



Department of Parks and Recreation

County of El Paso Public Works

Facility and Partnership ~~Rental~~ Waiver

I. Parks and Recreation Facilities Use Priorities.

A. The County establishes priorities for the use of all County Parks and Recreation spaces and facilities as follows:

- 1) Programs, activities, events and general services conducted by the Parks and Recreation Department;
- 2) Revenue producing facility rentals;
- 3) Use by other County Departments for official business operations;
- 4) Activities, programs or events scheduled pursuant to a Memorandum of Understanding, Contract or Inter-local Agreement;
- 5) No charge uses or any waived fee uses such as other County, State and Federal agencies, other governmental entities and Non-profit 501(c)(3) organizations.

II. Parks Fees and Fee Waivers for Outside Organizations

A. The El Paso County Commissioners Court (“County”) has established fees for programs, services, and facility rentals which are administered by the Parks Department. The purpose of this policy is to provide guidance under which facilities services and use fees may be waived.

B. **Authority to waive fees.** Under Texas Local Gov’t Code § 316.001 and 316.004 Commissioners Court has the authority to waive fees for the use of:

- (1) county recreational facilities, including facilities installed in a county park;
- (2) recreational services provided by the county;
- (3) the rental or sale of recreational supplies in conjunction with recreational facilities or services; and
- (4) admission to a county park.

C. **Fee Waiver Factors.** By statute, the Commissioners Court may waive these fees in consideration of at least one of the following factors:

- 1) the time of day at which or day of the week on which a facility or service is used;
- 2) the size of a group wishing to use a facility or service;

- 3) the special circumstances of certain classes of persons, including elderly persons and indigent persons; or
- 4) other factors that the court considers to justify a different fee or the waiver of a fee.

D. **Best Interest Factors.** A fee waiver is in the best interest of the County, if the Chief Administrator (or her designee) determines that:

- providing a fee waiver, or partial fee waiver, will provide a financial incentive, economic development opportunity, provide an opportunity to an economically disadvantaged person or group, or serve another appropriate public purpose for the County.

III. Parks Fees for County departments, other governmental entities, and non-profit organization apply as follows:

- A. County of El Paso departments, to include County elected officials, may use any parks and recreation facility for official business at no charge, on a space-available basis. County department employees and elected officials may not reserve a facility under this section for a meeting, activity, function, or event that will not be attended by the employee or elected official.
- B. Other governmental entities may use any parks and recreation facilities for official business at no charge, on a space-available basis during normal operating hours (Monday – Friday, 8:00 am – 5:00 pm) provided the event is free of charge to participants and no funds are being collected for the organization from any source. Fees will apply for use of specialty services. Use of parks and recreation facilities for official business during non-operating hours will be charged at the standard rate to fund staff cost to set-up and clean-up; secure the facility; or provide other necessary services. Such use is subject to availability and must be scheduled in a timely manner. Any use involving food and beverage will be charged a clean-up fee.
- C. Non-profit 501(c)(3) organizations shall pay the non-profit rate, for exclusive use of public spaces, but may have the following fees waived, if the organization chooses to provide their own equipment and/or perform the operations themselves:
 - Deposit (excludes sporting events)
 - Set-up
 - Break-down
 - Park parking fees for up to 10 vehicles (organizers)

IV. User Responsibilities. All Parks Facilities Users shall ensure that:

- A. Facility Rental Waiver Request Application is submitted to the Parks and Recreation Administration Office at least 30 days prior to event date, if applicable;
- B. No unauthorized third party is permitted to use the facility or any portion thereof;
- C. Prior approval for any signs, banners, pennants or other visual aids to be erected at the facility has been obtained, and do not deface the property;

- D. Any visual/audio equipment necessary for the event shall be furnished at the User's sole expense, unless other arrangements have been made in advance with the Parks and Recreation Department;
- E. Participants use only the permitted approved area and no other part of the facility;
- F. Activities are orderly and lawful;
- G. The facility is neat and orderly following the event;
- H. Time limits requested for the event are observed;
- I. Any children at the event are properly supervised;
- J. The Number of participants attending indoor events do not exceed the authorized building capacity;
- K. the user(s) has obtained liability insurance, naming the County as an additional insured for at least the following amounts:
 - \$1,000,000 – Each Occurrence
 - \$1,000,000 – General Aggregate
 - \$1,000,000 – Personal & Advertising Injury
 - \$1,000,000 – Products/Completed Operations – Aggregate
 - \$5,000 – Premises Medical Expense
 - \$500,000 – Damage to Rented Premises (each occurrence)

