \$1,000,000 (or minimum \$2,000,000 for large-scale events) combined single limit per occurrence for bodily injury and property damage including products and completed operations;
- **Automobile Liability** – (required for parades and car shows) minimum \$1,000,000 (or minimum \$2,000,000 for large-scale events) combined single limit per accident for bodily injury and property damage for all owned, hired or non-owned vehicles.

- **Liquor Liability** – (when alcohol is being served or sold):
 - If the Event Organizer will be supplying alcoholic beverages for no charge, the Commercial General Liability insurance should include host liquor liability coverage.
 - If the Event Organizer is using a caterer or other vendor to supply alcohol, that vendor must have liquor liability coverage with minimum limit of \$1,000,000 per occurrence.
 - If the Event Organizer intends to sell alcohol, either the Event Organizer or vendor providing the alcohol for sale must have a valid liquor sales license and liquor liability insurance covering the sale of alcohol with minimum liquor liability limit of \$1,000,000 per occurrence.

AMPLIFIED SOUND

Any event using amplified sound requires a permit and must follow the regulations of Municipal Code Section 8.56.010 through 8.56.110 to avoid “unnecessary, excessive and annoying noises from all sources.”

LOGISTICS AND CLEANUP

Portable toilets: The Event Organizer shall be responsible to provide portable toilets and indicate their location on the site diagram. The number of portable toilets will be based on a formula of at least one for every 250 people, or in the case of large-scale events, as determined by the Staff Committee. City facilities will not be substituted for the requirement and shall not be included in the formula. Ten percent of the total number of toilets shall be ADA/handicapped accessible. The goal is to have at least one wheelchair accessible toilet in each grouping of portable restrooms.

Cleanup: The Event Organizer must submit an event cleanup plan and must work with the City’s waste management provider to address recycling and waste diversion. The plan must indicate sufficient staff to handle cleanup throughout the day and after the event, and sufficient equipment placed in effective locations.

- In the case of a street event, streets will remain closed to allow for adequate cleanup. Post-event cleanup must commence immediately after the end of the event.
- Litter and trash control shall include the event site and a one-block radius around the event site.
- Event Organizer shall provide copies of rental agreements for commercial dumpsters and portable toilets.

MERCHANDISE AND ALCOHOLIC BEVERAGES

There is no distinction between “direct sales” and “sale by donation” (e.g., raffles, requesting a donation in exchange for merchandise, alcohol, etc.). Table 2 shall be used as a guide to determine where such sales would be appropriate. In all cases where alcohol is sold or distributed, the operator must have all of the appropriate licenses, permits and insurance coverage.

Authorization to sell merchandise or food/beverages at locations outside the commercial district and outside a fixed place of business is usually prohibited by the Zoning Code, the Business License Code or the General Plan. Granting a permit under this Policy must therefore be limited to special events that are of limited duration, within a defined space and consistent with the following in Table 2:

**TABLE 2
SALES OF MERCHANDISE, FOOD AND ALCOHOLIC BEVERAGES
IN PUBLIC PLACES AND/OR MUNICIPAL BUILDINGS**

Municipal Location	Merchandise	Food	Alcohol
Carmel Beach	No	No	No
Del Mar Parking Lot	No	No	No
Devendorf Park	Yes	Yes	No
Forest Hill Park	Yes	Yes	No
Piccadilly Park	No	No	No
Mission Trail Nature Preserve	No	No	No
Scout House	No	Yes	Yes *
Forest Theater	No	Yes	Yes *
Vista Lobos	No	Yes	Yes *
Indoor city facilities	Yes	Yes	Yes *
Outdoor city facilities	Yes	Yes	No
Commercial streets and parking lots	Yes	Yes	No
Residential streets and parking lots	No	No	No

***Alcohol:** Permittee must have a license for sales and distribution

FOOD PERMIT / FOOD BOOTH REQUIREMENTS

The Health and Safety Code for the State of California states that the organizer of a community or special event which involves temporary food and/or food booth facilities must obtain a health permit. This applies to both selling and giving food away. The Event Organizer is responsible for obtaining all necessary permits – temporary event food and temporary seller’s permits - from the Monterey County Health Department. The Event Organizer is also responsible for ensuring that all event vendors obtain temporary event food and temporary seller’s permits.

The Event Organizer and food vendors must comply with all State and County requirements governing temporary food facilities, as outlined in the California Retail Food Code, Chapter 11 <http://cchealth.org/eh/retail-food/pdf/calcode.pdf>.

To review County requirements and download forms and applications, go to the Monterey County Health Department website at: <http://www.mtyhd.org/index.php/services/environmental-health/applications-permits-forms/>

The Event Organizer must submit a complete list of all food vendors at least 14 working days prior to the event. All participating food vendors must have valid permits from the Monterey County Health Department and a business license from the City of Carmel-by-the-Sea.

The use of single-use carryout plastic bags at any business, restaurant, corporate or individual special event is prohibited (Carmel Municipal Code Chapter 8.74).

The use of CFC-processed food packaging or polystyrene foam food packaging is also prohibited (Carmel Municipal Code Chapter 8.68).

TENT AND CANOPY REQUIREMENTS

Erection of any tent will require a permit and may be inspected by the Fire Department. Article 32 of the State Fire Code requires that permits be obtained for the rental, use, or installation of any tents over 200 square feet in size, and canopies over 400 square feet in size.

