

ATHLETIC FIELD USE AND ALLOCATION POLICY



CITY OF FULLERTON
PARKS AND RECREATION DEPARTMENT
303 WEST COMMONWEALTH AVENUE
FULLERTON, CA 92832



Policy Approved by City Council on 11/5/2019

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I. Introduction

The City of Fullerton Parks and Recreation Department is committed to providing quality recreational sports experiences in a safe and equitable environment for the Fullerton community, promoting values of sportsmanship, respect, and fun.

The City issues permits for the use of athletic fields in City parks and at Fullerton School District, “FSD” fields to sports groups and the general public for activities and programs. The City and the FSD work cooperatively in accordance with a Joint Use Agreement.

The purpose of the *Athletic Field Use and Allocation Policy* is to outline procedures and allocation priorities for the permitted use of the City and FSD athletic fields. The City is dedicated to maintaining partnerships with Fullerton youth sports organizations and the general public to foster a multitude of recreational athletic opportunities on well-maintained and safe sports fields. This policy will provide a guide for the equitable allocation, safe and responsible use, and proper care of sports fields.

The cost of providing sports services (for field preparation, maintenance, and equipment, lighting, and staff time) must be shared with the groups that utilize these services. Providing the public access to sports fields requires a substantial subsidy from the City; therefore, in order to sustain such assets for the community’s use, cost recovery is crucial and fees are required to help offset such costs.

II. Definition of Terms

Recreational Play

Recreational play is where all participants are guaranteed a minimum playing time each game and teams are competitively balanced. Recreational leagues are those that allocate players through a draft or player evaluation to ensure fairness and balance amongst teams, and do not cut players for poor playing performance. Post season all-star teams are exempt. Recreational-based groups do not have paid positions directly related to managing and operating the league.

Competitive Play

Competitive-based play is where participants gain playing time based on skill level and are not guaranteed a minimum each game. Competitive leagues are those that hold tryouts to find the best players. Players are not guaranteed to make a team. Competitive play emphasizes learning advanced and specialized skills and includes travel outside the City to play other advanced teams. Competitive-based groups may have paid positions directly related to managing and operating the league.

Resident

A person whose primary residence is within the Fullerton City limits.

Resident Percentage

The resident percentage is calculated by dividing a group’s total number of Fullerton residents by the total number of group participants. A group’s resident percentage helps to determine and maintain its priority group classification. Certain documentation, such as rosters, player addresses, photo IDs, and utility bills,

will be required to verify residency status. Where an organization contains both a recreational group and a competitive group, the resident percentage is calculated separately for each group.

Youth Status

Youth status is given to a person 18 years of age or under at the start date of a permit.

Non-Profit Status 501(c)(3)

A non-profit organization is one that meets all the requirements of Section 501(c)(3) of the Internal Revenue Code. The organization must submit to the City a Letter of Determination or Letter of Affirmation from the IRS. The organization is also required to submit to the City annual financial forms including 990 forms (Federal), 199 forms (State), and other documentation as requested by the City, including, but not limited to, financial records demonstrating non-profit status. Visit www.irs.gov for additional information on non-profit status. Organizations must also remain in good standing with the California Secretary of State, including, but not limited to, paying all recurring filing fees.

III. Priority Group Classifications

An organization's priority group classification determines its priority for field allocations. After City and FSD field needs are met, the Partner groups will have first priority for field allocations, Fullerton Competitive/Club/Travel groups will have second priority, and Rental groups will have third priority. Priority levels and associated fees are set forth in the Parks and Recreation Department's *Policy Statement and Fee Schedule*.

Partner Group - 1st Priority

A community youth sports organization seeking Partner group status must apply in writing to the Parks and Recreation Department at least one (1) year prior to the estimated starting date. A Partner application may be obtained by contacting the Parks and Recreation Department and must include information and documents evidencing the requirements set forth below, with a detailed explanation describing the proposed field use and long-term growth intentions. The City will issue a receipt of acknowledgement within seven (7) days of receiving an application. City staff will review the application and will issue a written notice within thirty (30) days if an application is deemed incomplete or inaccurate. The applicant may submit a revised application. If an application is deemed complete and accurate by City staff, it will be scheduled for consideration by the Parks and Recreation Commission. The Parks and Recreation Commission shall approve an application only if it finds all of the following to be true: 1) Requirements A through D are met, 2) granting Partner status to the applicant will not overly burden the fields, and 3) granting Partner status will not negatively impact the field usage of existing Partners. The decision of the Parks and Recreation Commission shall be final.

