

CARNEGIE FORUM
305 W. PINE ST.
LODI, CALIFORNIA
95240

**AGENDA
PARKS AND
RECREATION
COMMISSION**

REGULAR MEETING
TUESDAY,
November 5, 2013
@ 7:00 PM

For information regarding this agenda please contact:
Terri Lovell @ (209) 333-6742

Parks, Recreation and Cultural Services Administrative Secretary

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office at the Parks and Recreation Department, located at 125 N. Stockton Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact Parks and Recreation Department as soon as possible and at least 24 hours prior to the meeting date.

1. ROLL CALL
2. MINUTES – “October 1, 2013 Regular Meeting”
3. COMMENTS BY THE PUBLIC, COMMISSION AND STAFF ON NON-AGENDA ITEMS
4. ACTION ITEMS
 - a. Approve Request for Qualifications for Strategic Action Plan
 - b. Recommend Fee for Lodi Lake Park Annual Boat Launch or Trailer Pass/Fee
5. REGULAR AGENDA – DISCUSSION ITEMS
 - a. Business Use of Public Parks
6. DIRECTOR, SUPERINTENDENT, SUPERVISORS, REPORTS/UPDATES
7. ANNOUNCEMENTS
8. ADJOURNMENT

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

****NOTICE:** Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before (in the case of a Closed Session item) or during consideration of the item.

MEETING MINUTES
LODI PARKS AND RECREATION COMMISSION
TUESDAY, OCTOBER 1, 2013
7:02 P.M. - Carnegie Forum

I. Roll Call

Present: Commissioner, Akin, Morgan, Long
Absent: Commissioner Wardrobe-Fox, Palmquist
Staff Present: Michael Reese, Steve Dutra, Terri Lovell
Staff Absent: Jeff Hood

Minutes of September 3, 2013, Special Meeting

Motion by Commissioner Akin to approve the September 3, 2013, meeting minutes. Second by Commissioner Morgan.

DISCUSSION

None

Ayes: Commissioners Akin, Morgan, Long
Noes: None
Motion carried 3 – 0

II. Comments by the Public, Commission and Staff on Non-Agenda Items

Mr. Dutra shared that Tree Lodi has a flyer they'd like to introduce and information they have to share with the community. On November 9, 2013, Tree Lodi is having a second annual tree clinic. The public is invited. Commissioner Long asked how many years Tree Lodi has been helping the City plant trees. Mr. Schroer shared Tree Lodi has been in existence since 2005. Commission Long thinks it's a great partnership with the City and he thanked Tree Lodi for their participation.

III. Action Items

NONE

V. Regular Agenda – Discussion Items

Update on the Adopt-A-Park and Memorial Tree/Bench Plaque Programs

Mr. Dutra introduced the Adopt-A-Park program and shared a PowerPoint presentation on this subject.

Mr. Oliver, Principal of Vineyard Christian School – One of the things the kid's love the most is picking up tree limbs downed from storms. Mr. Oliver shared that the when the children help at the park they take ownership of the park and take care of the park. For the 84 students they give 40 to 60 man hours at the park. Commissioner Long thanked Mr. Oliver for partnering up with the City.

Mr. Dutra shared that Ms. Breeze from Larson School brought 160 students to DeBenedetti Park to pick up trash at the park.

Gordon Schmiere, President of Tree Lodi, 2316 Portsmouth Dr., Lodi – Tree Lodi has seen the good and the bad with the trees in the City parks. Mr. Schmiere shared that Tree Lodi volunteers have been out at DeBenedetti Park watering the acreage with 1000 feet of hose. Mr. Schmiere stated that volunteers also keep an eye on the park.

Mr. Dutra continued by speaking on the Memorial Tree & Park Bench Policy.

Joyce Harmon, 19 Pinewood Ct., Lodi – Ms. Harmon was very concerned about the mistletoe in trees in Lodi. In 2005 she formed Tree Lodi. The first memorial tree that Tree Lodi was involved with was in memory of her

husband, Charles Harmon. The tree was planted in November of 2006. The City has worked with Tree Lodi from the beginning and she is grateful for all the help the City gives them. Ms. Harmon thanked the City for all their help with Tree Lodi.

Linda Rice, 6109 E Peltier Rd., Acampo – Linda Rice read a letter from her daughter, Terri Whalen. In December 2011 the family planted a tree at Peterson Park and let 21 doves free. Ms. Rice added that for the first year after the tree was planted her daughter went over and watered the tree 3 times a week. She thanked Steve Dutra for the opportunity to plant the tree in memory of her husband.

Dorana Prohaska, 9266 Benold Ct., Elk Grove – Ms. Prohaska shared that her father was a docent for Lodi Lake for 25 years. Ms. Prohaska became a docent about the same time her father passed. The best part of the docent tour is she wears her father's docent badge and she tells the children that they'll see his name somewhere along the tour. Ms. Prohaska thanked Mr. Dutra for the opportunity and the bench is enjoyed as a family.

Dog Park Discussion

Mr. Dutra introduced this item. Mr. Dutra shared that the City is not doing away with dog parks however the purpose of this meeting is for education and outreach. Mr. Dutra shared that the department must follow the City's Municipal Code. Mr. Dutra is proposing, and Director Hood is in favor, of expanding the dog area at Beckman Park in an effort to keep dogs out of the sports fields. Mr. Dutra shared which parks within the City's system have designated dog areas. Mr. Dutra will look into possibly installing a fence at Vinewood Park at the request of those in attendance at tonight's meeting.

Joanie Hewlett, 2230 Scarborough Drive, Lodi – Ms. Hewlett asked if a fence could be donated, could it be installed. Mr. Dutra shared that this park is a retention basin and Public Works makes the determination when the basin is closed. Mr. Dutra shared that once the park becomes a retention basin and if there's a fence installed, it restricts the flow of water. If a fence was installed, trash and leaf debris will collect at the fence.

Commissioner Long shared that at the Parks and Recreation office there's a list of all the parks within the City and every park is a multi-use park. Commissioner Long also shared that DeBenedetti Park is a retention basin as well.

Commissioner Akin asked if Roget Park will be added to the designated dog park list. Mr. Dutra stated it will not be added.

Henry Wright, 758 Louie Avenue, Lodi – Mr. Wright shared that he was part of fencing issue with Mr. Perrin years ago. Mr. Wright recognized Mr. Richard Brown for donating dog bags for the park at his own expense for the last 7 years. Mr. Wright asked why the restrooms aren't opened at Vinewood Park. Mr. Wright also shared that the ground drops off at the south gate entrance at Vinewood Park and he'd like to see it brought back up to level to avoid any potential injuries. Mr. Dutra stated there are renovations that need attention at Vinewood Park. Mr. Wright has noticed that parents who attend sports events at Vinewood Park are bringing their dogs and they are going up on the berm. Mr. Wright also pointed out that there are mushy areas due to sprinkler problems. Mr. Wright thanked Mr. Dutra and the City for all their efforts at the park.

Commissioner Long has spoken with Mr. Wright on numerous occasions and Mr. Wright has offered to partner with the City to help with the park.

Mr. Dutra shared that he appreciated the communication efforts by citizens and he encourages additional communication.

Commissioner Long shared that any phone calls or emails sent to staff are followed up on. Commissioner Long thanked everyone for coming and participating tonight.

Jim Sullivan, 1020 Dover Dr., Lodi – Mr. Sullivan asked if Roget Park allows bikes. Mr. Dutra shared on the bike path only. Mr. Sullivan asked if dogs need to be on a leash at the Lodi Lake dog area. Mr. Dutra doesn't think it states they do but he'll double check it. Mr. Sullivan suggested putting a large sign at the Nature Area that shows the fine.

Richard Brown, 2111 Sunwest Dr., Lodi – Mr. Brown feels the gate on the south entrance of Vinewood dog area was installed backwards. Mr. Dutra will look at that issue.

Mr. Dutra shared that renovations are upcoming at Vinewood Park and it will be taken off line.

Gene Hamner, 2451 Rockingham Circle, Lodi – Mr. Hamner asked when citizens will know that the area at Beckman Park has been expanded. Mr. Dutra suggested calling him at the office because he needs to speak with Director Jeff Hood about this before it moves forward.

Boat House Proposal Review Committee

Mr. Reese introduced this item.

Commissioner Akin and Commissioner Long would like to be on the committee. Commissioner Morgan will be an alternate.

Carl Houseman, Adventure Sports Rentals, 1600 El Camino Ave., Sacramento – Mr. Houseman is looking forward to submitting a Request for Proposal for the Boat House.

VI. Director, Superintendent, Supervisors, Reports/Updates
(Refer to packet reports for additional information)

NONE

VII. Announcements

NONE

VIII. Adjournment

Meeting adjourned at 9:10 p.m.

LODI PARKS AND RECREATION COMMISSION
MEETING OF NOVEMBER 5, 2013

ACTION ITEM A

APPROVE REQUEST FOR QUALIFICATION FOR STRATEGIC ACTION PLAN

Notes: _____

Action: _____

PARKS AND RECREATION COMMISSION COMMUNICATION

TO: Lodi Recreation Commission DATE OF MEETING: November 5, 2013
FROM: Director Hood
SUBJ: Approve Request for Qualifications for Strategic Action Plan

TYPE ACTION NEEDED: Action.
PREPARED BY: Jeff Hood, PRCS Director
RECOMMENDED ACTION: Approve Strategic Plan Request for Qualifications.

BACKGROUND INFORMATION:

The Recreation Commission has expressed support for a new study to guide the Parks, Recreation and Cultural Services Department, as the previous study was created 20 years ago and is largely outdated.

A consultant whose firm has produced a number of studies – master plans, strategic plans, park specific plans, etc. – made a presentation to the Recreation Commission in August that discussed various options for studies and how they may be used. Staff believes hiring a consultant to perform this work is our only alternative, as we do not have the expertise, experience or time to craft a study or plan of a quality the public deserves.

As a result, rather than holding brainstorming sessions among staff and Commissioners about general areas of study, staff proposes we issue a Request for Qualifications (RFQ) for a Strategic Action Plan for the City of Lodi Parks, Recreation and Cultural Services Department. By issuing an RFQ, we will be asking planning firms to submit their qualifications to create a Strategic Action Plan for PRCS.

The draft RFQ asks firms to state their experience and expertise in strategic planning. This will include their ability to lead, facilitate and coordinate a project that involves extensive community participation, and get the work done on time and within budget, among other things. Also, the RFQ asks respondents to submit a sealed fee schedule, which will be opened if the firm is the preferred consultant.

The draft RFQ states we are seeking a statistically valid community-wide survey, review of current programs, services and facilities, and various recommendations. It also sets a timetable for a November 11, 2013, release and interviews of the short list of consultants in January 2014. In December, the Recreation Commission will be asked to designate two members to serve in the screening, interview and ranking process, after which staff will enter into contract negotiations with the top-ranked firm. If negotiations fail, staff will begin negotiations with the second-ranked firm.

The resulting study will help the Department, Recreation Commission, City Council and others to understand how PRCS can deliver desired services in a cost-effective manner.

Staff requests a motion and affirmative vote endorsing the issuance of a Request for Qualifications for a Strategic Action Plan for the Parks, Recreation and Cultural Services Department.

FUNDING CONSIDERATION OR IMPACT:

Requesting qualifications does not have a fiscal impact.