When more than one tent or canopy is installed at the same location, adjacent to one another, the total square footage shall be computed for the purpose of enforcing the need for a permit.

When erecting a tent or canopy, no stakes shall be placed into the ground (to prevent damage to streets, irrigation systems or tree roots). Weights, sand bags or barrels of water are suggested alternatives.

STREET BANNER / SIGN REQUIREMENTS

A special event permit will be issued only after a banner and/or sign permit, along with any applicable Coastal Development permit, has been obtained. Applications for those permits must be submitted to the Community Planning and Building Department for review and approval or denial. Policy C95-07 (revised May 7, 2013) "Banners on Public Property" sets forth the duration, installation, monitoring and removal of banners. Carmel Municipal Code Chapter 17.40 sets forth signage requirements and guidelines.

ELECTRICAL REQUIREMENTS

Electrical power is limited by location and the amount of power needed. The City will not be able to provide power in many locations, and in those cases the Event Organizer will need to use "whisper quiet" type generators for power in compliance with noise regulations as outlined in Carmel Municipal Code Sections 8.56.010 through 8.56.110.

AIR JUMPERS ("JUMP" HOUSES)

Inflatable structures such as "jump" houses or air jumpers are not permitted.

DEFINITIONS

For the purpose of this policy, the following definitions apply:

Application processing fee - Charges for staff time and expenses for processing special event permit applications. Application fees are established by the City Council by resolution.

City property - Any City street, sidewalk, parking lot, park, plaza, or any other property owned or controlled by the City.

City-sponsored event - A special event that meets at least one of the following criteria:

1. The event is planned, organized and executed by City staff, either solely or in cooperation with City-sanctioned partners (e.g., Fourth of July celebration, the Sandcastle Contest, Halloween parade and birthday party, and Tree-lighting Ceremony).
2. The event is held by an official City Support Group as defined in City Policy C89-47.

Community & charitable events - Serve or benefit locally-based organizations and causes, and/or provide recreational, cultural, and social benefits to Carmel residents. City-based organizations and events that serve the Carmel community specifically receive priority in funding.

Community organizations - A public or private non-profit organization that is representative of the community or a significant segment of a community, and is engaged in meeting human, educational, environmental, or public safety community needs.

Event - Includes special event.

Event Organizer - Any person or organization that conducts, manages, promotes, organizes, aids or solicits attendance at a commercial or non-commercial special event.

Merchandise - Includes goods, wares, personal property, merchandise or any other similar item that is generally sold.

Large-scale event – An event based in the City of Carmel that is attended by 7,500 or more people, calls attention to and promotes the City regionally, attracts visitors as well as residents, has a major impact on the commercial and residential communities, and provides measureable economic benefits to the City of Carmel; one that requires extensive staff time for pre-event processing, preparation, monitoring, and post-event rehabilitation of the village.

Non-profit organization – A charitable organization (not an individual) that is exempted from payment of income taxes by federal or state law as designated by IRS Code 501(c)3 and has been in existence for a minimum of three months preceding the date of application for a special event permit.

Public notification - If necessary, the Event Organizer provides notice to affected businesses and/or residents of the event’s potential impacts. The Event Organizer is responsible for following the Notification Process outlined in this policy.

Public facility - Any property located within the City limits and owned by the City of Carmel-by-the-Sea.

Rental fee - A fixed amount for the rental of all or a portion of a venue, based on the length of the event; where applicable, a maintenance fee for facility rehabilitation/maintenance may be included with the rental fee if appropriate. Rental fees are established by the City Council by resolution.

Sale by donation - Refers to such events as raffles, or to monetary contributions given to offset cost of goods provided (e.g., donations toward wine provided at event for no charge).

Sidewalk - That portion of a street, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

Small-scale event - An event that, in the judgment of the Community Activities Director, requires less than two hours of total staff time for pre-event preparation and/or post-event rehabilitation of the event venue, and does not exceed six hours in duration (including time required for set-up and take-down).

Special event - An activity on public property open to the general public, with or without an admission charge. Special events include:

- Any organized formation, parade, procession or assembly of persons, which may or may not include animals, vehicles or any combination thereof that is to assemble or travel in unison on any street that does not comply with normal or usual traffic regulations or controls; or,
- Any organized assemblage of persons at any park or facility, owned by the City that is to gather for a common purpose under the direction and control of a person; or,
- Any other organized activity conducted by a sponsoring organization or person for a common or collective use, purpose or benefit that involves the use of, or has an impact on, City property or facilities and the provisions of city services.

Examples of special events include, but are not limited to concerts, parades, special interest shows or expos, markets, fairs, festivals, block parties, community events or mass participation sports (such as marathons and running events, bicycle races or tours, etc.).

For the purpose of this policy, special events are distinguished from the following:

- Recurring program activities on public property, conducted by the City or by a lessee of City property, where the activity is specifically authorized by use permit and/or by the terms of the property lease; and
- Events on private property.

Special Event Coordinator - The person assigned by the City Administrator to carry out the duties and responsibilities set forth in this policy.

Special event permit - A permit issued under this policy.

Special event venue - That area for which a special event permit has been issued.

Staff Committee – Composition of the City committee includes Community Activities staff, Public Works Superintendent, Police Department staff, Planning Department staff, and Risk Manager.