Community youth sports organizations obtaining Partner status are considered independent partners of the City in the delivery of recreational sports programs. The City assumes no jurisdiction over the administration, operation, and planning of group activities. The City expects each Partner to conduct its business in a professional manner. This includes posting of meeting notices, taking meeting minutes,

making financial reports available to the membership, and keeping its membership well-informed of activities and board decisions.

The following requirements must be met for an organization to be considered for and to maintain Partner status:

- A. Partner groups must provide **recreational play** that is substantially different in nature from existing programs of the Parks and Recreation Department and approved Partners. Characteristics such as variations in equipment, team size, field size, and playing dates do not constitute substantial differences in the nature of a sport. A single team cannot qualify as a Partner when its league cannot.
- B. Partner groups must have an affiliation with a **state or national sports governing body**. Those state and national bodies must have governance over the Partner. This includes all requirements for training (per each league's manual), equipment safety, playing technique safety, financial oversight, and background checks. Background checks must be conducted for coaches, managers, team parents, umpires/referees, board members and anyone on the field with the players. Photo ID cards are encouraged for coaches at all interactions with players. Partner groups must show proof of background checks each season.
- C. Partner groups must be a Fullerton tax-exempt, non-profit 501(c)(3) youth sports organization (incorporated and based in Fullerton). The following documents are required to show proof:
 - A copy of the organization's Articles of Incorporation and Bylaws.
 - A copy of the IRS application, supporting documents, and the IRS determination letter.
 - A copy of the organization's current financial statements and filed tax forms (IRS Form 990 or 990EX, CA 199).
 - Board of Directors' names, addresses, and phone numbers; board meeting dates, times, and locations; board election dates and terms of office.

A Partner group's governing board, recreational coaches, and their family members must be volunteers, cannot be compensated in any way, and must comply with the organization's conflict of interest policy.

All Partner groups must comply with the City's standard insurance requirements which include a certificate of insurance and two endorsements - 1) Additional insured, and 2) Primary and non-contributory. (*See Standard Insurance Requirements (Part 9)*)

The City must be named as an additional insured for all permits. If school district property is being used, the Fullerton School District must be named as additional insured. If the Fullerton Sports Complex is being used, the US Army Corps of Engineers must be named as additional insured.

- D. The resident percentage for Partner groups must be a minimum of **80%**. An organization will be required to provide the most current league roster with addresses and phone numbers of each player to verify the percentage.

Note: If a Partner group's residency rate falls under 80% for two consecutive permitting periods, it will pay fees equivalent to group 2 in the *Parks and Recreation Department Policy*

Statement and Fee Schedule. If the group does not regain a residency percentage of 80% in the following permitting period, it will be treated as a rental group and pay fees equivalent to group 3.

Additionally, Partner groups must survey participants annually and report results to City. Failure to maintain satisfaction of all requirements may result in the revocation of Partner status.

Fullerton Competitive (Non-Recreational) Group – 2nd Priority

A Fullerton Competitive group must be a Fullerton tax-exempt, non-profit 501(c)(3) youth sports organization (incorporated and based in Fullerton) with a state or national sports governing body, and a resident percentage equaling 55% or more with Fullerton residents. All Competitive groups must submit current participant and team information by the seasonal deadline in order to be considered for a field allocation. This includes details by team (age group, division, coach, number of residents and number of non-residents). In the event an organization has not completed the selection process for one or more teams, the organization must provide a partial roster.

Competitive groups may not include teams below the U8 age group.

If there are conflicting requests, fields may be allocated based on verifiable Fullerton residency percentage.

Rental Group – 3rd Priority

Rental groups do not meet the standards listed above for Partner and Fullerton Competitive groups. These groups get third priority for field allocation. Rental groups are limited in the number of reservations they can make. See Section V. Field Allocation Process for rental group allocation procedures.

New Section/Divisions of Play

When a current Partner is considering a new section/division, for example, a new age category or level of play, it must be for recreational play and the impact on the field space and the other Partners that share City fields must be determined. It must meet all Partner requirements.