REQUEST FOR QUALIFICATIONS

For

**Strategic Action Plan for the City of Lodi Parks,
Recreation and Cultural Services Department**

**Jeff Hood
Parks, Recreation and Cultural Services Director**

11/11/13

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Ten Year Strategic Action Plan
Lodi Parks, Recreation and Cultural Services

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REQUEST FOR STATEMENT OF QUALIFICATIONS FOR THE DEVELOPMENT OF A STRATEGIC ACTION PLAN

I. INTRODUCTION

The City of Lodi invites qualified firms to submit a response to the Request for Statement of Qualifications (RFQ) for the development of a Strategic Action Plan for the Parks, Recreation and Cultural Services Department to include the following:

- A community wide statistically valid needs assessment survey;
- Review of current recreation programs and services;
- Update of Park and Facility inventory including an analysis of amenities to be used to ensure the changing demographics and demands of the community are being met;
- Recommendations for future programs that should be designed and implemented;
- Development of a business plan to guide financial independence and appropriate cost recovery;
- Recommendations on staffing levels, staff structure, workloads and overall Department organization.

The Strategic Action Plan's purpose is to provide guidance to the City Council, Parks, Recreation and Cultural Services Department, staff, various advisory committees and to the general public as to the actions necessary to carry out the intent of the General Plan as related to parks, community facilities, and community service programs. This strategic program planning process should provide for staff, commission and community involvement and cover all aspects of the Department's operations including facility and program planning strategies, timelines and priorities, current and future program criteria, staffing levels and organization, revenue sources and guiding policies for service delivery.

The City anticipates that the planning process will take between 6 to 9 months to provide adequate time for public participation and review by key stakeholders and policy makers. The outcome of the process will be the Department's first Strategic Action Plan, its first major study since a 1993 facility Master Plan, including a recreation needs assessment, program recommendations, business plan, staffing structure and staffing levels, workloads and organization document that presents the planning process, the research, the analysis, opportunities and strategies that will guide the Department for the next 10 years.

II. PROJECT DESCRIPTION

Lodi is a full-service City of 63,000 residents in the northern San Joaquin Valley that was incorporated in 1906. All essential services are delivered by the City government, such as police, fire, library, utilities including electric, and parks. More than 70 wineries dot the landscape in a 15-mile radius of the City, which is increasingly popular as a destination for wine tourism. Although agriculture plays an important role in the community's past and future, Lodi has a more diversified economy than most other Valley cities, and has a downtown that serves as the center of community life through special events, entertainment, wine tasting and fine dining. Lodi also has the shortest work commute among all San Joaquin County cities, indicating it is less of a suburban bedroom community than its neighbors.

Lodi is the most compact city in San Joaquin County, covering 12 square miles (excluding noncontiguous wastewater property). The growth rate has averaged 1 percent a year for the past two decades, although local developers are proposing housing projects to add more than 500 homes over the next several years. Lodi's population has grown from 51,874 in 1990 to 63,301 in 2012, according to the U.S. Census Bureau, a change of 22 percent in 22 years, which is significantly less than most of its neighboring communities. Lodi trails California overall in per-capita income (\$25,011 to \$29,634) and median household income (\$49,318 to \$61,632), and has a 15.8 percent poverty level compared to the state figure of 14.4 percent. Approximately one in eight adults age 25 or older has a bachelor's degree.

A Census Bureau Quick Facts report on the City of Lodi is Attachment A.

The Parks, Recreation and Cultural Services Department is staffed by 26 full-time staff, supported by approximately 200 seasonal staff, 300 volunteers and numerous community partners. The department consists of three divisions with an operating budget in 2013/14 of \$5,654,090 and revenue of \$5,691,520. The Department has a cumulative fund deficit of \$508,866, but was able to reduce it by \$352,977 in FY 2012/13. The Department's goal is to eliminate the deficit by the end of the 2014/15 fiscal year and then begin building its capital fund to address capital needs, which include addressing deferred maintenance and equipment purchases.

The Parks Division has a budget of approximately \$2.4 million. It maintains 26 City parks and four other public spaces. Maintenance includes landscaping, sports field maintenance and facility maintenance and repair. The division is headed by a superintendent, who has one supervisor to manage 12 full-time employees and a seasonal staff of approximately 20. The Public Works Department is responsible for maintenance of public areas not included in the park inventory.

The Recreation Division has a budget of approximately \$2.1 million. Its largest source of revenue comes from operating an after-school program on a contract basis with the Lodi Unified School District at 13 sites.

Cultural Services is represented by the Hutchins Street Square Community Center

Division, which has a budget of approximately \$1.15 million. The largest revenue source for this 80,000-square foot facility, which includes an indoor swimming pool and 789-seat theater, comes from rentals of its various meeting and reception halls.

It is time to develop a Strategic Action Plan for the Parks, Recreation and Cultural Services Department specifically designed for the unique needs of Lodi, especially our changing demographics and our unique competencies to provide for and address future needs.

III. EVALUATION CRITERIA

The responses to the RFQ will be evaluated according to the following consultant related criteria:

1. Record of experience and expertise in strategic planning.
2. Relevancy of similar work experience.
3. Experience of the Project Manager in strategic planning and public process.
4. Management approach to the project and philosophy towards strategic planning.
5. Demonstrated ability to lead, facilitate and coordinate project involving extensive community participation.
6. Capacity to accomplish the work in the required time.
7. Experience in working with governmental agencies.
8. Experience of individuals or sub-consultants assigned to this project, including but not limited to survey firms and landscape architects.
9. Quality of firm as evidenced by special recognition award(s).
10. Experience of team (if applicable) working together.
11. Reference check.

These evaluation criteria are not necessarily in order of importance.

IV. SUBMISSION REQUIREMENTS

The submission requirements for the Request for Statement of Qualifications are as follows. Each section should be tabbed and labeled for ease of reference:

1. A cover letter stating interest in the Project which includes, at a minimum, the following:
 - Statement verifying your firm's compliance with the evaluation criteria;
 - Statement describing why your firm considers itself best qualified to achieve the project goals and perform the work required in a responsive manner;
 - Description of the anticipated interaction with the Client;
 - Proposed approach in developing a quality Strategic Action Plan tailored for Lodi.
2. Provide a clear description of your firm's proposed team with names, resumes, Project Manager, project responsibilities and proposed staffing numbers by phase.
3. Provide information on previous experience related to Strategic Action Planning projects which your firm was team-of-record. Include the following:
 - Names and location of projects;
 - Name, address, phone number of client with name of contact person;
 - Document firm's ability to perform the work required and bringing project in on scope, schedule and budget;
 - Dates and locations of project(s) completed within the last five (5) years;
 - Brief description of important features;
 - Project cost;
 - Samples of work as appropriate.
4. Awards and Recognition. The response should indicate any applicable recognition awards received by members of the consultant team(s). This should be limited to one page.
5. The submission response should include a **sealed** copy of your firm's or your sub-consultant's fee schedule which the City will only open upon selection of the desired candidate with whom the City will begin negotiations.

REQUEST FOR STATEMENT OF QUALIFICATIONS RESPONSES THAT DO NOT INCLUDE THE ABOVE REQUIRED ITEMS WILL BE DEEMED NON-RESPONSIVE

AND WILL NOT BE CONSIDERED.

NOTE: A submittal of the company resume or brochure is encouraged and will be accepted as added information. Please answer all the questions thoroughly. Do not reference the firm's resume in place of a response.

All contact with the City should be through the City's Project Manager, Jeff Hood, Director of Parks, Recreation and Cultural Services, or his designee. The selection process is summarized below:

PRE-SELECTION - The RFQ response will be reviewed by a Pre-selection Committee who will designate the firms it deems "most qualified."

SELECTION - The Selection Committee will invite these "most qualified" firms for an oral interview and presentation based upon selection criteria provided by the City. Project staff listed in the submittal must be present at the oral interview. The Committee will rank the firms based upon this interview and the Request for Qualification response.

NEGOTIATIONS - The Negotiating Committee will negotiate with the highest ranked firm. If an agreement is not reached, negotiation will be terminated and started with next highest ranked firm. This process will continue until an agreement is reached.

V. EVALUATION AND SELECTION PROCESS

1. Release of the Request for Statement of Qualifications: November 11, 2013
2. Responses due to the Request for Statement of Qualifications: December 6, 2013.
3. Development of Short List of responders to Request for Statement of Qualifications: December 20, 2013
4. Interviews of Short List Architects/Selection of Consultant: January 8, 2014
5. Finalization of Contract: February 6, 2014

This schedule could change depending on availability of evaluation team members.

VI. CITY OF LODI GENERAL CONDITIONS

The following general conditions apply to this submittal:

1. General Guidelines for Content: The response to the RFQ shall be clear, concise, and detailed enough to enable the selection committee to make a thorough evaluation and arrive at a sound determination as to whether the firm meets the requirements of the City. The response to the RFQ should

demonstrate that the respondent has a thorough understanding of the City's requirements.

2. Duty to Inquire: Before submitting a response to the RFQ, respondents must carefully read all sections of this RFQ and fully inform themselves as to all conditions and limitations. Should a respondent find discrepancies in or omissions from the RFQ documents, or should the respondent be in doubt as to their meaning, the respondent shall at once notify the City. Such notifications and questions must be in writing, and must be received by the City at least five (5) calendar days before the submittal date. All City responses will be shared with each of the known firms who were sent a RFQ.
3. Explanation to Respondents: The City of Lodi reserves the right to interpret or change any provision of this RFQ at any time prior to the submission date. Such interpretations shall be in the form of an addendum, and will be made available to each person or organization that has received the RFQ. Oral explanations will not be binding. The City, at its sole discretion, may determine that a time extension is required for submission of the response to the RFQ. In such a case an addendum shall include a new response to the RFQ submission deadline.
4. Right to Judge Representations: The City shall be the sole judge of the acceptability of a respondent's written or oral representations.
5. Failure to Conform/Proof of Presentation: Any response to the RFQ that modifies or fails to conform to the essential requirements or specifications of the RFQ will be considered non-responsive and unacceptable.
6. Financial Information: The City may require whatever evidence is necessary relative to the respondents' financial stability. The City also reserves the right to request further information from the authorized representative of a respondent, either orally or in writing. Written requests will be addressed to the authorized representative of the respondent.
7. Truth and Accuracy of Representations: False, incomplete, or non-responsive statements will be cause for rejection of the response to the RFQ. The evaluation and determination of the fulfillment of the above requirements will be the City's responsibility and their judgment will be final.
8. Rights to RFQ Information: Information disclosed in the response to the RFQ and attendant submissions will become the property of the City.
9. Protest Procedures: Any protest or appeal resulting from this request must be submitted in writing to the Director of Parks, Recreation and Cultural Services within five (5) working days of notification of rejection.
10. Disclaimer: This solicitation does not commit the City of Lodi to award a

contract, pay costs incurred in the preparation of a response or to procure a contract for any services. The City, at its sole discretion, may reject any and all submittals.

11. Legislative Policies/Administrative requirements: The City of Lodi requires compliance with certain legislative policies; Insurance Requirements and Certification, Conflict of Interest (Form 700), W-9, and an active Lodi Business License (See Attachment B). It is understood that these requirements must be completed to award a public service contract.

VII. REQUESTS FOR INFORMATION AND CLARIFICATION

Your requests for information, questions, and clarifications should be submitted to Jeff Hood via e-mail, mail, or fax (See information below).

VIII. SUBMISSION OF RESPONSES

- A. Response to the RFQ must be received no later than 5:00 p.m., Friday, December 6, 2013. Responses to the RFQ received after that time will be returned unopened. Postmark is not acceptable.
- B. Send or deliver Statements of Qualifications to:

City of Lodi
Parks, Recreation and Cultural Services Dept.
125 N. Stockton St.
Lodi CA 95240
Attn: Jeff Hood, Director
Subject: Request for Qualifications for Strategic Action Plan

Five (5) copies of each response to the RFQ are required.