Street - A way or place of whatever nature publicly maintained and open to use of the public for purposes of vehicular travel.

Support group –Associations of individuals who have voluntarily joined together in a unit whose sole or primary purpose is to provide assistance—monetary, social, cultural or otherwise, but not political—to the City or one of its departments. A group that has been formally designated by the City Council and is recognized to be private body.

Vendor - any person who sells or offers to sell any goods, food, or beverages within a special event venue.

Draft

**Table 3
REQUIRED TIMELINE**

WHAT ORGANIZER MUST DO PERMITTING PROCESS	DUE DATE
Submit Special Event Application including site map to the City.	At least 90 days (small events) or 180 days (large scale events) before event and no more than 1 year before the event
Submit banner/sign permit application to Community Planning and Building Department.	A minimum of 90 days before event
Submit any partial fee waiver request, accompanied by a pre-event budget.	At least 90 days in advance for consideration by CA&CC and City Council
Attend pre-event meeting scheduled by the City. Develop event security and traffic control plans in cooperation with City Staff.	New events require meeting at least 90 days in advance. Returning events require meeting 60 days in advance
Deliver written notice as need to neighbors and/or businesses.	At least 14 days prior to the public meeting at which the event will be considered
Secure and submit Certificate of Insurance to the City.	14 to 60 days before event
Secure required permits from appropriate departments or agencies.	14 to 60 days before event
Event fee estimates for City services available from the City.	14 to 30 days before event
Submit copies of all applicable permits to the City.	14 to 21 days before event
Submit applicable ABC permit application to City. Submit temporary ABC permit to City.	At least 30 days before event At least 10 days before event
Provide evidence of portable toilet and trash bin arrangements; provide an event cleanup plan.	14 days before event
If required, attend pre-event site walkthrough – arranged by the City staff.	1 to 2 days before event
GRANTING CYCLE	APPLICATION DEADLINE
For events occurring July 1 - Dec 31, Cycle #1	February 1
For events occurring Jan 1 – June 30, Cycle #2	September 1
HOLDING THE EVENT	SCHEDULED EVENT DATE
Clear event site of all remaining litter	Immediately after event
Remove all event equipment from event site (portable toilets, fencing, booths, stage, signs, etc.).	Within 24 hours after event and/or before start of business the next day. Signs are to be removed immediately after event.
If required, post-event site walkthrough – arranged by the City staff.	1 to 2 days after event
Post-event meeting with the Staff Committee.	7 to 30 days after event
Submit post-event financial report reflecting income and expenses.	7 to 30 days after event

Janet Bombard

From: Joan Crossley <jcrossley@alliant.com>
Sent: Tuesday, January 05, 2016 10:50 AM
To: Janet Bombard
Subject: RE: City of Carmel by the Sea Special Event Policy regarding insurance
Attachments: Document1.docx; Insurance Requirements for Short Term Rental of Facilities.docx

Hi Janet,

Attached are Insurance Requirements for Short Term Rental of Facilities. These requirements can be used for special events held on City property (where it reads entity, you can change to City of Carmel-by-the-Sea). These requirements also have a section on Liquor Liability. Also, please see below for responses to your questions. If you have further questions, let me know. Thanks.

1. What triggers the need for additional workers compensation coverage? It would seem all special events, unless put on by one person, would require it.

Most cities do not require Workers' Compensation coverage for special events. When we give insurance recommendations here at Alliant, we do not include Workers' Compensation coverage for special events. Special events are short term, usually only one or two days, and many events are held by private individuals. That being said the City of Carmel can decide to require Workers' Compensation when a business is holding a special event. Workers' Compensation requirements for a business are: Workers' Compensation with statutory limit and Employer's Liability insurance with limit of no less than \$1 million per accident for bodily injury or disease.

NOTE: Sole proprietors with no employees are not required to carry Workers' Compensation coverage.

P.S. I would not use the City of San Diego information on your attached document. Their reference to Workers' Compensation is incorrect: both in terms of the limit and aggregate (there is no aggregate in Workers' Compensation).

2. How much additional workers compensation coverage should be required?
Please see Workers' Compensation requirements under no.1 for a business.

3. Is there a difference between volunteers and workers with regard to workers compensation coverage? Workers (employees) are covered under Workers' Compensation while volunteers may or may not be covered depending on whether the business elects to cover their volunteers under Workers' Compensation. However, a volunteer who is not covered under Workers' Compensation can file a claim under the Commercial General Liability policy of the business. From the City's standpoint regarding special events, you don't have to worry about volunteers as the volunteers are acting under the direction of the business, not the City of Carmel.

4. We have two very large events – both antique automobile shows – that draw between 10,000 and 15,000 spectators each. It seems as though the City should require more coverage than the standard \$1,000,000 for events such as this due to the fact that the automobiles are extremely expensive pieces of equipment and drive through streets thronged with spectators.

Yes, it's a good idea for the City to require higher limits for larger events. The City can increase the Commercial General Liability insurance limit to anywhere between \$2,000,000 per occurrence to \$5,000,000 per occurrence.

5. We have events at which alcohol is sold and served. Should these require additional insurance as well?

Yes, see below:

If special event holder will be supplying alcoholic beverages for no charge, the Commercial General Liability insurance should include host liquor liability coverage.