Partner leagues forming a new section/division must submit a request to the Parks and Recreation Department at least one (1) year prior to the estimated starting date of the new division. **Submittal of an application does not guarantee that an organization will be allocated fields.** The application must include all information required to apply for Partner status plus:

- *Field Request Form* (Partner Groups) for use of City and FSD fields.
- Explanation of why the new division is necessary.
- Description of the impact on field space. For example, how much time and space is required to start and what is the long-term plan for expansion of the division.

An organization choosing to expand its league with a new section/division must submit information and documentation that shows the new section/division is part of the same non-profit number, has the same insurance carrier, and is governed by the same Board, Articles of Incorporation, and Bylaws.

Failure to notify the Parks and Recreation Department of changes in an organization could result in forfeiture of fields or revocation of Partner status.

If approved, a new division may be given a lower priority than existing leagues in order to maintain adequate field rest and renovation periods. The Parks and Recreation Department may deny a new division based on field availability, conditions, and other related factors.

A change in an organization's name, parent or affiliated national, state, regional or local organization (provided the former organization's name is not also being used), may not render it a new organization. The Parks and Recreation Department must be notified of any proposed changes. If the organization provides information and documentation that demonstrate only a name change and not a change to the structure of the organization, then the organization shall not be considered a new organization.

IV. Field Permit Application Process

Requests to use City and FSD athletic fields are made through the City of Fullerton Parks and Recreation Department located at Fullerton City Hall, 303 W. Commonwealth Avenue, Fullerton, (714) 738-2879. A request for field use does not constitute approval. A \$100 deposit is required with application.

Application Deadlines for **Partner and Fullerton Competitive Groups**:

SPRING DEADLINE Due by November 15 for the season from January 15 through June 30

FALL DEADLINE Due by May 15 for the season from July 1 through January 15

Partner groups are required to complete, sign, and submit the following documents (available in the Parks and Recreation Department and online at www.cityoffullerton.com/parks) by the deadlines listed above:

- *Field Request Form (Partner and Fullerton Competitive Groups must submit separate forms)*
- *Athletic Field Use Rules and Regulations*
- *Proof of Insurance based on the Standard Insurance Requirements – Part 9*
- *Hold Harmless and Indemnity Agreement*
- *Board of Directors Information Sheet*
- *IRS 990 or 990EX and CA 199 and financial statements on an annual basis.*

Rental groups that submit field requests by the deadlines above will be considered in the seasonal rental group allocation process. Rental field requests will be allocated as fields are available after Partner and Fullerton Competitive groups receive their permits.

Rental groups must complete, sign, and submit the following documents (available in the Parks and Recreation Department and online at www.cityoffullerton.com/parks):

- *Field Request Form (Rental Groups)*

- *Athletic Field Use Rules and Regulations*
- Proof of Insurance based on the *Standard Insurance Requirements – Part 9* (For games only)
- Rosters – may be used to apportion space based on verifiable Fullerton residency percentage.

Any group of twenty-five (25) or more is required to obtain a facility use permit prior to using any field. However, organized groups or teams of any size must obtain a permit for field use. At Lions Field, groups of ten (10) people or more are required to obtain a facility use permit.

No individual, group, or business may operate a private business (including outdoor classes) on public park property without a permit issued by the Director of Parks and Recreation. This also includes operating businesses where no money is exchanged for service.

V. Field Allocation Process

Partner Groups

- Partner groups must turn in their field requests on time to participate in the first priority allocation process. Increases in field requests are only considered if the league has not added new sections/divisions or materially altered its sports program. Increases due to the development of new sections/divisions of play (new age groups, new styles of play, and new alliances with outside programs) and absorption of players from disbanded leagues - often from neighboring cities - will not be accepted in the seasonal *Field Request Form*. These increases are to be proposed according to the “New Divisions of Play” requirements on page 6 of this policy.
- Seasonal priority will be given to traditional primary season sports over secondary season sports. Spring season is primary for baseball, softball, and rugby. Fall season is primary for football and soccer. Fields used for games will be given priority over fields used for practice. Off-season play (between seasons) will be reviewed after allocations are granted for all other Partner primary season requests.
- Under a Partner’s field permit at least one Fullerton partner team must be on the field at all times. Only during a tournament/playoffs may two non-Fullerton teams use a field under a Partner’s permit.
- When there is a conflict for field space, the groups will be given the opportunity to resolve the conflict at the semi-annual Sports Field Users Group meeting. If an agreement cannot be reached, fields will be allocated by staff.
- Partner groups must attend the semi-annual Sports Field User Group meeting where spring and fall season fields are allocated. Partner groups with competitive divisions must send only recreational representatives to the Sports Field User Group meetings.