Note: Fee schedule to be submitted in a separate sealed envelope.

- C. Questions should be submitted in writing, e-mailed or faxed to:

QUESTIONS IN RESPONSE TO RFQ
FOR STRATEGIC ACTION PLAN
Attn: Jeff Hood
Lodi Parks, Recreation and Cultural Services Dept.
125 N. Stockton St.
Lodi CA 95240

CONTACT TELEPHONE NUMBER
Jeff Hood (209) 333-6742
E-mail: jhood@lodi.gov

The City of Lodi's web site <http://www.lodi.gov/PRCS/RFQ.html> will contain a copy of this RFQ and related pertinent information.

IX. ATTACHMENTS

Attachments are on following pages.

DRAFT

[People](#) |
 [Business](#) |
 [Geography](#) |
 [Data](#) |
 [Research](#) |
 [Newsroom](#)



State & County QuickFacts

Lodi (city), California

People QuickFacts	Lodi	California
Population, 2012 estimate	63,301	38,041,430
Population, 2010 (April 1) estimates base	62,134	37,253,956
Population, percent change, April 1, 2010 to July 1, 2012	1.9%	2.1%
Population, 2010	62,134	37,253,956
Persons under 5 years, percent, 2010	7.9%	6.8%
Persons under 18 years, percent, 2010	27.8%	25.0%
Persons 65 years and over, percent, 2010	13.5%	11.4%
Female persons, percent, 2010	51.2%	50.3%

White alone, percent, 2010 (a)	68.7%	57.6%
Black or African American alone, percent, 2010 (a)	0.8%	6.2%
American Indian and Alaska Native alone, percent, 2010 (a)	0.9%	1.0%
Asian alone, percent, 2010 (a)	6.9%	13.0%
Native Hawaiian and Other Pacific Islander alone, percent, 2010 (a)	0.2%	0.4%
Two or More Races, percent, 2010	4.6%	4.9%
Hispanic or Latino, percent, 2010 (b)	36.4%	37.6%
White alone, not Hispanic or Latino, percent, 2010	53.4%	40.1%

Living in same house 1 year & over, percent, 2007-2011	83.9%	84.2%
Foreign born persons, percent, 2007-2011	19.0%	27.2%
Language other than English spoken at home, percent age 5+, 2007-2011	31.2%	43.2%
High school graduate or higher, percent of persons age 25+, 2007-2011	78.7%	80.8%
Bachelor's degree or higher, percent of persons age 25+, 2007-2011	19.2%	30.2%
Veterans, 2007-2011	3,823	1,997,566
Mean travel time to work (minutes), workers age 16+, 2007-2011	23.5	27.0

Housing units, 2010	23,792	13,680,081
Homeownership rate, 2007-2011	55.7%	56.7%
Housing units in multi-unit structures, percent, 2007-2011	28.7%	30.8%
Median value of owner-occupied housing units, 2007-2011	\$286,000	\$421,600
Households, 2007-2011	22,033	12,433,172
Persons per household, 2007-2011	2.79	2.91
Per capita money income in the past 12 months (2011 dollars), 2007-2011	\$25,011	\$29,634
Median household income, 2007-2011	\$49,318	\$61,632
Persons below poverty level, percent, 2007-2011	15.8%	14.4%

Business QuickFacts	Lodi	California
Total number of firms, 2007	4,190	3,425,510
Black-owned firms, percent, 2007	0.6%	4.0%
American Indian- and Alaska Native-owned firms, percent, 2007	F	1.3%
Asian-owned firms, percent, 2007	5.4%	14.9%
Native Hawaiian and Other Pacific Islander-owned firms, percent, 2007	F	0.3%
Hispanic-owned firms, percent, 2007	11.6%	16.5%
Women-owned firms, percent, 2007	28.9%	30.3%

Manufacturers shipments, 2007 (\$1000)	687,140	491,372,092
Merchant wholesaler sales, 2007 (\$1000)	435,980	598,456,486
Retail sales, 2007 (\$1000)	853,893	455,032,270

Retail sales per capita, 2007	\$13,941	\$12,561
Accommodation and food services sales, 2007 (\$1000)	90,553	80,852,787
Geography QuickFacts	Lodi	California
Land area in square miles, 2010	13.61	155,779.22
Persons per square mile, 2010	4,565.0	239.1
FIPS Code	42202	06
Counties		

(a) Includes persons reporting only one race.

(b) Hispanics may be of any race, so also are included in applicable race categories.

D: Suppressed to avoid disclosure of confidential information

F: Fewer than 25 firms

FN: Footnote on this item for this area in place of data

NA: Not available

S: Suppressed; does not meet publication standards

X: Not applicable

Z: Value greater than zero but less than half unit of measure shown

Source U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates, American Community Survey, Census of Population and Housing, County Business Patterns, Economic Census, Survey of Business Owners, Building Permits, Census of Governments

Last Revised: Thursday, 27-Jun-2013 13:54:56 EDT

Attachment B

**BUSINESS LICENSE ORDINANCE
And
TAX RATES**

Adopted
March 1, 1995

Stephen J. Mann, Mayor
David P. Warner, Mayor Pro Tempore
Ray G. Davenport, Council Member
Phillip A Pennino, Council Member
Jack A. Sieglock, Council Member

Thomas A. Peterson, City Manager

CITY OF LODI, CALIFORNIA

March 1, 1995

City of Lodi

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ORDINANCE 1607

**CHAPTER 3.01
BUSINESS TAX CERTIFICATION**

ARTICLE I. GENERAL PROVISIONS

SECTION 3.01.010. PURPOSE

The provisions of this chapter are enacted solely to raise revenue for general municipal purposes and are not intended for regulation.

SECTION 3.01.020 BUSINESS TAX CERTIFICATION REQUIRED

Business taxes are hereby imposed upon all businesses, professions, trades, vocations, enterprises, establishments, occupations, or callings conducting businesses in the city to which a business tax may lawfully apply, in an amount established by Resolution of the City Council. It shall be unlawful for any person to transact and carry on any business, trade, vocation, enterprise, establishment, occupation, or calling in the City not otherwise exempt without first having procured a business tax certificate from the City or complying with all of the applicable provisions of this chapter.

The business tax certificate shall be evidence only of the fact that such business tax has been paid. Neither the payment of the business tax nor the possession of the business tax certificate shall authorize, permit, or allow the doing of any act which the person paying or holding such business tax certificate would otherwise be entitled to do; nor shall it be construed as permission to conduct or carry on business at any place within the City where the conduct or carrying on of such business is prohibited or fails to comply with the City's zoning, planning, or building regulations, nor shall it be construed as permission to conduct or carry on a business in such a manner as to create or maintain a nuisance.

SECTION 3.01.030. EXEMPTIONS

The following persons and organizations are exempt from the provisions of this Chapter.

A. MINORS UNDER THE AGE OF 18

Business owned and conducted by minors under the age of eighteen (18) years shall be exempt from the business tax provisions of this chapter where all of the following conditions exist and legal documentation is provided to support that:

1. All persons engaged in the operation of the business are under the age of eighteen (18) years, and
2. All persons engaged in the operation of the business have a bona fide ownership interest in the business, and
3. Gross receipts do not exceed \$3,000 per year.

B. CHARITABLE, RELIGIOUS, AND NONPROFIT ORGANIZATIONS.

1. *Organization activities.* The provisions of this chapter shall not be deemed or construed to require the payment of a business tax to conduct, manage, or carry on any business, occupation, or activity of any institution or organization recognized by the State of California or Internal Revenue Service of the United States as a "Domestic Non Profit Organization" to conduct business which is wholly for the benefit of charitable, religious, or nonprofit purposes and from which a profit is not derived, either directly or indirectly, by any person.

2. *Nonexempt activities.* The exemption provisions of this section shall not be construed to extend to any person, business, corporation, or organization receiving a fee, wage, stipend, salary, remuneration, compensation, or pay for performance of any business, occupation, or activity related to exempt organization activities. Any such person, business corporation, or organization shall be subject to the business tax provisions of this chapter and shall obtain a Business Tax Certificate prior to any business, occupation, or activity being undertaken in the City.

C. CONFLICTS WITH FEDERAL AND STATE LAWS OR CONTRACTUAL AGREEMENTS. The Provisions of this chapter shall not be construed to require a person to obtain a business tax certificate prior to doing business within the City if such requirement conflicts with the applicable statutes, laws, or constitution of the United States or the State of California or other contractual obligations or franchise agreements. The Finance Director may develop administrative guidelines concerning exemptions, apportionment, and any other matters which he determines as necessary for the lawful and effective implementation of this Chapter.

D. CERTAIN HOME OCCUPATIONS

1. Every person commencing, transacting, and carrying on in the city any business in his home in a residential zone, not as a nonconforming use, whose annual gross receipts from such business is \$3,000 or less shall not be required to pay a business tax.

2. Persons who by reason of age or infirmity are physically unable to earn a livelihood through ordinary means of labor or business, whose annual gross receipts from such business is \$5,000 or less shall not be required to pay a business tax.

E. PUBLIC UTILITIES

Public utilities engaged in providing services or commodities to the City of Lodi under a franchise agreement shall not be required to pay a business tax.

F. DISABLED VETERANS

Veterans of the armed forces of the United States qualified under the provisions of the Business & Professions Code Section 16001 shall not be required to pay a business tax.

G. RESIDENTIAL RENTAL UNITS

Persons renting four or less residential units within the City shall not be required to pay a business license tax.

H. STREET FAIRS AND SPECIAL EVENTS

Sponsors of street fairs or special events may request the City Council to waive the Business License Tax in part or whole for participants of a street fair or special event when the waiver is for a limited period of time and a participant does not otherwise conduct business within the City of Lodi either directly or indirectly by posting, advertising or other means as described in Section 3.01.470 below; and, when the City Council determines a blanket waiver of the Business License Tax for a street fair or special event is in the best interest of the City

SECTION 3.01.040 DEFINITIONS

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

A. "Business" shall mean and include professions, trades, vocations, rentals, leases, enterprises, establishments, and occupations and all and every kind of calling, any of which is conducted for the purpose of earning in whole, or in part, a profit or livelihood, whether or not a profit or a livelihood actually is earned thereby, whether paid in money, goods, labor, or otherwise, and whether or not the business has a fixed place of business in the City.

B. "Finance Director" shall mean the individual designated by the City Manager to collect business taxes pursuant to the provisions of this chapter.

C. "Gross Receipts" shall mean and include the total amounts received or receivable from sales, services, rentals, or leases in the total amounts actually received or receivable for the performance of any act or service is done as a part of, or in connection with, the sale or rental of materials, property (real or personal), goods, wares, or merchandise. Included in "gross receipts" shall be receipts, cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost or payable, or losses or other expenses whatsoever.