If special event holder is using a caterer or other vendor to supply alcohol, that vendor must have liquor liability coverage with minimum limit of \$1,000,000 per occurrence.

If special event holder intends to sell alcohol, either the special event holder or vendor providing the alcohol for sale must have a valid liquor sales license and liquor liability insurance covering the sale of alcohol with minimum liquor liability limit of \$1,000,000 per occurrence.

****Please note our new address below. Telephone numbers remain the same.****

Joan Crossley, AINS, AIS, CISR, CIC, CRM

Assistant Vice President/Account Executive
Specialty Group
Alliant Insurance Services, Inc.

2180 Harvard St
Suite 460
Sacramento, CA 95815

D 916 643 2708

O 916 643 2700

F 916 643 2750

www.alliant.com

CA License No. 0C36861



From: Janet Bombard [mailto:jbombard@ci.carmel.ca.us]

Sent: Tuesday, December 29, 2015 4:05 PM

To: Joan Crossley

Subject: City of Carmel by the Sea Special Event Policy regarding insurance

Hi Joan,

The City has appointed an ad hoc committee to revise our current Special Event Policy. A few questions regarding insurance have come up, and I am hoping that you would be willing to help us.

I know you are familiar with the current policy requiring coverage of \$1,000,000 or more, plus additional workers compensation coverage, if applicable.

I have been researching what other cities in California require and, as you might imagine, it varies greatly. I have attached a document to this email that shows what some other California cities require for their special events.

Our questions are as follows:

1. What triggers the need for additional workers compensation coverage? It would seem all special events, unless put on by one person, would require it.
2. How much additional workers compensation coverage should be required?
3. Is there a difference between volunteers and workers with regard to workers compensation coverage?
4. We have two very large events – both antique automobile shows – that draw between 10,000 and 15,000 spectators each. It seems as though the City should require more coverage than the standard \$1,000,000 for

events such as this due to the fact that the automobiles are extremely expensive pieces of equipment and drive through streets thronged with spectators.

5. We have events at which alcohol is sold and served. Should these require additional insurance as well?

We are looking for a recommendation as to what levels and amounts of insurance the City should be requiring for its Special Events? The ad hoc committee and I are extremely grateful for any help you can give us.

Thank you,

Janet

Janet Bombard
Library and Community Activities Director
City of Carmel-by-the-Sea
(831) 624-1366
jbombard@ci.carmel.ca.us

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CITY OF CARMEL-BY-THE-SEA

POLICY/PROCEDURE NO. C89-45

ESTABLISHING A POLICY ON TEMPORARY STREET CLOSURES
FOR RESIDENTIAL AND COMMUNITY EVENTS

The City of Carmel-by-the-Sea currently has a "Special Event Permit". This permit is issued by the Police Department for events, such as parades, occurring in the commercial districts. In order to have a consistent application of City policy for special events, whether occurring in the residential or the commercial districts, the City Council does establish the following policy:

1. For all special events, such as parades, neighborhood block parties and other activities, an applicant shall submit a completed application for a "Special Event Permit" to the Chief of Police.
2. The Chief of Police shall route the request to the City Administrator, Fire Department, Department of Public Works, Monterey/Salinas Transit, and any other agency or organization which might be affected by the closure.
3. If, in the opinion of the Chief of Police, there would be no major impact in the concerned area, the permit will be approved.
4. Permits will not be issued for such thoroughfares as San Antonio Street, Junipero Avenue, Carpenter, Santa Lucia, or the bus/truck route. Depending upon the type of event and/or its location, the City Administrator may require that the City's usual insurance policies be applicable.
5. If the permit is approved, the Chief of Police shall notify the City Administrator in writing so that such notification can be forwarded to the City Council.
6. A denial of an application shall be appealable to the City Council.

Policy C90-01

CITY OF CARMEL-BY-THE-SEA

CITYWIDE FACILITIES USE POLICY

GENERAL:

The City of Carmel-by-the-Sea provides for the use of municipal facilities and public property for city and community groups. Facilities and public properties will be made available at no fee if the event is sponsored by the City of Carmel-by-the-Sea. Co-sponsorship with community groups shall be determined on a case-by-case basis by the City Council. Privately sponsored group activities may use municipal facilities and public property subject to acceptance of the established guidelines and criteria, scheduling and staffing availability, and fees as set forth in this policy.

RESPONSIBILITY FOR IMPLEMENTATION OF THE POLICY:

City Commissions are provided the authority to hold and schedule events for the community at public facilities for which the Commission is responsible. Requests to the City to cosponsor events will be determined by the City Council on a case-by-case basis. Private parties and organizations desiring to use public facilities shall meet the criteria established herein. A final determination of the request of a private party or organization shall reside with the City Administrator or his designee and will be based upon the adopted criteria and guidelines, as well as the availability of the facility. Requests for use of City facilities for which the adopted criteria and guidelines are not clearly met shall be referred to the City Council.

INSURANCE REQUIREMENTS:

The City of Carmel-by-the-Sea will obtain insurance liability coverage for up to thirty-five events at public facilities per year. In determining the allocation of the thirty-five community events, first priority will be given to organizations based within Carmel-by-the-Sea, followed by the greater Carmel area (Sphere of Influence), the Monterey Peninsula and Monterey County.