V. **Community Partnerships**

- A. **Purpose:** Community partners help expand public access to services and further the County of El Paso's **County Parks and Recreation Department** mission to provide a safe, healthy and enjoyable recreation environment. ~~for of supporting healthy people, a healthy environment, and strong communities.~~ These organizations help bridge the gap in providing park activation, increased access, and additional services to the community.
- B. The Parks and Recreation Director is authorized to apply variable rates for the use of departmental facilities.
- C. **Community Partnership Individual and Organization Criteria:** Parks and Recreation Director may waive or reduce an entry or use fee contained in the established fee schedule for an organization, association, group of individuals, or an individual, and authorize the supervisor of a facility to do so, regardless of any special promotion or event whenever:
 - 1) A charitable organization assisting the low income. Paying full rate would cause hardship or directly reduce the assistance such organization can provided to the low income. Proof of low income is based off geography, US census data. User must reside within the vicinity of a County wide Title 1 school;
 - 2) User is low income and charging the fee would have the effect of depriving the individual of reasonable access to the facility or of opportunity to participate in a public event. Proof of low income is based off geography, US census data. User must reside within the vicinity of a County wide Title 1 school;
 - 3) There is a perceived moral obligation toward the organization or its members at a moment of crisis; Or the opinion of the Director the waiver or reduction is in the overall public interest due to extraordinary facts or circumstances;

- 4) Another government requests use of the facility for a public purpose; or the use is granted under a reciprocal use of facilities agreement with another municipal government;
- 5) Free admission to the facility furthers a departmental purpose, a volunteer for a department-sponsored or co-sponsored event;
- 6) Special price during a special time, e.g., a half-price rate for entry to a park facility during the final hour before closing, a lower rate for children when half or more of the allotted time for family or children's usage has expired.

D. Community Partnership Event Criteria: Organization must meet at least 3 of the following criteria to be considered for a Parks Community Partnership:

- ☐ Event is free and open to the public, increases access, and adds to community enhancement that is an overall benefit to our constituents;
- ☐ Promotes mental health, physical activity, outdoor engagement, safe healthy recreational activities;
- ☐ Exposes or introduces citizens to parks providing park activation;
- ☐ Organization provides expertise in the area that is beyond ours or help us bridge the gap in services we provide;
- ☐ Enhances a County sponsored program or event;
- ☐ Provides the users with a certificate or certification upon completion, for the benefit of the community;
- ☐ No vendor fees are being collected or Parks and Recreation can charge and collect fees for vendors;

VI. Variable Rate:

- A. Parks and Recreation director is authorized to adjust the fee for a variable rate. Changes to the established fee schedule for any facility to increase public attendance or usage to increase revenues based on off-peak **verseus** on-peak hours based on calendar availability.
- B. Variable rate shall fulfill a declared objective furthering a departmental purpose of the service; reaching out to people who would not otherwise make use of the facility; or securing advertising, services, or other benefits from a sponsor or those attending.
- C. Variable rate shall appear appropriate to the County facility. It should avoid the appearance of a County endorsement or approval of a private product, service, or activity; the use of public facilities for electoral purposes or the granting of special privileges to a particular portion of the populace.
- D. Variable rate shall be treated as special or extraordinary occurrences. Parks and Recreation Director **Special Events Coordinator** shall report to the Commissioners Court a presentation of the Department's approved, requested and denied waivers of these variable rates at the end of each fiscal year.
- E. Application must be submitted to the Parks and Recreation Administration Office at least 30 days prior to event date, if applicable.

Failure to comply with listed requirements will result in denial of future waivers, if applicable.

DEFINITIONS

Fee Waiver Request Application: Rental sheet that identifies reservation specifics.

Specialty Services: field/event/facility preparation, golf course green fees, swimming pool, instructional classes, camps, lifeguard etc.

Clean-up Fee: Fee for Operations Specialist to clean facility per hour for a minimum of 4 hours.

A “public purpose” is an action on the part of the federal, state, or local government that benefits the community as a whole and is directly related to the function of the government.

Variable rate: Pricing strategy that will be applied based on Calendar availability, seasonal variations, selective timing and promotional activities.