Excluded from "gross receipts" shall be the following:

1. Cash and jobber discounts (which reduce selling price and ultimate receipts from sale);
2. Any tax (such as a sales tax, use tax, gas tax, transient occupancy tax, real property transfer tax) which is measured by the sales price and is included in the purchase price and collected from the consumer or purchaser;
3. Any refund that is granted, either in cash or credit, to a purchaser who returns property upon the rescission of a contract of sale;
4. Amounts received by persons acting as agents, brokers or trustees, where such amounts have been collected for and are paid to another party (e.g., amounts collected by salesman and transmitted to manufacturer or distributor; trust funds received and transmitted by trustee; fees separately itemized on statements and forwarded to a subcontractor or fee consultant as payment for services rendered, provided that a list of subcontractors or consultants and amounts paid is reported to the city; receipts collected for and subsequently paid to a lessor, provided that the name of the lessor and the amount paid is reported to the city);
5. Amounts received as refundable deposits, except those amounts that are forfeited and subsequently taken as business income;
6. Any credit that is granted for property provided by the consumer or purchaser as part of the purchase price (trade-in merchandise), provided that the value of property taken is reported in gross receipts when sold to someone else;
7. Bad debts, when credits are reported in total in the first year and prove uncollectible in a subsequent year;

8. Passive income (e.g., interest on investments, dividends, occasional sale of property or surplus equipment, etc.); and

9. Receipts not taxable by virtue of provisions included in the Federal or State Constitution.

E. "Person" shall mean and include all domestic and foreign corporations, associations, syndicates, joint-stock corporations, partnerships of every kind, clubs, Massachusetts trust, business, and other common law trusts, societies, and individuals transacting and carrying on any business in the City, other than an employee.

F. "Sworn Statement" shall mean an affidavit sworn to before a person authorized to take oaths or a declaration or certification made under the penalty of perjury.

G. "Gross receipts subject to the business tax" shall be that portion of gross receipts relating to business conducted within the City. For business with their headquarters located within the City of Lodi, their total gross receipts shall be deemed to be related to business conducted within the City unless an apportionment of gross receipts is requested by the business pursuant to Section 3.01.490 of this chapter.

SECTION 3.01.050 BUSINESS CLASSIFICATIONS

For purposes of this chapter, the broad classifications used in this chapter are defined as follows:

A. "**Administrative Headquarters**" – Any business operation where the principal business transacted consists of providing administrative or management related services such as, but not limited to, record keeping, data processing, research, advertising, public relations, personnel administration, legal and corporate headquarters services, to other locations where the operations of the same business are conducted which lead more directly to the production of gross receipts.

B. "**Contractors**" – Any person who is licensed as a contractor by the State of California and who undertakes to or offers to undertake to or purports to have the capacity to undertake to or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith, is defined as a contractor. The term contractor includes subcontractor and specialty contractor.

C. "**Manufacturers**" – Any person conducting, managing or carrying on a business consisting mainly of manufacturing, packing, or processing any goods, wares, merchandise or produce.

D. "**Professions**" – Any person, group, association, partnership, firm or corporation engaged in a profession or vocation licensed by the State, related to a licensed profession or vocation, and/or requiring a period of specialized training such as, but not limited to, physicians, dentists, attorneys, and accountants.

E. "**Public Utilities**" – Any person, including the City of Lodi, engaged in the business of providing utility services to the general public or to private businesses including such services as electrical, gas, sanitary and garbage, water, sewer, cable television and telephone.

F. **“Recreation and Entertainment”** – Any person engaged in the business of providing directly recreation, entertainment, or amusement services.

G. **“Rental of Residential Property”** – Any person engaged in the business of renting or letting a building or structure to a tenant for purposes of dwelling, sleeping or lodging (i.e., apartment, duplex, condominium or other residential property rental excluding hotels and motels).

H. **“Rental of Non-Residential Property”** – Any person engaged in the business of renting or letting a building or structure to a tenant for purposes of conducting business (i.e., commercial retail space, office buildings, warehouses or other non-residential property use). Space occupied by the owner is exempt.

I. **“Retail”** – Any person conducting, managing or carrying on the business consisting mainly of selling at retail any goods.

J. **“Services”** – Any business providing services, repairs or improvements to or on real and personal property; renting or leasing personal property to businesses or persons; involving the operation of hotel or motel; providing services to persons such as, but not limited to, laundries, cleaning and dyeing, shoe repair, barber and beauty shops, photographic studios, and transportation.

K. **“Wholesale”** – Any person conducting, managing or carrying on the business consisting mainly of selling at wholesale any goods.

L. **“Miscellaneous”** – Any person engaged in a business not specifically described by other provisions of this ordinance and not otherwise exempt.

SECTION 3.01.060. SAVINGS CLAUSE

The provision of this chapter are severable. Should any portion of this chapter be deemed invalid by a court of competent jurisdiction, the provisions of Chapter 3.01 shall remain in full force and effect.

ARTICLE II. TAX AMOUNTS

SECTION 3.01.110. TAX BASIS

The amount of the business tax to be paid by the applicant shall be paid at a rate determined by the business classification established by resolution of the City Council.

SECTION 3.01.120. TAX RATE

The tax rate for all businesses shall be set by Resolution of the City Council.

SECTION 3.01.130. MINIMUM TAX

The minimum tax shall be paid in full on application for a Business License Certificate and shall not be prorated for the calendar year of January 1 through December 31.

SECTION 3.01.140. PAYMENT SCHEDULE

When the Business License Tax is greater than \$750, the tax may be paid to the City in four equal installments due January 31, April 30, July 31 and October 31.

ARTICLE III. APPLICATION AND RENEWAL

SECTION 3.01.210. BUSINESS TAX CERTIFICATE APPLICATIONS

Every person required to have a business tax certificate pursuant to the provisions of this chapter shall make a written application to the Finance Director and submit the following information:

- A. The nature or kind of business for which the business tax certificate is requested;
- B. The place where the business is to be conducted and, if the business is not to be conducted at a permanent location, the residence address, identified as such, of the owners of the business;
- C. If the application is made for the issuance of a business tax certificate to a person to do business under a fictitious name, the names, social security numbers, and residence addresses of the owner(s) of the business;
- D. If the application is made for the issuance of a business tax certificate to a corporation or partnership, the names, franchise tax number, and residence addresses of the officers or partners thereof; and
- E. Any further information which the Federal or State Taxing authority or the Finance Director may require to enable the issuance of the business tax certificate.

SECTION 3.01.220 BUSINESS TAX CERTIFICATE RENEWALS

In all cases, the applicant for the renewal of the business tax certificate required by the provisions of this chapter shall submit to the Finance Director a written statement, upon a form provided by the Finance Director, written under penalty of perjury or sworn to before a person authorized to administer oaths, setting forth the actual gross receipts earned the preceding calendar or fiscal year as reported to any Federal or State taxing authority to which gross receipts are reported to enable the Finance Director to ascertain the amount of the business tax to be paid. Unless otherwise specifically provided, all annual business taxes required by the provisions of this chapter shall be due and payable on January 1st of each year and shall be delinquent on January 31st of each year.

No renewal of a business tax certificate shall be issued until payment in full of all delinquent business taxes, including accrued interest and applicable penalties thereon is received by the City. It shall be the responsibility of the applicant to ensure renewal of the business tax certificate.

ARTICLE IV. BUSINESS TAX CERTIFICATE ISSUANCE

SECTION 3.01.310. CONTENT

All business tax certificates required by the provisions of this chapter, unless otherwise provided in this chapter, shall be prepared and issued by the Finance Director upon the payment to the City of the proper amount of business tax. Each business tax certificate shall state upon the face thereof the following:

- A. The name of the person to whom the business tax certificate is issued
- B. The type of business taxed

- C. The location or address of the business taxed
- D. The date of the expiration of the business tax certificate
- E. That the possession of the business tax certificate shall not authorize, permit, or allow the person to do any act which such person would not otherwise be lawfully entitled to do.

SECTION 3.01.320. POSTING AND KEEPING

All business tax certificates issued pursuant to the provisions of this chapter shall be posted and kept in the following manner:

- A. Any persons transacting and carrying on the business at a permanent location in the City shall keep such business tax certificate posted in a conspicuous place upon the premises where such business is carried on.
- B. Any persons transacting and carrying on business, but not operating at a permanent location in the City, shall keep such business tax certificate upon them at all times while transacting and carrying on such business.

SECTION 3.01.330. DUPLICATES

A duplicate business tax certificate may be issued by the Finance Director to replace any business tax certificate previously issued pursuant to the provisions of this chapter, which business tax certificate has been lost or destroyed, upon the filing of a statement of such fact and the payment of a duplicate fee set by resolution of the City Council.

SECTION 3.01.340. BRANCH ESTABLISHMENTS

A separate business tax certificate shall be issued for each branch establishment or location of business; provided, however, warehouses and distribution plants used in connection with, and incidental to, a business tax pursuant to the provisions of this chapter shall not be deemed to be separate places of business or branch establishments; and provided, further, any person conducting two (2) or more types of business at the same location and under the same management, or at different locations, but which businesses use a single set or integrated set of books and records, may elect to pay only one business tax calculated on all the gross receipts of the businesses, except that a fee set by Resolution of the City Council shall be paid upon issuance for each additional branch or location.

SECTION 3.01.350. CHANGE OF LOCATION

No business tax certificate issued pursuant to the provisions of this chapter shall be transferable; provided, however, where a business tax certificate is issued for a person to transact and carry on a business at a particular place, such person, upon an application therefor and the payment of a fee set by resolution of the City Council, may have the business tax certificate at some other location to which it is to be moved.

ARTICLE V. ADMINISTRATION

SECTION 3.01.410. CERTIFICATION OF RECORDS

A. **CONCLUSIVENESS OF STATEMENTS.** No statement required by the provisions of this chapter shall be conclusive as to the matters set forth therein, nor shall the filing of such statements preclude the City from collection by appropriate action such sums as are actually due and payable pursuant to the provisions of this chapter. Such statements and each of the several items therein contained shall be subject to certification by the Finance Director, the deputies of the Finance Director, or authorized employees or representatives of the City, who are hereby authorized to examine such books and records of any certificate holder or applicant for a business tax certificate as may be necessary in their judgment to verify or ascertain the amount of the business tax due.

B. **RECORD RETENTION.** All persons subject to the provisions of this chapter shall keep complete records of all business transactions and shall retain such records for examination by the Finance Director, the deputies of the Finance Director, or authorized employees or representatives of the City, and maintain them for a period of at least three years from the annual due date of the Federal tax return or the City business tax return, whichever time period is greater. Records which shall be maintained for audit purposes shall include State and Federal income tax returns, schedules and records included in such returns, and any and all work papers used to prepare such returns.

C. **EXAMINATION OF RECORDS.** All business tax certificate holders, applicants for business tax certificates, and persons engaged in business in the City are hereby required to permit an examination of such books and records for the purposes set forth in this section during regular business hours and at reasonable times.

D. **INTEREST AND PENALTIES.** If, subsequent to the examination, it is determined that the business has been delinquent or has non-reported or under-reported gross receipts, thereby underpaying business taxes, the certificate holder shall pay to the City within ten (10) days of notification of the determination of the amount of tax due, interest in the amount equal to the current rate for ninety (90) day Treasury Notes from the date the tax was due, and a penalty in the amount of the business tax due. Interest shall continue to accrue on the additional tax amount until such amount is paid in full. A mistake made in stating the amount of the business tax shall not, in any case, prevent or prejudice the Finance Director from collecting what is actually due from any person or entity carrying on a trade, calling, profession, or occupation subject to a business tax under this chapter.

E. **DETERMINATION OF TAX AMOUNTS DUE.** If any person subject to the tax imposed by this chapter fails to submit information required, or if the Finance Director is not satisfied with records and statements filed, the Finance Director shall determine the amount of the business tax due from such person by means of such information as may be obtainable and shall mail a notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office at Lodi, California, postage prepaid, addressed to the person at their last-known address.