The determination as to whether or not a waiver of the insurance liability coverage shall apply to a requesting party is left to the responsibility and judgment of the City staff. If thirty-five events have been held under the insurance waiver or, at the determination of City staff, the event should not receive a waiver because of the type of activity, then the group using a municipal facility shall maintain proof of insurance liability coverage for One Million Dollars (\$1,000,000) and shall name the City of Carmel-by-the-Sea as an additional insured on the insurance policy. In no event will the City's insurance waiver of thirty-five community events per year be applied to an event at which alcoholic beverages are to be served unless such event has been sanctioned by the City Council.

CRITERIA FOR WAIVER OF INSURANCE REQUIREMENTS:

In order for a community group to receive a waiver of the insurance requirements, the following criteria shall be met:

1. The event to be held in a municipal facility and/or on public property must be primarily a public service to the community and without a commercial objective. The event shall be primarily educational vs. being primarily commercial and will not be for obvious commercial gain.
2. The event shall be open to the general public.
3. Events shall take the form of meetings, speeches, discussions, forums, etc. No event which involves extensive physical exertion or activity can receive a waiver.
4. The event must be a one-time special event and not part of an ongoing series of activities.
5. No admission charge, fee or donation shall be assessed for the general public's participation at the event.
6. No alcoholic beverages shall be served in conjunction with the event except as specified above.

INSURANCE WAIVER APPLICATION PROCESS:

All requests for a waiver of liability insurance must be made on a City "Liability Insurance Waiver" form and submitted to the Director of Administrative Services. The Director shall review all requests and determine whether the application complies with the guidelines and criteria of the Policy. The request for waiver shall then be submitted to the City Administrator for his approval and/or a determination to forward the waiver application request to the City Council. If the application is to be reviewed and determined by the City Council, the Council's action shall be approved via the adoption of a Resolution. The City reserves the right to deny the waiver of liability insurance for any event or activity that, in the City's opinion, poses health, safety or insurance risks.

SUPPORT GROUPS:

This Policy does not apply to support groups as designated by the City Council and defined in the City's Support Groups Policy. Requests for the use of public facilities by support groups shall be in compliance with the Support Groups Policy as adopted by the City Council via Resolution No. 89-121 on 3 October 1989 and amended from time to time thereafter.

INFORMATION REGARDING USE OF MUNICIPAL FACILITIES

Facility:	Available for Use by:	Reservation Information:	Fee:
CITY DEPARTMENTS:			
Police			
Fire			
Public Works	Departmental		
Forestry & Beach	Operations only		
FLANDERS MANSION:	Restricted	Call 624-1279 Director of Admin. Services	Fees vary according to event
**			
CITY HALL:	City Departments		none
1) Council Chambers			
2) Conference Room	Community Organizations Special Public Agency Meetings	Call 624-2781 Administrative Secretary	none
**			
YOUTH CENTER:	Carmel Youth Center Board Activities; Recreation Dept./ Recreation Commission Activities	Call 626-1255 Administrative Secretary	fees vary according to event
**			
HARRISON MEMORIAL LIBRARY:	Educational, Cultural, Historical, Departmental Uses Only in Accordance with Library Board policy	Call 624-1366 Administrative Assistant	none
1) Reading Room			
2) Park Branch Youth Services Activity Area			
3) Park Branch Local History Room	Departmental Uses Only		

OUTDOOR SPACES FOR PUBLIC USE WITH NO FEE:

Devendorf Park
 Forest Hill Park
 Mission Trail Park
 Carmel Beach
 Rowntree Arboretum (donations accepted)

**Scheduling subject to availability of room and staffing

SUNSET COMMUNITY AND CULTURAL CENTER
 San Carlos between 8th & 9th
 624-3996

All facilities are available free for all City departments, City sponsored organizations and special public agency meetings may have free use of the facility when authorized.

A. THEATER

Theater rental includes use of Room #9 and below stage dressing rooms. Box office staff, stagehands and miscellaneous staff are available at established fees upon request through the Director's office. An insurance certificate for \$1 million public liability and \$1 million property damage is required. The City of Carmel-by-the-Sea and Sunset Center are to be listed as additional insureds on the certificate. A Host Liquor Liability Insurance certificate for the Sunset Center Complex is required if alcohol is to be served.

THEATER RENTAL FEE:

Per day - with <u>no</u> admission charge	\$100
Per day - with collection of admission charge or other consideration	Minimum fee of \$200 or 10% of gross receipts

OTHER FEES:

Rehearsal setup/takedown- no audience permitted	\$15 per hour or \$45 per day for 5 or more consecutive days of rehearsal
Overtime - beyond contract specified time	\$20 per hour for each hour or fraction
Stage manager fee required for both performance and rehearsal	\$15 per hour
Other required personnel	Rate to be agreed upon
Per performance security deposit (refundable)	\$200
Required per performance usher charge (Determined by Municipal Resolution)	\$ 25

Full stage setup/lighting equipment	\$ 45 flat rate per 3 hour use
Per performance intercom rental	\$ 25
Dance floor rental	\$ 40
Per performance Sony reel-to-reel tape deck rental	\$ 25
Per performance projector/projectionist fee	\$ 60 per hour
Per performance portable movie screen	\$ 15
Per performance Follow Spot/Follow Spot operator	\$ 60 -

B. MEETING ROOMS (excluding monthly rental and long term leases)

Rental with collection of admission, tuition or donations constitutes commercial use of room. The rental fee for commercial use is the minimum room rental rate or 10% of the gross receipts (maximum \$750), whichever is greater. A manifest report to the Director's office within 5 working days following use is required. A final report of the total gross income within 5 working days following the last session is required if the room is used more than one time.