Fullerton Competitive Groups

- Seasonal priority will be given to traditional primary season sports over secondary season sports. Spring season is primary for baseball, softball, and rugby. Fall season is primary for football and

soccer. Fields used for games will be given priority over fields used for practice. Off-season play (between seasons) will be reviewed after allocations are granted for all other Fullerton Competitive primary season requests.

- Under a Fullerton Competitive field permit at least one Fullerton Competitive team must be on the field at all times. Only during a tournament/playoffs may two non-Fullerton teams use a field under a Fullerton Competitive group's permit. Fullerton Competitive groups will be allocated fields after Partners are fully allocated.
- If there are conflicting requests, fields may be allocated based on verifiable Fullerton residency percentage and an allocation meeting may be held to work out the conflicts.

Rental Groups

- Rental groups will be allocated fields after Partner and Fullerton Competitive groups are fully allocated.
- Rental groups may reserve a field up to three (3) months at a time, if space is available and use will not overly burden the fields or negatively impact the field usage of current Partners and Fullerton Competitive groups.
- If there are conflicting requests, fields may be allocated based on verifiable Fullerton residency percentage.

Field Allocation Disclaimer

A field permit will be issued only after all requirements have been met. A request for field use does not constitute approval.

The City reserves the right to cancel or re-assign an allocation to accommodate the needs of any City, FSD sponsored/co-sponsored events, tournaments, or field and facility work and when the health and safety of participants are threatened due to weather conditions (i.e., air quality, high temperatures, rain, lightning, etc.). The City will make a determination or recommendation to close fields as conditions require.

In an effort to provide balanced sports opportunities on athletic fields, the Parks and Recreation Department has the discretion to modify exclusive use at athletic facilities and to make changes to group priorities.

VI. Compliance with Field Use Rules

After receiving a field permit, groups must abide by the following policies to keep the permit in good standing.

Partner and Fullerton Competitive groups are required to

- Provide schedules to show that all of the allocated fields are being utilized.
- Provide rosters to establish the Fullerton residency percentage of the participants.

- Provide background check reports

All groups are required to comply with the policies of this *Athletic Field Use and Allocation Policy*, the *Athletic Field Use Rules and Regulations*, and all applicable laws.

Field Permit Policy Violations

Violations of this policy that occur within one calendar year will be subject to the following disciplinary actions:

- First Violation:** Written notice of the violation.
- Second Violation:** Written notice of the violation, loss of the \$100 deposit, and suspension of all permits until another \$100 deposit is posted. The Parks and Recreation Commission will be notified.
- Third Violation:** Written notice of the violation, loss of the \$100 deposit. Field fees increase one level. Partner fees rise from level 1 to 2 and Fullerton Competitive fees rise from level 3 to 4. The Parks and Recreation Commission will be notified.
- Fourth Violation:** Written notice of the violation. Review of the status of Partner or Fullerton Competitive by the Parks and Recreation Commission for loss of privileges or status revocation.

Some violation examples include, but are not limited to:

Category A – Equivalent to two violations

- Subletting - If permitted group #1 allowed non-permitted group #2 to use its field without City approval, this would constitute subletting, which would be a strike against both groups. In addition, if a Partner group’s recreation level permit is used by its competitive club level this would constitute subletting, as well.
- Failure to disclose full details of a special event.
- Overuse of a field (placing more players on field than has been approved)

Category B – Equivalent to one violation

- Advertising field use before permit has been approved.
- Using a field that has been closed due to weather or maintenance.
- Using a field at unpermitted time.
- Driving vehicles on fields, school blacktops and sidewalks without written permission on permit.
- Bringing out food trucks without permission.
- Using amplified sound without permission.