SECTION 3.01.420 INFORMATION CONFIDENTIAL

It shall be unlawful for the Finance Director or designee, or any person having an administrative duty pursuant to the provisions of this chapter, to make known in any manner whatever the business affairs, operations, or financial information obtained by an investigation of the records of any person required to obtain a business tax certificate, or pay a business tax, or any other person visited or examined in the discharge or the official duty of the Finance Director, or of the amount or source of income, profits, losses, or expenditures, or any particular thereof, set forth in any statement or application, or amended statement or application, or copy of either, or in any book containing any abstract or particulars therein to be seen or examined by any person; provided, however, the provisions of this section shall not be construed to prevent:

A. Disclosure to, or the examination of records and equipment by, another City official, employee, or agent for the collection of taxes for the sole purpose of administering or enforcing the provisions of this chapter or collecting the business taxes imposed by the provisions of this chapter;

B. The disclosure of information to, or the examination of records by, Federal or State officials, or the tax officials of another city or county, if the reciprocal arrangement exists, or to a grand jury or court of law upon a subpoena;

C. The disclosure of information and the results of examination of records of particular taxpayers, or relating to particular taxpayers, to a court of law for proceedings brought to determine the existence of the amount of any business tax liability of such particular taxpayers of the City;

D. The disclosure, after the filing of a written request to the effect, to the taxpayer, or to the taxpayers' successors, receivers, trustees, executors, administrators, assignees, or guarantors if directly interested, of information as to items included in the measure of any paid business tax, any unpaid business tax, or any amount of business tax required to be collected, including interest and penalties; further provided, however, that the City Attorney shall approve each such disclosure, and the Finance Director or designee may refuse to make any disclosure referred to in this subsection when, in their opinion, the public interest would suffer thereby;

E. The disclosure of the names and business address of persons to whom business tax certificates have been issued and the general type and nature of their business;

F. The disclosure, by way of public meeting or otherwise, of such information as may be necessary to the City Council in order to permit the City Council to be fully advised as to the facts if a taxpayer files a claim for the refund of business taxes, or submits an offer of compromise with regard to a claim asserted against them by the City for business taxes, or when acting upon any other similar matter; and

G. The disclosure of general statistics regarding business taxes collected or business done in the City.

SECTION 3.01.430. FINANCE DIRECTOR ADJUSTMENT POWERS

The Finance Director shall have the power, for good cause shown, and documented by the Finance Director as a permanent record:

A. To extend the time for filing any required sworn statement;

- B. To waive any penalties which would otherwise have accrued;
- C. To adjust the amount of the business tax due;
- D. To make refunds or prorations of taxes paid; and
- E. To establish a basis or “proxy” to calculate gross receipts for those businesses and classes of business which do not have a “gross receipts” on which to base the tax, i.e. administrative headquarters.

SECTION 3.01.440 DEBT TO CITY

The amount of any business tax and penalty imposed by the provisions of this chapter shall be deemed a debt to the City. A suit may be brought against any person to enforce the collection of the debt described in this Chapter in any court of competent jurisdiction.

The conviction of any person for transacting any business without a certificate shall not excuse or exempt such person from payment of any license due or unpaid at the time of such conviction and nothing herein shall prevent a criminal prosecution for any violation of the provisions of this Chapter.

SECTION 3.01.450 DELINQUENCIES AND PENALTIES

For failure to pay the business tax required by the provisions of this chapter prior to the delinquency date, the Finance Director shall add a penalty of Ten and no/100ths (\$10.00) or ten percent (10%) of the business tax, whichever is the greater, on the first day of each month after the delinquency thereof; provided, however, the total amount of such penalty to be added in no event shall exceed one hundred percent (100%) of the amount of the business tax due.

SECTION 3.01.460. ENFORCEMENT

A. **DUTIES OF THE FINANCE DIRECTOR AND CHIEF OF POLICE.** It shall be the duty of the Finance Director to enforce each and all of the provisions of this chapter, and the Chief of Police shall render such assistance in such enforcement as may from time to time be required by the Finance Director.

B. **INSPECTIONS.** The Finance Director, in the exercise of the duties imposed by the provisions of this section, and acting through deputies of duly authorized assistants, shall have the right to enter and examine all places of business free of charge during normal business hours to ascertain whether the provisions of this chapter are being complied with.

C. **PENALTY FOR VIOLATION.** Any person who violates any provision of Section 3.01.102 by transacting and carrying on any business, trade, vocation, enterprise, establishment, occupation, or calling in the City without first having procured a business tax certificate is guilty of an infraction and is subject to punishment as provided for in Chapter 1.12 of this Municipal Code.

SECTION 3.01.470 EVIDENCE OF DOING BUSINESS

When any person, by the use of a sign, circular, card, telephone book, newspaper, other publication, or advertising media, shall advertise, hold out, or represent that they are in business in the City, or when any person holds an active license or permit issued by a government agency indicating that they are conducting a business in the City, and such person fails to deny, by a sworn statement given to the Finance Director or designee, that they are not conducting a business in the City after being requested to do so by the Finance Director or designee, then these facts shall be considered prima facie evidence that such person is conducting a business in the City.

SECTION 3.01.480. REMEDIES CUMULATIVE.

All remedies prescribed by the provisions of this chapter shall be cumulative, and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

SECTION 3.01.490 APPORTIONMENT

When the business tax imposed by this Chapter cannot be enforced without there being an apportionment according to the amount of business done in the City of Lodi, apportionment rules shall be established by the Finance Director. The Finance Director shall conduct an investigation and shall fix as the business tax for the applicant an amount that is reasonable and nondiscriminatory or, if a business tax has already been paid, shall order a refund of the amount over and above the business tax so affixed. In fixing the business tax to be charged, the Finance Director shall have the power to base the business tax upon a percentage of gross receipts, operating expenses, floor space, payroll, number of employees, business taxes paid to other cities, or any other measure which will assure that the business tax assessed shall be uniform with the amount of business done in the City of Lodi, or of businesses of a like nature, so long as the amount assessed does not exceed the business tax set forth in this Chapter.

SECTION 3.01.500 APPEALS

A. Any tax payer aggrieved by a decision of the Finance Director with respect to the issuance or refusal to issue a business tax certificate may appeal such decision by first submitting a written request to the City Manager for an administrative hearing by the City Manager or his designee who shall have the power, for good cause shown to:

1. Waive any penalties which would otherwise accrued;
2. Adjust the amount of the business tax due;
3. Make refunds or prorations of taxes paid; and
4. Establish a basis or "proxy" to calculate the tax.

B. Any tax payer dissatisfied with the decision of the City Manager or his designee following an administrative hearing may appeal to the City Council by filing a notice of such appeal with the City Clerk. The City Council shall thereupon fix a time and place for hearing such appeal. The City Clerk shall give notice to such person of the time and place of hearing by serving it personally or by depositing it in the United States Post Office at Lodi, California, postage prepaid, addressed to such person at his last-known address.

ARTICLE VI. IMPLEMENTATION

For business tax renewals due between January 1, 1995 and April 1, 1995, the tax rate upon renewal will be the amount of tax paid in 1994 but not less than the minimum tax set by resolution of the City Council.

The Finance Director shall have the power, for economic hardship or financial impact on any one business, to adjust the amount of the business tax due through January, 1997.

This Ordinance is for the usual and current expenses of the City and is adopted pursuant to Governmental Code 36937(d). This Ordinance shall be published one time in the Lodi News Sentinel, a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately upon its passage and approval.

Approved this 1st day of March 1995

Stephen J. Mann, Mayor

BUSINESS LICENSE TAX RATES		
Business Classification	Minimum Tax*	Tax Rate
GROUP 1		
Retail and Services Wholesale Contractors Public Utilities Administrative Headquarters \$0 to \$200,000 \$200,001 to \$500,000 \$500,001 to \$900,000 \$900,001 to \$3,000,000 \$3,000,001 to \$10,000,000 \$10,000,001 and greater	 \$50 \$50	 \$50 \$98 \$210 \$450 \$.60/\$1,000 \$1.00/\$1,000
GROUP 2		
Rental Residential Property Rental Non-Residential Property Gross Receipts	 \$50	 \$.60/\$1,000
GROUP 3		
Professions \$0 to \$75,000 \$75,001 to \$300,000 \$300,001 to \$500,000 \$500,001 to \$1,500,000 \$1,500,001 to \$5,000,000 \$5,000,001 and greater	 \$50 \$50	 \$50 \$110 \$250 \$525 \$1,100 \$.60/\$1,000
GROUP 4		
Recreation and Entertainment Hotel/Motel Services \$0 to \$150,000 \$150,001 to \$300,000 \$300,001 or greater	 \$50 \$50	 \$50 \$85 \$.30/\$1,000
GROUP 5		
Automobile Dealers Square Feet of Building Space Occupied	 \$200	 \$.02/Sq Ft
GROUP 6		
Manufacturers Options **	 \$200	 See Options

* Minimum tax due in the first calendar year of business in Lodi (not prorated)

** Not to exceed \$4,000 per year

BUSINESS LICENSE TAX RATES		
Business Classification	Minimum Tax*	Tax Rate
OPTION 1		
Square Feet of Building Space Occupied	\$200	\$.01/Sq Ft
OPTION 2		
Gross Receipts	\$200	\$.10/\$1,000
OPTION 3		
Gross Payroll	\$200	\$.40/\$1,000
OPTION 4		
1 st thru 10 th Employee	\$200	\$200
11 th thru 25 th Employee		\$10
26 th thru 100 th Employee		\$7
101 st thru 200 th Employee		\$5
Over 200 Employees		\$2

The Group 6 tax rate will be a rate established by the Finance Director on application by the manufacturer and based on either gross receipts, gross payroll, square feet of occupied space or number of employees as determined to be fair and equitable. The tax rate and tax method may be adjusted to foster implementation of new rates over three years and when the economic conditions of the City or manufacturer require an adjustment.

The tax rate and tax method will be set on a business by business basis with the minimum tax set at \$200 per year and the tax ceiling set at \$4,000 per year. The tax rate, tax method, minimum tax and tax ceiling will be reviewed and adjusted once every five years based on inflation and the economic conditions of the tax payer.

LODI PARKS AND RECREATION COMMISSION
MEETING OF NOVEMBER 5, 2013

ACTION ITEM B

*RECOMMEND FEE FOR LODI LAKE PARK ANNUAL BOAT LAUNCH
OR TAILER PASS/FEE*

Notes: _____

Action: _____

PARKS AND RECREATION COMMISSION COMMUNICATION

TO: Lodi Recreation Commission DATE OF MEETING: November 5, 2013
FROM: Director Hood
SUBJ: Recommend Fee for Lodi Lake Park Annual Boat Launch or Trailer Pass/Fee

TYPE ACTION NEEDED: Action.

PREPARED BY: Jeff Hood, PRCS Director

RECOMMENDED ACTION: Recommend a fee for a Lodi Lake Park annual boat launch or trailer pass for City Council adoption, and consider trailer fee.

BACKGROUND INFORMATION:

On April 2, 2013, Recreation Commissioners recommended the City Council adopt a \$50 annual vehicle entry fee for Lodi Lake Park. The Council did so on April 17, 2013.

Since then, staff has been contacted by several boaters about the possibility of an annual boat launch fee. Boat owners who buy an annual vehicle entry pass to the park must also pay for each launch (\$5), either at the gate or at the self-serve pay station. Providing an optional boat launch or trailer pass would not only provide convenience to these visitors, it also would be easier for park police officers to identify those parked vehicle/trailers whose owners have paid the fee.

Staff seeks the Recreation Commission's direction on a number of related issues:

- 1) Should the PRCS provide the opportunity for an annual boat launch or trailer fee?
- 2) If so, should the fee apply only to launching of motorized watercraft, or should it include trailers, in light of the fact that some visitors transport a number of non-motorized watercraft through the park on trailers.
- 3) If trailers carrying non-motorized watercraft are included in the annual pass system, staff believes those who do not purchase annual passes should be required to pay a single-use fee. If Commissioners agree, staff supports a \$5 trailer fee.
- 4) If an annual boat launch or trailer fee is established, what should it be? Staff believes it should be in the \$50-\$75 range.
- 5) If so, should someone purchasing an annual boat/trailer pass also be required to purchase an annual vehicle entry pass? Staff strongly believes the answer is yes.