MEETING ROOM FEES:

- A. Base Fee (includes standard set up) - \$25 per 4 hour period or any portion thereof Monday through Friday, 8:30 - 5:00. All day use - \$45 per day. Evenings, holidays, Saturday & Sunday - \$30 per 4 hour period or any portion thereof.

Bingham Room #3 47 capacity	Community Room #6 47 capacity
Babcock Room #8 47 capacity	Community Room #10 47 capacity
Chapman Room #4 47 capacity	Room #14B 30 capacity
* Chapman Room kitchen	

Additional Fees:

- Additional room setup arrangement fee - \$20
- * Use of kitchen fee - \$15
- Fee for use after 11:00 pm - \$15 per hour

- B. Base Fee (includes 100 chairs)-\$40 per 4 hour period or any portion thereof Monday through Friday 8:30 - 5:00. Evenings, holidays, Saturday and Sunday - \$45 per 4 hour period or any portion thereof. All day use including evening \$80. Carpenter Hall, all day use - \$80; Scout House, all day use - \$50.

Carpenter Hall #20
150 capacity
*Carpenter Hall kitchen

Scout House
124 capacity
*Scout House kitchen

Additional Fees:

Setup fee for more than 100 chairs - \$20
*Use of kitchen fee - \$15
Fee for use after 11:00 pm - \$15 per hour

OUTDOOR THEATER

East Side Mountain View between Santa Fe & 8th
Sunset Center Administrative Office 624-3996

A. FOREST THEATER COMPLEX

Daily rental for outdoor theater including scene dock,
piano dock, light and sound shed, box office and restrooms \$25

With admission charge or other considerations, per performance or meeting - 10% of total gross receipts, minimum fee \$25.
(Manifest, due in the Director's office within 15 working days, is required following occupancy)

B. THEATER IN THE GROUND

Monthly rental fee \$160

APPLICATION FOR REDUCTION OF INSURANCE REQUIREMENTS FOR THE USE OF
CARMEL-BY-THE-SEA MUNICIPAL FACILITIES

With the approval of the City Administrator, the City's one million dollar (\$1,000,000) liability insurance requirement may be reduced for publicly or privately held events in municipal facilities, if the sponsoring group meets the following criteria:

1. The event to be held in a municipal facility must be sponsored by a non-commercial organization.
2. The event must be open to the public.
3. Events must take the form of meetings, speeches, discussions, forums, etc. No physical activity can be associated with the event.
4. The event must be a one-time special event, not part of an ongoing series of activities.
5. No admission charge will be assessed for the event.
6. No alcoholic beverages will be served in conjunction with the event.

REQUESTED MUNICIPAL FACILITY: _____

DATE & HOURS OF EVENT: _____

DESCRIPTION OF EVENT
& ESTIMATED ATTENDANCE: _____

NAME OF ORGANIZATION: _____

NON PROFIT ID NUMBER: _____

CONTACT PERSON: _____

ADDRESS: _____

DAYTIME PHONE: _____

APPLICATION
DATE: _____

THIS APPLICATION MUST BE SUBMITTED TO THE CITY'S RISK MANAGER SIX WEEKS PRIOR TO THE SCHEDULED EVENT.
THE CITY RESERVES THE RIGHT TO DENY REDUCTION OF LIABILITY INSURANCE FOR ANY EVENT OR ACTIVITY THAT, IN THE CITY'S OPINION, POSES COMMUNITY HEALTH, SAFETY OR INSURANCE RISK.

City Council Resolution: _____ Date: _____

City Administrator Approval: _____ Date: _____

Risk Manager Approval: _____ Date: _____

POLICY NO. C95-06

SHORT-TERM USE OF PUBLIC SPACES AND
MUNICIPAL BUILDINGS FOR SPECIAL EVENTS

GENERAL:

The City of Carmel-by-the-Sea provides for the short-term use of municipal facilities and public property by groups and individuals. Facilities and public properties will be made available at no fee if the event is sponsored or cosponsored by the City. Co-sponsorship with community groups shall be determined on a case-by-case basis by the City Council. Activities may be conducted in or on municipal facilities and public property subject to the permit process and criteria established herein. This policy also applies to the following:

1. Support Group as designated by the City Council which are also regulated by Policy No C89-45.
2. The use of Library facilities, Vista Lobos and Sunset Center, which are also governed by adopted policy.

EVENTS REQUIRING PERMITS

Conditions that require a formal permit for use of public property in the City of Carmel-by-the-Sea are those that include any of the following:

1. A request for the exclusive use of any portion of any City property to the exclusion of the general public; or
2. Any request that involves the support of any commercial enterprise, e.g. caterer, porta-potties, etc.; or
3. A request that involves sound equipment greater than a 12 volt system; or
4. Any request that involves the erection of any structure, e.g. stage, tents, etc.; or
5. Any request that involves special outside or City support, e.g. traffic control, traffic cones, barricades, signage, extra trash pick up, etc.; or
6. Any request that involves a gathering or assemblage of more than 50 people; or
7. Any request that involves the use of any internal combustion engine, e.g. gas generator; or
8. Any request for exemption from current City codes, rules, regulations, restrictions, and policies governing activities on City property.