Failure to:

- Submit required paperwork on time, including but not limited to, schedules, rosters, financial documents, and insurance.
- Meet a Partner group standard (see pages 5 and 6)
- Meet a Fullerton Competitive group standard (see page 6)
- Return unused allocated fields to the City's inventory.
- Maintain a clean site after use, including litter pickup on fields and in parking lots, and having portable restrooms cleaned regularly.
- Comply with the *Athletic Field Use and Allocation Policy* or *Athletic Field Use Rules and Regulations* or City ordinance.

In the event that a violation causes damage to City or FSD property or loss of field use fees, the organization will be required to reimburse the City or FSD for such damage or loss.

Violations deemed by City to be of a serious nature, such as criminal conduct, will result in immediate termination of permits and field use and will be turned over to the proper authorities.

VII. Fees

The *Policy Statement and Fee Schedule* sets forth the current listing of facilities and fees.

All Fullerton Competitive and Rental group fees must be paid in full when the reservation is made.

Parks and Recreation staff may be required for rental. A per hour staffing fee shall be charged.

Partner groups with continuous monthly usage will be invoiced at the end of each month.

Permits may be cancelled and/or rescheduled. Permits canceled by the City or due to inclement weather may be rescheduled as availability allows or may be refunded in full. Permits cancelled by the group at least ten (10) working days prior to the event will be charged a 10% admin fee. No refunds will be issued if group cancels less than ten (10) working days prior to the event.

VIII. Tournaments

All general rules and reservation procedures as specified in the *Policy Statement and Fee Schedule* are applicable during tournaments.

Additional provisions for tournaments are stated in this section.

Tournament applicants must complete a *Field Request Form*, sign the *Athletic Field Use Rules and Regulations Form* and review the *Tournament Orientation Checklist* with City staff at least six (6) months prior to the tournament date. Forms are available at the Parks and Recreation Department and online. Submission of these forms does not constitute approval. A permit is issued only after deposits and fees are paid. Tournament applicants must receive City approval to sell food, use food trucks or use a snack bar and/or BBQ. This approval must be noted on the use permit.

Tournaments cancelled by the City or due to inclement weather may be rescheduled as availability allows or may be refunded in full. Tournament permits cancelled by the group at least ten (10) working days prior to the event will be charged a 10% admin fee. No refunds will be issued if group cancels less than ten (10) working days prior to the event.

City reserves the right to have a tournament reviewed by other City departments to minimize the impact on neighbors, fields, parking, traffic, etc. Additional fees may be required.

IX. Field Maintenance

Field Rest and Renovation

An annual rest and renovation program is scheduled at all sites to maintain field sustainability. The City attempts to be flexible in accommodating field requests but ultimately, the health and safety of the players and the condition and playability of the fields take priority. This requires the closure of fields and facilities for a number of days deemed necessary by City staff.

Field and Facility Closures

The City of Fullerton reserves the right to cancel or suspend field use permits when field conditions could result in injury to players or cause damage to the fields. Permits may also be cancelled when the health and safety of participants are threatened due to impending conditions, including but not limited to rain, lightning, air quality, high temperatures, unsafe fields, and maintenance issues.

Inclement Weather Guidelines

During inclement weather, City staff will assess the playability of all City and FSD fields to determine if use will occur. The Parks and Recreation Director or designated representative shall have the authority to close any/all City and FSD fields.

A field status update will be posted on the Parks and Recreation web site by noon on weekdays and by 8 a.m. on the weekends, if any fields are closed.

Failure to follow these guidelines will result in suspension or cancellation of existing permit(s) and/or loss of rental/allocation privileges and/or a strike against the organization.

Turf Preservation

Cooperation from groups is required to preserve City and FSD fields by following these guidelines:

- Fields may not be used during or after a heavy rain, or when fields are wet or muddy.

- Field use must be rotated in order to reduce excessive turf damage in one area. For example, practices in heavy traffic areas (goal boxes, center circles, pitching areas, etc.) must be limited.
- Field occupancy may not exceed the approved number of players.
- Only softball and baseball practices may be held on the infield area of a softball or baseball diamond.
- All equipment must be removed or locked up at the end of each day.
- No vehicles are allowed on City and FSD fields or property, other than parking lots, without written permission on the permit.
- Report hazards and immediate emergencies (broken water lines, leaking sprinkler heads, etc.) to Public Works at 714-738-6897. When calling, identify yourself, your location (park/school), and the specific nature of the situation so that staff can bring the appropriate repair equipment. After hours, call the Police Department at 714-738-6710 to dispatch the on-call staff to respond to the emergency.