Any fee recommendations will be presented to the City Council at mid-year budget adoption.

FUNDING CONSIDERATION OR IMPACT:

The Department expects to see a small increase in revenue.

LODI PARKS AND RECREATION COMMISSION
MEETING OF NOVEMBER 5, 2013

REGULAR AGENDA ITEM A
BUSINESS USE OF PUBLIC PARKS

Notes: _____

Action: _____

PARKS AND RECREATION COMMISSION COMMUNICATION

TO: Lodi Recreation Commission

DATE OF MEETING: November 5, 2013

FROM: Director Hood

SUBJ: Business Use of Public Parks

TYPE ACTION NEEDED: Discussion and direction.

PREPARED BY: Jeff Hood, PRCS Director

RECOMMENDED ACTION: Provide direction regarding ordinance pertaining to permits for commercial use of public parks.

BACKGROUND INFORMATION:

Enterprising businesses have capitalized on the recent increased interest in outdoor fitness programs such as "boot camp"-type training and general exercise. Some of these operate from storefront locations, such as one next to the Parks Division offices on Stockton Street.

Others, however, are using taxpayer-funded parks as their place of business, avoiding the overhead expense that comes with indoor space. City staff has witnessed several instances of fitness classes taking place at DeBenedetti, Legion, Hutchins Street Square and Lodi Lake parks. In the case of DeBenedetti Park, the users meet early Saturdays, flip tractor tires on the turf and leave hay bale debris scattered on the road, sidewalk and turf areas (see attached photo). Staff has found one business with a web page advertising its program at Legion Park. It charges between \$49 and \$59 a month for the service (photo attached) and has a City business license. PRCS has not investigated the others staff has witnessed.

Many cities have a process requiring businesses to obtain a permit from the parks, recreation or other department with oversight of the parks. In general, cities require the business to obtain a permit for a fee that could range from \$50 and up, plus a participant fee for each use, which is typically less than \$1. Additionally – and perhaps most important – is an insurance requirement, in which the business indemnifies the agency in the event a participant is injured. The agencies also may specify what types of uses aren't allowed. Austin, Texas, prohibits fitness groups from using tractor tires in parks because of the additional wear they create. In many cities, professional photographers are required to obtain permits to use parks as an extension of their studios. Lodi Lake Park is frequently used for this purpose.

Staff believes the issue of commercial use in parks is similar to others already regulated by the City. The Lodi Municipal Code already prohibits selling products in City parks without a permit and the Public Works Department has an encroachment permit process for businesses or other groups seeking to have a special event in the public right-of-way. Also, mobile food vendors are largely prohibited from vending from streets (with some exceptions), and are required to obtain a permit from the City.

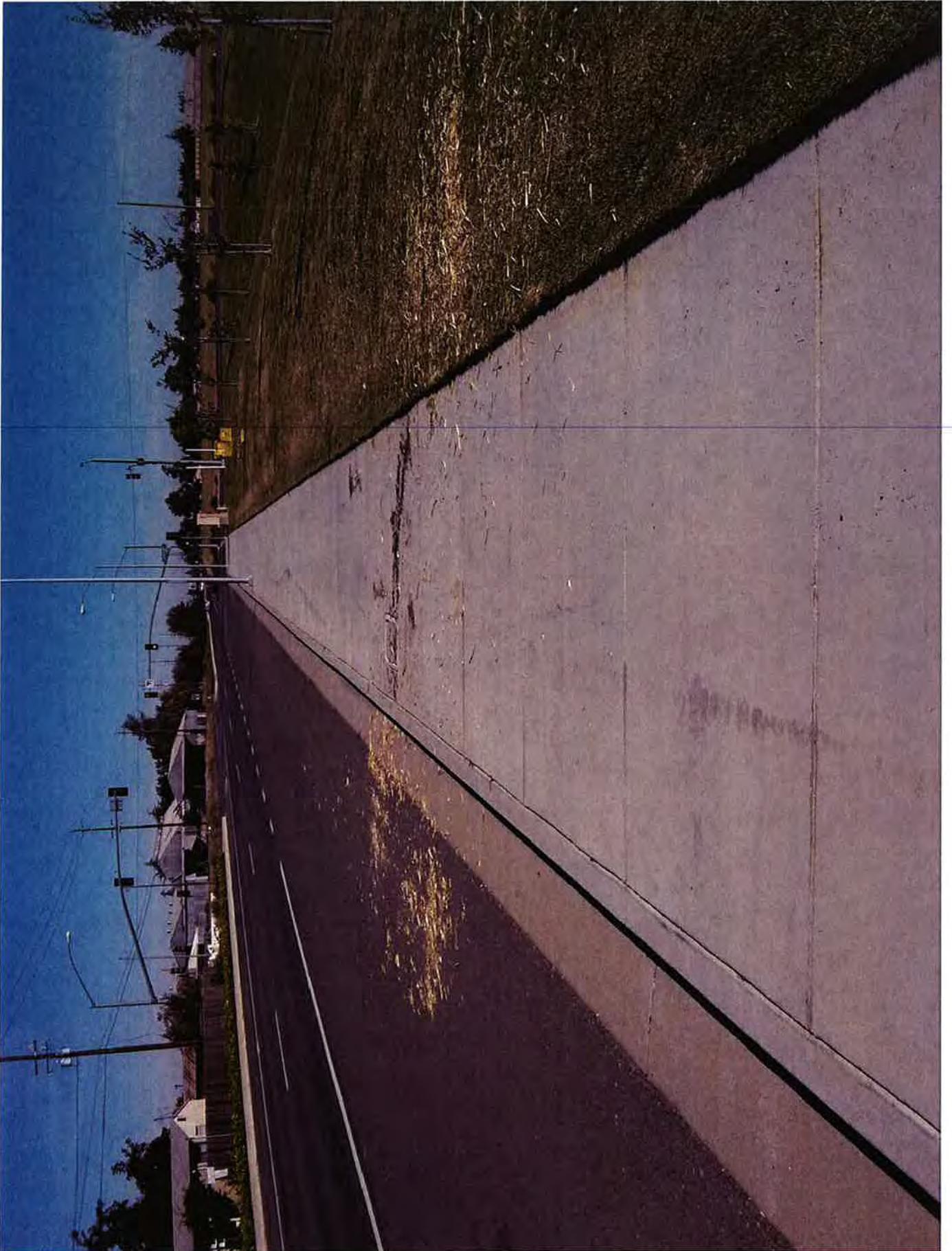
With the City going through the process of seeking a concessionaire to operate the Boat House, staff believes it makes sense to take steps to protect the concessionaire from unfair competition. Currently, three businesses use Lodi Lake Park for their kayaking and paddle boarding and do not have permits or insurance protecting the City in the event of an injury to one of their clients, while the concessionaire will be required to carry a high level of insurance coverage.

If the Commission believes staff should pursue an ordinance establishing a permit system for commercial use of City parks, staff will work with the City Attorney's Office on a draft ordinance reflecting the Commission's comments and bring it back to the Commission for a recommendation to the City Council.

In addition to photos illustrating use or the impact of commercial use of City parks, some news stories and examples of permit forms from other cities are attached.

FUNDING CONSIDERATION OR IMPACT:

A commercial use permitting program would bring nominal revenue to PRCS, reduce the City's exposure to liability claims, and possibly reduce maintenance costs, depending on the Commission's direction.







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CA - Lodi & Stockton

Leigh Hobson

209.470.2766

leigh.hobson@babybootcamp.com

Classes offered in Lodi & Stockton

owner bio



Leigh has been a certified fitness instructor through AFAA since 2007. After having her first son in 2006 she was happy to have found a way to incorporate fitness while spending time with her son. She is expecting her second child this year and continues to provide fitness and nutrition classes within the community while raising her children.

Leigh is passionate about showing new moms how to regain their fitness, bodies and confidence back after pregnancy!

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schedule

[print schedule](#)

SUN 10/13/2013	MON 10/14/2013	TUE 10/15/2013	WED 10/16/2013	THU 10/17/2013	FRI 10/18/2013	SAT 10/19/2013
	9:15-10:15 STROLLFIT Legion Park map	9:15-10:15 STROLLFIT Legion Park map	9:15-10:15 STROLLFIT Legion Park map		9:15-10:15 STROLLFIT Legion Park map	9:00-10:00 STROLLFIT Legion Park map

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p.m.

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From the Austin Business Journal

:<http://www.bizjournals.com/austin/print-edition/2011/11/11/businesses-must-pay-to-use-parks.html>

SUBSCRIBER CONTENT: Nov 11, 2011, 5:00am CST

Businesses must pay to use parks

Pros who make a buck at parks must pay



[Vicky Garza](#)

Staff Writer- *Austin Business Journal*

[Email](#) | [Twitter](#) | [LinkedIn](#)

Boot camps, training programs, yoga groups and other fitness-oriented businesses using city parkland will have to pay for the privilege starting next year.

The growing demand for park facilities, the competing demand for parkland among public and private users, and the increase in unconventional uses of park structures have prompted the city to start regulating park usage.

The result: Those who make a buck while using city parks will need to pay at least \$50 to do so — and as much as \$3,000 a year.

The city listened to critics who pointed to exercise groups increasingly taking over parkland intended for public use, said [Gilbert Hernandez](#) from the city's Parks and Recreation Department.

There have been efforts in the past to regulate business use of park space. The current process began last year and initially faced some opposition from fitness advocates.

Park officials said the new permitting rules are not about discouraging people from using the parks, but rather about wanting everyone to be able to use them as they were intended.

The city recruited a task force of representatives from all involved parties, including the public and representatives of different fitness specialties, Hernandez said.

[Paul Carrozza](#), who is CEO of fitness store chain RunTex and a task force member, was supportive of the process that brought together all the stakeholders.

With so many people using parks to improve their lifestyle and health, and the increased use of public land for business, some process was needed, said Carrozza, who praised the city's approach.

The final permitting process, based on recommendations by the task force, includes a \$50 application fee every six months, with time periods starting in January and June. Personal trainers who work with more than three clients per session will be required to pay an additional monthly charge of 45 cents per participant per day, with a limit of \$1,500 every six months.

Trainers are also required to provide proof of \$500,000 in liability coverage.

Another task force member, Laura Cisneros, owner of Urban Animal boot camp, sees the fees as a good thing.

"It does businesses good to be seen investing in city parks," Cisneros said. "Tax dollars are not enough to pay for park restoration and maintenance."

The only substantive change Cisneros noticed the city made to the task force's recommendations was the prohibition of certain types of equipment in the parks. Trainers will no longer be able to bring tractor tires or railroad ties, or attach equipment to trees or handrails.

Parks are not suited to host these types of uses, Hernandez said, and they place excess wear on the parks.

Fitness groups will be confined to meeting in 22 approved city park areas, including Auditorium Shores, Zilker Metropolitan Park, Dick Nichols District Park, Beverly S. Sheffield Northwest District Park and the parks along Lady Bird Lake's shores.

The new permitting process also requires dog trainers to register, and it confines such training to Auditorium Shores. Water sport businesses are excluded from the permitting process.

Trainers will be required to carry their permit credentials while conducting classes in the parks. Park rangers and staff will enforce the rules.

The city Parks and Recreation Department has begun accepting permit applications for fitness groups who want to use city parkland beginning Jan. 1, 2012.

