

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Parks and Recreation



BOARD AGENDA # *B-13

Urgent

Routine

AGENDA DATE September 13, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval for Nor-Cal Motorcycle Club, Inc., to Have Exclusive Use of Frank Raines Regional Park Including Deer Creek Campgrounds, Off-Highway Vehicle Area, Deer Creek Day Use and Undeveloped Campgrounds, and Recreation Hall Beginning Friday, October 14, 2011, to Monday, October 17, 2011

STAFF RECOMMENDATIONS:

1. Approve the request from Nor-Cal Motorcycle Club, Inc., to have exclusive use of Frank Raines Regional Park including Deer Creek Campgrounds, Off-Highway Vehicle Area, Deer Creek Day Use and Undeveloped Campgrounds, and Recreation Hall beginning 12:00 p.m. (Noon), Friday, October 14, 2011, and ending no later than 9:00 a.m., Monday, October 17, 2011.
2. Approve the Department of Parks and Recreation to accept the donation of 600 straw hay bales in the valued amount of \$8 per bale for a total value of \$4,800.

(Continued on Next Page)

FISCAL IMPACT:

If approved, \$1,664.20 will be assessed for staffing costs. Additionally, revenue will also be collected from Nor-Cal Motorcycle Club, Inc., at a guaranteed minimum of \$1,900 for camping, off-highway vehicle use, Recreation Hall use, exclusive use, and reservation fees. In the event more than 100 participants compete each day, an additional \$5 per participant will be assessed. Concession revenues sold on-site during the exclusive use by outside commercial-based organizations are assessed at 12 percent of gross revenues. The revenue generated by this event exceeds the average weekend revenue of \$500.

BOARD ACTION AS FOLLOWS:

No. 2011-529

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow,
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

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STAFF RECOMMENDATIONS (Continued):

3. Direct Nor-Cal Motorcycle Club, Inc., to adhere to the requirements set forth by the Department of Parks and Recreation.

DISCUSSION:

A request has been received from Nor-Cal Motorcycle Club, Inc., to have exclusive use of Frank Raines Regional Park including Deer Creek Campgrounds, Off-Highway Vehicle Area, Deer Creek Day Use and undeveloped campgrounds, and Recreation Hall (Attachment A) beginning 12:00 p.m. (Noon), Friday, October 14, 2011, and ending no later than 9:00 a.m., Monday, October 17, 2011.

Frank Raines Regional Park is located on Del Puerto Canyon Road in the western part of Stanislaus County approximately eighteen miles west of the City of Patterson. The regional park is functionally divided into two designated areas with more than 2,000 acres of open space. The eastern-most section is known as the Minnear Day Use area, designed for non-motorized recreational uses. The western-most section includes the Deer Creek Campgrounds and Day Use areas, Recreation Hall, and the Off-Highway Vehicle Area.

Nor-Cal Motorcycle Club, Inc., is a sanctioned member of the American Motorcyclist Association (AMA), District 36. As such, the Deer Creek Grand Prix is a sanctioned event of the AMA and is titled Round 10 of the 2011 District 36 MSR Western Regional Cross Country Series and Round 10 of the 2011 District 36 Motion Pro Youth Cross Country Series. Nor-Cal Motorcycle Club, Inc., is the event organizer for this exclusive use.

The Department of Parks and Recreation supports this requests for exclusive use provided that Nor-Cal Motorcycle Club, Inc., adheres to the following requirements:

- Nor-Cal Motorcycle Club, Inc., shall work with all other necessary groups, organizations, or other governmental personnel as determined by applicable codes, laws, and regulations to ensure a safe event including, but not limited to: Department of Public Works, California Highway Patrol, Sheriff's Department, CalTrans, and the Department of Environmental Resources.
- A copy of the approved Outdoor Entertainment Activities License as provided by the Sheriff's Department is due to the Department of Parks and Recreation no later than 5:00 p.m. on October 7, 2011.
- A copy of the approved Encroachment Permit as provided by the Department of Public Works is due to the Department of Parks and Recreation no later than 5:00 p.m. on October 7, 2011.