Athletic Field Lining

- Lining of fields on City and FSD fields is prohibited without City approval. Line colors must be approved by City.
- Burning lines on City and FSD fields is prohibited.

Field Modifications

Requests to modify, resize, or make improvements to a City or FSD field shall be submitted with conceptual drawings to the City (Parks and Recreation Department) and will be reviewed and approved by the appropriate and corresponding departments. Modification requests on fields being used by multiple Partner groups must be agreed by all organizations before request is made. Any permanent field modifications or improvements shall become the property of the City of Fullerton.

X. Other Information

Concessions and Vendors

All groups must receive City approval for all concession operations and have permission noted on their field use permit. Only Partner groups with permanent snack bar facilities may sell concessions on a regular basis. All other groups may only provide concessions at tournaments or special occasions.

Partner groups operating concessions are considered first party vendors. A business license is not required for first party vendors; however food sales must meet Orange County Health Department codes and requirements. Insurance requirements must be met as a condition of field use. First party vendors are highly encouraged to attend a food handling class.

Commercial food providers (food trucks, carts, etc.) are considered second party vendors. Second party vendors must have an Orange County Health Department Permit and a seller's permit. Vendor information, must be submitted to the City no later than two weeks prior to the event.

Barbecue Use

Groups wanting to use a barbecue must receive City approval on their use permit and may require a fire permit. Only portable propane barbecues may be used. All groups selling or preparing food must comply with all Orange County Health Code food handling regulations.

Barbecues are not allowed:

- Within twenty-five feet (25') of any sports field, courts, playground or City building entrance.
- Within ten feet (10') of any walkway.
- Within parking lots or public rights-of-way.

Parking

Groups must always maintain safe parking and circulation practices for their events. Should parking become an issue during permitted time, the group must provide the proper resources to direct participants and spectators to designated parking areas. It is the group's responsibility to alleviate parking issues. No vehicles are allowed along red curbs, on City or FSD fields or property (other than parking lots) without written permission noted on the field use permit.

No programs are allowed on any parking lot without a review and approval by City staff. Important safety concerns must be adhered to in order to use a parking area for programming, i.e. trunk or treat, equipment distribution, etc.

Restrooms at FSD Sites

FSD restrooms are not available for use without a separate fee permit issued by FSD. Portable restrooms are allowed on school property only with a location map and the written approval from FSD and City.

Banners/Signage/Advertisement

A Partner group can have sponsorship banners from supporting businesses to defray the costs of operating the league. The advertisement shall be directed toward the sports viewing audience and not to the passersby on roadways. Since each sports field is designed differently, the banner direction may not always be obvious. Banners are generally removed after the games are over. The exception to this rule is the home field sponsorship banner. This applies to baseball and softball facilities with temporary homerun fencing. A homerun fence banner can remain up throughout the season, although some leagues may take them down after games. All signage must comply with Fullerton Municipal Code chapter 15.49, Sign Standards and Regulation.

The City provides three park banner frame locations to post 2' by 6' banners. An application and nominal fee is required to reserve a spot on one of the 18 banner display slots. A separate Banner Policy is available in the Parks and Recreation Department. *Banner Permit Request Forms* are also available in the Parks and Recreation Department and online.

Portable Lights

Private portable lights are prohibited in park and school without City and/or FSD approval.

XI. Field Use Code of Conduct

The City of Fullerton places great value on providing outdoor field space for recreational use. It is expected that all groups display positive sportsmanship and respectable conduct. All groups are required to comply with the following code of conduct. Failure to comply will result in a strike against a group.

- All leadership, coaches, and field users will show respect for the rules of play, authority of officials and City staff, and the opposing team.
- All leadership, coaches and field users will respect and protect the property of the City and the FSD.
- Any form of obscenity or abuse towards participants, staff, spectators, coaches, and/or officials will not be tolerated. Any individual using abusive or foul language will be removed from the field.
- All groups must abide by and observe all rules and regulations which have been established by the City of Fullerton.