Austin Independent School District has a long-standing policy and process for groups that want to use facilities for athletic or other purposes, and there are no plans to increase fees, a district spokeswoman said.

Health care, education, creative industries

**CITY OF ROLLINGWOOD
RULES AND REGULATION
COMMERCIAL USE OF PARK AND PARK FACILITIES**

1. A permit must be obtained in compliance with article 1 of the Code of Ordinances prior to any commercial use.
2. Permit fees must be paid in advance of any use. A Fee of \$5.00 is payable for a single use or multiple uses in one calendar month. Fees for continuous use are \$60.00/calendar year, which may be paid in advance or in monthly increments of \$5.00.
3. No equipment or personal property may be brought into a park or park facility that could damage any property or create a safety hazard, including but not limited to vehicles and cables. No equipment or personal property may be used in a manner that could damage any property or create a safety hazard, such as equipment affixed to a tree, hand rail or other fixture. Examples of acceptable equipment or personal property include yoga mats, water bottles, fitness balls, suspension bands, hand-held weights, and similar items that are not affixed to any fixture.
4. A maximum of 15 persons may participate in any single permitted activity or event.
5. Not more than two fitness "boot camps" may be simultaneously conducted in any park.
6. Use of a park shall not be exclusive - the public shall have a right of access during all hours of operation of the park.
7. Ball fields are leased and maintained by Western Hills Little League ("WHLL"). Ball fields are open to the public when not in use by WHLL, but not for any commercial use.
8. A holder of a commercial use permit shall carry a photo identification and a copy of the permit issued by the City during all times when the permitted commercial use is conducted, and must be presented on request of any agent of the City at the time of any commercial use.
9. After each commercial use, the permit holder is required to remove all trash and to restore all property to the condition existing prior to the activity conducted pursuant to the permit.
10. No commercial use shall be conducted outside regular park operating hours or at any time when a park has been closed to the public.
11. A permit holder shall: (i) comply with all generally applicable rules and regulations regarding use of the City's park and park facilities; (ii) not trespass on private yards, mailboxes or other private property in the surrounding area of a park, whether directly or by leaving equipment or personal items in or on such property; (iii) refrain from excessive shouting or making excessive noise, including by use of whistles or air horns, on park property or on surrounding properties. A permit holder shall be responsible to cause all participants in the permit holder's activity to abide by these rules.
12. Regular operating hours of the City Park are 7:00 a.m. to dusk, Monday - Saturday.
13. A failure to comply with any of these Rules and Regulations or applicable provisions of the City's Code of Ordinances may result in a termination of a permit and ineligibility for another permit.



Permit Application for Commercial Use in a Public Park

Date: _____

Start time: _____ **End time:** _____

Name: _____

Business: _____

Address: _____

Phone: _____ **Email:** _____

Location of Event: _____

What are you bringing to the park? _____

Commercial Use Fee(s):

\$20 per hour

\$100 commercial permit (yearly)

\$500 deposit (refundable)

Film Friendly Fee(s):

\$50 application processing fee

\$500 per day for total or disruptive use of park or building.

\$250 per day for partial, non-disruptive use of park or building.

\$50 per day per block for street obstruction or parking lot.

\$25 per day per block for partial street obstruction or parking lot.

Proof of Liability insurance (if required) _____

Signature of Applicant

Director of Parks & Recreation

Date

**VILLAGE OF KEY BISCAYNE PARKS AND RECREATION
DEPARTMENT**

**APPLICATION FOR PERSONAL TRAINING ON VILLAGE PARKS AND
OTHER OUTDOOR FITNESS USAGES ON VILLAGE PARKS**

Type of Permit Requested

Please check predominant use:

- Fitness, Cross Training or Professional Exercise Trainer, Medium to High Impact
- Yoga, Pilates or other Light Impact Trainer
- Other

Please define: _____

Requested Permit Term:

- 12 month

Requested Park Location(s):

Application Date:

Permit Holder Information

Name: _____

Company Name: _____

Contact Person: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Alternate Phone Number: _____

Fax Number: _____

E-mail Address: _____

Florida Drivers License or Identification Card Number*: _____

Cardio Pulmonary Resuscitation Certification Expiration Date*: _____

First Aid Certification Expiration Date*: _____

Personal Trainer Certification Expiration Date*: _____

Occupational License*: _____

General Liability Insurance Provider*: _____

Policy Number: _____

****Permit holder must provide documents as verifiable proof before the Park Use Permit may be issued.***

This new policy become effective upon approval on second reading of the Ordinance amending Section 19-13 of Village Code to require all persons who use the Village's public parks to conduct fitness classes/training to register with the Village, meet certain requirements and pay a registration fee.

Use Allowed

Programs/activities as described in the Program/Activity Description section herein are allowed and must adhere to the rules herein as well as those attached as **EXHIBITS A and C (hereinafter referred to as the "Rules")**. To the extent of any conflict between the program activities authorized in the permit and other existing uses, the Village reserves the right to adjust the uses authorized. The permit may not be assigned.

Conditions of Permit

- (1) Permit holder shall clean the park locations at the end of every day of use under the permit.
- (2) Modifications or improvements proposed by the permit holder to obtain electric service at any park location are not covered by the permit and must be approved by the Village before the proposed modifications or improvements may be made. Additional agreements may be required for the modifications or improvements.
- (3) Permit holder shall at all times maintain in their possession the issued permit credential in the manner prescribed by the Village's Director of Parks and Recreation.
- (4) Permit holder shall not use the park location if the area has been closed by the Village due to inclement weather or other reason. The Village will notify the permit holder point of contact of the closure and will post signage at the site to identify the nature and duration of the closure.
- (5) Permit holder shall advise permit holder's employees of the park use policies to ensure that all activities under this permit comply with the Rules. .
- (6) Approved park areas may be used from sunrise to sunset for permitted uses unless otherwise specified and approved.
- (7) The hours of use of non-park public buildings and facilities will be specified in the permit.
- (8) The Village will issue twelve (12) annual permits each fiscal year.
- (9) All permit holders must provide a current Village of Key Biscayne Occupational License included with the permit application.

Payment

In exchange for this permit, a permit holder who does not operate a commercial facility providing similar services licensed and permitted within the Village shall pay a non-refundable registration fee of \$1,200.00 payable to the "Village of Key Biscayne." Permit holders who operate a commercial facility providing similar services within the Village and pay a business tax receipt shall pay a non-refundable registration fee of \$600.00 payable to the "Village of Key Biscayne." The registration fee is for a one (1) year permit from October 1 through September 30 ("Fiscal Year"). If a permit is granted after October 1, the registration fee shall be prorated at \$100.00 or \$50.00 per month, as appropriate, for each month remaining in the Fiscal Year. All permits shall expire on September 30, unless terminated earlier as set forth herein. Permit holders wishing to renew their permits for the following fiscal year, must re-apply using this same procedure.

Term/Termination

This permit shall be effective from October 1, unless otherwise specified, and shall automatically terminate on September 30 of that same Fiscal Year, unless terminated earlier under this provision.

The Director of Parks and Recreation may revoke the permit upon three (3) calendar days' written notice to the permit holder. If the permit is terminated due to property damage, the Village may require the permit holder to pay for the cost of repairing the damage to the park.

Further, the Village's Director of Parks and Recreation may revoke the permit after three (3) or more violations by any permit holder of any Rules.

Notwithstanding the foregoing, the Village's Director of Parks and Recreation, in his/her sole discretion, may immediately revoke a permit if he/she believes it is in the best interest of the Village to do so.

In the event that a permit is revoked, the permit holder will not be reimbursed the registration fee paid to obtain the permit.

Requirements

1. Insurance

Permit applicant shall secure and maintain throughout the duration of the permit Comprehensive General Liability insurance in such amounts not less than those specified below as satisfactory to the Village, naming the Village as an Additional Insured, underwritten by a firm rated A-X or better by Bests Rating and qualified to do business in the State of Florida. Certificates of Insurance shall be provided to the Village, reflecting the Village as an Additional Insured, no later than five (5) calendar days before the issuance of the permit. Each certificate shall include no less than (30) thirty-day advance written notice to Village prior to cancellation, termination, or material alteration of said policies or insurance.

The Permit holder must obtain Comprehensive General Liability Insurance with limits of liability of not less than a \$1,000,000 per Occurrence combined single

limit for Bodily Injury and Property Damage. The General Aggregate Liability limit shall be in the amount of \$2,000,000.

2. Certifications

- a. Permit applicants providing personal training must have a current Personal Trainer Certification. Acceptable certifications include ACE, ACSM, AFAA, AFPA, IFPA, NCSF, NATA and NSCA.
- b. Permit applicants must have a current AED (Automatic External Defibrillator) certification.
- c. Permit applicants must have a current CPR certification.
- d. Permit applicants must have a current first aid certification.
- e. All certifications must be kept current during the permit term.

3. Background Check

The Village shall conduct background checks on all permit applicants and may deny or revoke a permit for any reason in the Director of Parks and Recreation's sole discretion based upon the information or lack of information obtained.

Permit applicant must complete the Background Check Consent Form included as **EXHIBIT B**.

Compliance with Village of Key Biscayne Rules and Regulations

In addition to the specific rules and regulations established for this permit and use program, permit applicant acknowledges that each park and permit is subject to general park rules and regulations as currently exist and as may be adopted administratively or by resolution/ordinance by the Village of Key Biscayne and agrees to abide by these rules and regulations.

Program/Activity Description

Describe the program/activity including number of participants expected:

Describe in detail how the park land, park equipment, and park improvements will be used:

Indemnity/Waiver

Permit holder agrees to indemnify and hold harmless the Village of Key Biscayne, its agents, employees, and assigns, against any liability based upon the services provided by the permit holder, the issuance of this permit, or the failure of permit holder to comply with the terms of the permit. Permit holder, permit holder's employees, volunteers, and clients waive any right they may have had to sue the Village, its officers, employees, and assigns due to conduct under this permit. Permit holder shall communicate the terms of this indemnity and waiver to all permit holder's employees, volunteers, and clients.

Applicant's Verification:

I verify that all of the above information is true. I also have read, understand, and agree to comply with all park use policies, procedures and rules as set forth by the Village of Key Biscayne Parks and Recreation Department. I also agree to the terms of this permit.

Signature of Applicant

/

Printed Name

/

Date

Please complete this application and return to the address below:

Mailing Address:

Village of Key Biscayne
Parks and Recreation Department
Attention: Todd Hofferberth
10 Village Green Way
Key Biscayne, Florida 33149

Contact:

Todd Hofferberth or Designee
Phone: (305) 365-8900
Fax: (305) 365-8991
E-mail: ParksPermitApplications@
keybiscayne.fl.gov

Village of Key Biscayne Parks and Recreation Department Approvals (Office use only)		
Verified by:		
_____	_____	_____
Signature	Printed Name	Date
Approved by:		
_____	_____	_____
Signature	Printed Name	Date
Village of Key Biscayne Parks and Recreation Department Director or Designee		

Exhibit A Village of Key Biscayne Rules Regarding Use of Village's Parks For Personal Training / Classes

For the health safety and welfare of the Village residents, and to effectively manage the use of Village parks, the Village implements this program where all persons who wish to use Village parks to conduct fitness classes/training are required to register with the Village's Parks and Recreation Department, meet certain requirements and pay an annual registration fee.