PERMIT PROCESS

On forms provided by the City, a common activity group or individual may make application to the City to hold a special event using public property. Applications are to be submitted at least sixty (60) days in advance of the event and be evaluated by a staff committee, which shall forward its recommendation to the City Administrator for action. The decision of the City Administrator is appealable to the City Council. The application may be approved, denied, or approved with conditions. The staff committee membership is as follows:

- * Risk Manager – Chairman
- * Fire Chief
- * Police Chief
- * Principal Planner

The committee may be expanded at the discretion of its chairman by enlisting the aid of other City personnel. For example, if the proposed use would occupy a park, the Forest, Parks and Beach Director would be part of the committee.

If the proposed use is deemed, by the committee, to potentially impact a certain segment of the community or the general public's well being, the committee shall provide public notice and an opportunity for comment prior to making its recommendation.

For annual or continuing events (e.g. Surfabout) the permit would be renewable. However, following each event, the staff committee would evaluate the activity and determine if permit conditions should be amended before the next renewal.

For events subject to special City permits (e.g., use permits) or subject to environmental review, the staff committee would make its recommendations to the appropriate City decision-making body. All environmental reviews would be forwarded to the Planning Commission.

PERMIT CONSIDERATION REVIEW GUIDELINES:

In reviewing permits, the Committee would consider the following issues (and may add new issues raised by the particular application):

- ❖ "staging" requirements (space, special equipment, etc.)
- ❖ parking
- ❖ street closures
- ❖ noise
- ❖ lights
- ❖ vehicles (trucks/number of vehicles)
- ❖ season of year/time of day/duration of activity
- ❖ conflicts with other events
- ❖ advertising and signage
- ❖ sale of merchandise
- ❖ General Plan consistency

In reviewing permits, the Committee shall neither discriminate nor infringe on rights related to free speech, protected classes or other Constitutional issues. If such issues arise, the City Attorney would be consulted. The Committee may determine that public notice to the surrounding neighborhood is required prior to reaching a decision. In such cases, the applicant shall be responsible for distributing such notice.

MERCHANDISE AND ALCOHOLIC BEVERAGES:

There is no distinction between "direct sales" and "sale by donation". Table I hereof shall be used as a guide to determine where such sales would be appropriate. In all cases where alcohol is sold or distributed, the operator must have all of the appropriate licenses, permits and insurance coverage.

Authorization to sell merchandise or food/beverages at locations outside the commercial district and outside a fixed place of business are usually prohibited by the Zoning Code, the Business License Code or the General Plan. Granting a permit under this Policy must therefore be limited to special events that are of limited duration, within a defined space and consistent with Table I.

COMPETING INTERESTS:

The Chief of Police will maintain a calendar to schedule events at specific sites. This is intended to avoid overlapping requests for a scarce resource. The following ranked priority list shall be used as a guide by the Committee in resolving conflicts among competing interests:

1. Contractual obligations (leases, etc.)
2. City Council, Commission, or department activities
3. City-sponsored or cosponsored events
4. Permit renewals for annual events
5. Events to raise funds for City programs
6. New-events -- nonprofit organizations
7. New events -- for profit organizations

RESOLVING CONFLICTS:

If two or more events are proposed within the same priority at the same time and place, the committee shall use the following criteria for making a recommendation on which event to approve:

- Local organization vs. regional or outside organization
- Impacts of the event on the community
- Date of application
- Ease of rescheduling to another time or place

COST RECOVERY:

The City shall not bear financial burdens created by private, short-term use of public spaces unless there is a direct connection to the City through sponsorship or fund-raising. Through permit review, the staff committee will estimate direct costs (labor, equipment and material) for Police, Fire, ambulance, trash, portable toilets, Forest and Beach, Recreation, Public Works and Administration. Permit applications will be billed for actual staff hours, equipment, and associated costs.

Fees are established for the use of certain City facilities by Resolution of the City Council. These fees, which are included in City Policy No. C90-01 and Resolution No. 94-106, shall apply to short-term use for special events.

Exceptions: Cost recovery will not be required for City-sponsored events (e.g., Halloween parade, Parkfest, tree-lighting). Cost recovery will not be required for fund-raising events where at least 80% of the funds raised will be donated to an approved City program.

INSURANCE REQUIREMENTS

The City of Carmel-by-the-Sea will obtain insurance liability coverage for up to thirty-five events at public facilities per year. In determining the allocation of the thirty-five community events, first priority will be given to organizations based within Carmel-by-the-Sea, followed by those based within the greater Carmel area (Sphere of Influence), the Monterey Peninsula and Monterey County.

The determination as to whether or not a waiver of the insurance liability coverage shall apply to a requesting party is left to the responsibility and judgment of the City staff. If thirty-five events have been held under the insurance waiver or, at the determination of City staff, the event should not receive a waiver because of the type of activity, then the group using a municipal facility shall maintain proof of insurance liability coverage for one million dollars (\$1,000,000) and shall name the City, its public officials, and its employees as additional insureds on the insurance policy certificate. In no event will the City's insurance waiver of thirty-five community events per year include an event at which alcoholic beverages are to be served, unless such events has been sanctioned by the City Council.