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- It is also understood that local youth and non-profit organization are being asked to participate through vendor booths. A Department of Environmental Resources, Community Event Organizer Permit Application may be needed if any booth or retail food vehicles will be serving or selling food.
- The donation of 600 straw hay bales will be given to the park upon conclusion of the event. These hay bales will compliment the trails through use as rail breaks, for trail closures, and to define trails when needed.
- Nor-Cal Motorcycle Club, Inc., shall provide the Department of Parks and Recreation a Certificate of Insurance with a minimum of \$2 million liability coverage and no less than \$500,000 per occurrence and shall provide an accompanying endorsement naming Stanislaus County as an additional insured. The Certificate of Insurance and accompanying endorsement shall be provided no later than 5:00 p.m. on October 7, 2011.
- An Organizational Hold Harmless is required to be completed by Nor-Cal Motorcycle Club, Inc. The original must be completed and returned to the Department of Parks and Recreation no later than 5:00 p.m. on October 7, 2011.
- Individual Hold Harmless Agreements for each participant shall be completed prior to their participation. If a minor, the agreement must be completed by a parent or guardian. All original agreements are to be given to Department staff on event dates while at Frank Raines Regional Park.
- All volunteer services were taken into account when negotiating this exclusive use. Approximately 130 hours of services will be provided including pre-clean up and post-clean up of the Recreation Hall, Deer Creek Campgrounds, and Deer Creek Day Use and undeveloped camping areas, which includes dust control, weed abatement, mowing of turf, watering of trees, painting, custodial, all janitorial and custodial services, small construction repairs, and mitigation efforts of the Off Highway Vehicle Area.
- All litter and debris removal from the entire facility and having sufficient supplies on hand will be borne by Nor-Cal Motorcycle Club, Inc.
- All portable restrooms, trash receptacles, and trash bins will be provided by Nor-Cal Motorcycle Club, Inc.
- It is understood that no drinking water is available at Frank Raines Regional Park. It is also understood that the sewer system may not be fully operational during this exclusive use. If such is the case, there will be no available sewer or electrical hook-ups for any recreational vehicle campsite.
- No alcohol shall be sold during this exclusive use event.

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- Guaranteed minimum fees shall be paid to Stanislaus County in the amount of \$1,900. Additionally, participation over 100 riders per day is assessed at \$5 per participant. Any onsite commercial vendor including concession revenues will be assessed at 12 percent of gross revenues. Payment in full shall be received no later than 5:00 p.m. on Monday, October 24, 2011. Nor-Cal Motorcycle Club, Inc., will be assessed a \$200 late fee if not paid by 5:00 p.m. on Monday, October 24, 2011. After fifteen calendar days, an additional 5 percent late fee will be assessed on any total remaining balance owed. If not paid in full within fifteen calendar days, no future events will be scheduled until all charges are paid in full. A breakdown of income shall accompany payment of fees. Nor-Cal Motorcycle Club, Inc., shall remit fees and/or percentages of gross revenue to Stanislaus County Department of Parks and Recreation, Attn: Exclusive Use, 3800 Cornucopia Way, Ste. C, Modesto, CA 95358.
- A security deposit of \$1,000 is payable to the Department of Parks and Recreation and must be received no later than 5:00 p.m., Wednesday, October 5, 2011. This security deposit is non-refundable should the event be cancelled for any reason by Nor-Cal Motorcycle Club, Inc. This deposit may be deducted from the total amount owed at the discretion of Nor-Cal Motorcycle Club, Inc.

On December 14, 2010, the Board of Supervisors authorized the Director of Parks and Recreation to grant licenses for temporary exclusive use of County park facilities. The request by Nor-Cal Motorcycle Club, Inc., is for an organized competition. According to the Stanislaus County Code Title 18, Chapter 6.010, Organized Competitions, "Holding, sponsoring, advertising or participating in any organized competition is not permitted without having first obtained the permission of the Board of Supervisors. (Ord. CS 512 §9 (part), 1993)." Since the authority granted previously to the Director did not address these types of requests, the Department is required to obtain Board approval. The Department may return at a later date to recommend a modification to the Director's authority to encompass organized competitions.

POLICY ISSUE:

Approval of this agenda item supports the Board of Supervisors' priorities of Effective Partnerships by partnering with organizations that can provide special interest recreational opportunities within the Stanislaus County park system.

STAFFING IMPACTS:

Staffing impacts do exist in overtime for a Parks Maintenance Worker III and a Park Aide in the amount of twenty hours per position. This additional cost is being borne by Nor-Cal Motorcycle Club, Inc., in the amount of \$1,664.20.

CONTACT PERSON:

Sonya K. Harrigfeld, Director of Parks and Recreation

Telephone: 209-525-6770



OHV Mountain Use

Frank Raines Regional Park
Area of Use

Deer Creek Grand Prix
Nor-Cal Motorcycle Club, Inc.

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Deer Creek Campgrounds
and Recreation Hall

Deer Creek Day Use &
Undeveloped Campgrounds