CRITERIA FOR WAIVER OF INSURANCE REQUIREMENTS

In order for an applicant to receive a waiver of the insurance requirements, the following criteria shall be met:

1. The event to be held in a municipal facility and/or on public property must be primarily a public service to the community and without a commercial objective. The event shall be primarily educational vs. primarily commercial, and will not be for obvious commercial gain.

2. The event shall be open to the general public.
3. Events shall take the form of meetings, speeches, discussions, forums, etc. No event which involves extensive physical exertion or activity will be issued a waiver.
4. The event must be a one-time special event or not part of an ongoing series of activities.
5. No admission charge, fee or donation shall be assessed for the general public's participation at the event.
6. No alcoholic beverages shall be served in conjunction with the event except as specified above.

INSURANCE WAIVER APPLICATION PROCESS

All request for a waiver of liability insurance must be made on a City "Liability Insurance Waiver" form and submitted to the Assistant City Administrator, who shall review all requests and determine whether the application complies with the guidelines and criteria of this Policy. The request for waiver shall then be submitted to the City Administrator for approval and/or a determination to forward the waiver application to the City Council. If the application is to be reviewed and determined by the City Council, the Council's action shall be approved via the adoption of Resolution. The City reserves the right to deny the waiver of liability insurance for any event or activity that, in the City's opinion, poses health, safety or insurance risks.

For insurance requirements related to alcohol, see Policy No. C89-17.

TABLE I

MERCHANDISE, FOOD AND ALCOHOLIC BEVERAGES IN PUBLIC PLACES
AND/OR MUNICIPAL BUILDINGS

Municipal Location	Merchandise	Food	Alcohol *
Carmel Beach	No	No	No
Del Mar Parking Lot	No	No	No
Parks:			
Improved (P-2) (Forest Hill Park, Devendorf and Piccadilly)	Yes	Yes	No
Natural (P-1) (Mission Trail Nature Preserve and Carmel Beach)	No	No	No
Sunset Center Facilities Complex:			
Sunset Center	Yes	Yes	Yes
Scout House	No	Yes	Yes
Cottages	Yes	Yes	No
Forest Theater	No	Yes	Yes
Vista Lobos	No	Yes	Yes
City Facilities:			
Indoor	Yes	Yes	Yes
Outdoor	Yes	Yes	No
Commercial Streets and Parking Lots	Yes	Yes	No
Residential Streets and Parking Lots	No	No	No

* Alcohol: Permittee must have a license for sales and distribution.

CITY COUNCIL POLICY C12-02
EVENT FEE WAIVERS
Revised July 1, 2014

- I. Purpose
- II. Community Event Fees
- III. Application Process
- IV. Documentation Required with Waiver Request
- V. Additional Documentation Required for Established Events
- VI. Guidelines

I. Purpose

The City supports and encourages events that have a significant economic, charitable, or community benefit. The City will consider waiving certain fees in order to promote the City and special events. The City is regularly being approached to waive fees for Community Events. This policy is designed to outline the process and criteria for the submittal, and review by Council, of fee waiver requests.

II. Community Event Fees

Fees eligible for Waivers:

- Special Event Permit Fee
- Fees associated with street closures
- Fees associated with events on the beach or at City Parks
- Parking stall fees

Fees not eligible for Waivers:

- Grant writing expenses
- Damage deposits
- Overtime costs for City personnel
- Costs for personnel with which the City contracts in order to facilitate the event

III. Application Process

- An applicant shall submit in writing a request for a fee waiver to the Community Activities Director
- All special event fee waiver requests will first be considered by the Community Activities and Cultural Commission (CA&CC) at a regularly scheduled meeting.
 - a. In the case of requests for fee waivers for new events - or established events that have previously received a waiver of fees and are within the three-year window outlined in the Guidelines below - the Community Activities and Cultural Commission may make a formal request to the City Administrator to waive eligible fees up to \$5000 instead of securing Council approval
 - b. Requests for fee waivers from events going into their fourth year or more must come to the City Council after being reviewed by the Community Activities and Cultural Commission.
- The City Administrator shall be given authority to apply this policy for waivers up to \$5000

- Staff or the applicant can appeal a waiver request to the City Council.
- Events proposed for co-sponsorship must be placed on a City Council agenda

IV. Documentation Required With Waiver Request

- Detailed scope of the event
- Proposed budget for the event
- Anticipated economic impact to the City and community
- Anticipated positive and negative impacts of the event on the community
- What charitable contributions will be made (if any), either directly or indirectly, to the community? What is the anticipated amount or percentage of the contribution(s) and to what organization(s) will it be made?
- Written survey of businesses and/or residents affected by the event indicating their acceptance of the proposed event

V. Additional Documentation Required for Established Events That Have Received Fee Waivers

- Past financial statements since inception of event
- Documentation showing actual charitable contributions to organizations within the 93921 zip code area since inception of event

VI. Guidelines

- The number of years for which an organization will be eligible for ongoing waivers of fees for the same event shall be no more than three years from the inception of the event
- Charitable contributions will be made to charitable organizations within the 93921 zip code area
- The total dollar amount of fee waivers authorized each fiscal year shall not exceed \$27,500
- The City shall waive no more than \$5,000 in fees for a special event
- Priority will be given to organizations that provide educational and/or community programs and events that are open to the general public free of charge