Section	Description	Proposed Rule or Fee
1	Approved Uses	Fitness Groups, Yoga Instruction, and other professional fitness services as approved by the Director of Parks and Recreation
2	Approved Locations	<ul style="list-style-type: none"> - Village Green North - Village Green South - Village Green Promenade - Village Beach Park - 530 Crandon Blvd Park - Other public buildings and facilities upon review and approval of the Parks and Recreation Director or designee - These areas may be used from sunrise to sunset unless otherwise approved and stated in the permit
3	Excluded Areas	<p>Any area specifically dedicated to a use that would reasonably conflict with any approved use is excluded. For example, holding fitness classes in an area dedicated as a children's play area or basketball court is not appropriate.</p> <p>Shared parkland with Miami-Dade County Schools and St. Agnes Academy will not be an approved location for such activity at this time.</p> <p>Driveways, garages, streets, sidewalks, swales and parking areas are excluded from such activity with the exception of the interior pathway around the Village Green Park.</p>
4	Approved Equipment	<p>Trainers may not bring equipment to parks that could damage the parkland, facility or pose a hazard to the general public. These items include but are not limited to:</p> <ul style="list-style-type: none"> - Tractor tires; - Vehicles on park property; - Cables or railroad ties; and/or - Attaching equipment to trees, building, park structures, hand rails or other fixed items. <p>Trainers are allowed to bring yoga mats, water bottles, Dynamax medicine balls, rubber and TRX brand suspension bands.</p>
5	Impact on public use and priority of the permit	Permit holders shall not interrupt existing use of an area by the general public and the public must always have access to park entrances. Blocking of public access is prohibited. All Village sponsored or contracted programs, camps, special events and athletics will have priority, and are not to be impacted by permit holders.

Section	Description	Proposed Rule or Fee
6	Fee for Professional Services, intended to include fitness trainers, boot camp leaders and other exercise professionals	Fee per Trainer, Instructor: \$1200 annual registration fee (prorated at \$100.00 per month) for permit holders who do not operate a commercial facility providing similar services licensed and permitted within the Village. \$600 annual registration fee (prorated at \$50.00 per month) for permit holders who operate a commercial facility providing similar services within the Village and pay a business tax receipt.
7	Permit Credential	ID Card with photo for each permit holder. Permit holders are required to wear or have with them the permit credential when conducting classes/training on Village property. The Village retains the right to request proof of permit by requesting permit credential by any Village of Key Biscayne employee.
8	Enforcement	Violations of this permit or any Rules may result in the revocation of permit. Three (3) or more violations by any permit holder shall result in permanent removal from the program.
10	Parking Lots	Parking lots may not be used for any fitness, training or professional services or purpose at any time.
11	Addition or Removal of Approved Park Locations	The Parks and Recreation Department staff will review the addition and/or deletion of approved locations during each Fiscal Year.

**Exhibit B
Village of Key Biscayne
Background Check Consent Form**

AUTHORIZATION/CONSENT

During the application process and at any time during the tenure of my employment/service with the Village of Key Biscayne, I hereby authorize ChoicePoint Services Inc., on behalf of the Village of Key Biscayne to procure a consumer report (known as an investigative consumer report in California) which I understand may include information regarding my character, general reputation, or personal characteristics. This report may be compiled with information from courts record repositories, departments of motor vehicles, past or present employers and educational institutions, governmental occupational licensing or registration entities, business or personal references, and any other source required to verify information that I have voluntarily supplied. I understand that I may request a complete and accurate disclosure of the nature and scope of the background verification, to the extent such investigation includes information bearing on my character, general reputation, or personal characteristics.

Applicant/Employee Signature

Date

Applicant/Employee Printed Name

Social Security Number *

Date of Birth *

* For identification purposes only

Please attach a copy of your driver's license to this form.

BACKGROUND VERIFICATION DISCLOSURE

This is used to inform you that a consumer report is being obtained from a consumer reporting agency for the purpose of evaluating you for the issuance of a permit to provide personal training and other outdoor fitness services on Village parks. This report may contain information bearing on your character, general reputation, and personal characteristics from public or private record sources.

Exhibit C Park Rules

Sec. 19-1. - Authority of Village of Key Biscayne Police Department officials and the Recreation Department officials.

- (a) It shall be the duty and responsibility of the Village of Key Biscayne Police Department and the Recreation Department officials to enforce all State laws, County ordinances and these police regulations within the following areas of Village of Key Biscayne:
- (1) All parks and other areas maintained and operated by the Village of Key Biscayne Recreation Department.
 - (2) All beaches and ocean areas available to the public in the incorporated area of the Village of Key Biscayne.
- (b) It shall be unlawful for any person to do any act forbidden or fail to perform any act required by these police regulations.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-2. - Traffic ordinances.

The traffic ordinances of Dade County and applicable State vehicle laws shall apply in and about all park property and in addition thereto the following traffic regulations shall be applicable.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-3. - Roads and driveways within parks.

No person driving, operating, controlling or propelling any vehicle, motorized, horse drawn or self-propelled, shall use any other than the regularly designated roads or driveways, except when directed to do so by Police Officers or Recreation Department employees.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-4. - Use of vehicles, trucks, buses, other heavy vehicles.

No car, truck, commercial vehicle, or bus of any type will be driven on any restricted park road or property without special authorization from the Recreation Department for the purpose of park work, services or activities except that trucks and buses used for transporting persons to a park for recreational purposes will be afforded use of ingress and egress park roads and parking facilities as provided for conventional passenger vehicles.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-5. - Motorcycles and scooters.

No person shall ride, drive or propel any motorized vehicles i.e., motorcycle, scooter or similar vehicle on any but the regular vehicular roads except that such vehicles, with motors shut off, may be pushed by hand not faster than a walk over grassy areas normally reserved for the use of pedestrians and no person shall

deviate from compliance with all traffic ordinance provisions governing the operation of bicycles while on park property.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-6. - Parking.

No person shall park a vehicle any place on park property other than in the regular designated facilities provided for that particular type of vehicle, unless directed otherwise by Police Officers or Recreation employees who are authorized to designate other areas for parking when conditions so warrant.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-7. - Preservation of property.

No person in the Village of Key Biscayne shall:

- (a) Destroy, damage or remove real property or improvements thereto, or movable or personal property, belonging to the Village of Key Biscayne.
- (b) Throw or deposit, or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway, or upon any public or private property, any waste or other material of any kind.
- (c) No person shall tamper or meddle with or alter the condition of any meter, valve or meter identification, or other part of such system in the Village of Key Biscayne, or appliance connected thereto, in such manner as to cause loss or damage to the owner of such facilities or the users thereof, or to create a hazard to life and property.
- (d) Tamper with, injure, deface, destroy or remove any sign, notice, marker, fire alarm box, fireplug, topographical survey monument, or any other personal property erected or placed by the Village of Key Biscayne.
- (e) Move, disturb, or take any earth, stone or other material from any public street, alley, park or other public ground.
- (f) No person shall write, paint, or draw any inscription, figure, or mark of any type on any public or private building or structure or other real or personal property, owned, operated, or maintained by the Village of Key Biscayne.
- (g) No fires shall be built by any person against or adjacent to any park building, structure, tree or plant or near the property of others or in any area of any park except in such areas as are specifically designated for fire building.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-8. - Picnic areas and use.

No person shall build, light cause to be lighted any fire upon the ground or beach or other object in any area except in an approved grill, stove, fireplace or other suitable container, nor shall any person starting a fire leave the area without extinguishing the fire.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-9. - Domestic animals.

No person shall be permitted to take any domestic animal into any park whether on leash, in arms or running at large, dogs in particular being excluded, and provisions of Metropolitan Dade County Dog Control Ordinance No. 58-28 [Sections 5-3—5-15] shall apply to any and all park property.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-10. - Pollution of waters.

Using the fountains, bays or any other bodies of water within the parks, storm sewers or drains flowing into them as dumping places for any substance or matter which will or may result in the pollution of said waters is prohibited.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-11. - Refuse and trash.

No person will deposit or drop or place any refuse including bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or containers of foil upon the ground or in or on any park property except in the receptacles for trash disposal.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-12. - Merchandising, vending, peddling, etc.

No person, persons, organization or firm other than the Recreation Department or persons acting by and under the authority of the Village of Key Biscayne will expose or offer for sale, rent or trade, any article or thing, or station or place any stand, cart, or vehicle for the transportation, sale or display of any article or merchandise within the limits of any park or recreation area.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-13. - Public demonstration, gatherings, performances, athletic events, etc.

- (a) No band, procession, military company, or any company or group with flags, banners, or transparencies, shall be allowed upon any park or parkway or within any park without written permission of the Village Council of the Village of Key Biscayne, said permit to clearly define the nature of the activity, the limit of its scope and time of setting forth such other restrictions and requirements as the Village may deem necessary.
- (b) No person or persons shall engage in any organized or pick-up athletic events, games, practice for same, or exercise, such as football, baseball, softball, soccer, volleyball, utilizing a substantial portion of any park or recreation area without written permit of the Recreation Department, said permit to clearly define the nature of the activity, the limit of its scope and time and setting forth such other restrictions and requirements as the Recreation Department may deem necessary.
- (c) No person or persons shall conduct fitness/training classes upon any park without first registering with the Recreation Department, paying an annual registration fee and meeting all other requirements as the

Recreation Department may deem necessary (the "Program"). The Village may adopt administratively or by resolution any and all rules and procedures for establishing and administering the Program.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-14. - Intoxicating liquors, beer, wine, etc.

Drinking of alcoholic liquors or beverages and the bringing of such into the park areas shall be permitted only under the circumstances set forth in the following:

The sale of alcoholic liquors or alcoholic beverages at certain special specifically designated events will be under the authorization and control of the Recreation Department through issued permits. A permit will be required for civic and social organizations and must provide a license from the proper State authorities. (See fee schedule for special event functions) Such sales shall be made only in individual drinks or cans (not in original packages, i.e. glass or otherwise in bulk) and shall be served for consumption on the immediate premises of the concession.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-15. - Drunkenness; violation of laws.

No intoxicated person or person whose conduct is in violation of State and local laws will be permitted entry to parks or recreation areas and if discovered therein will be ejected forthwith.

(Ord. No. 95-14, § 2, 11-14-95)

Sec. 19-16. - Municipal motor vehicle parking lot decal program.

- (a) *Municipal lots established.* Municipal motor vehicle parking lots or areas may be designated by the Village Council by ordinance from time to time (collectively "Municipal Parking Lots"). The ordinance establishing each parking lot shall contain specific rules and regulations applicable to that particular lot or area. Such rules and regulations shall be enforceable as law.
- (b) *Prohibition.* It shall be unlawful to park a motor vehicle in a Municipal Parking Lot unless an authorized motor vehicle parking decal as issued by the Village pursuant to this section is displayed on such vehicle (the "Decal"). The term "vehicle" includes motor vehicles, motorcycles and golf carts.
- (c) *Issuance of Decals:*
 - (1) A Decal shall be issued by the Village upon application and payment of fees, only to persons residing within the Village. The Decal fee shall be \$1.00 per calendar year and shall be subject to annual renewal.
 - (2) The application for a Decal shall be on a form as required by the Village. One Decal shall be issued for each vehicle. A copy of the vehicle registration shall be submitted for each Decal application. Replacement Decals may be issued upon proof that the prior Decal was lost, stolen or destroyed. If the current applicant is a residential lessee, a copy of a current valid lease showing proof of residency shall be made part of the application. Residents of the Village shall

provide a copy of their motor vehicle operator's license, car registration and a recent FP&L electric service bill as proof of residency.

- (3) The Decal shall be displayed in a location on the vehicle as designated by the Village Manager.
 - (4) The Village is hereby authorized to make provisions for the issuance of temporary permits to seasonal visitors or occupants of residences in the Village.
- (d) *Parking in Decal area.*
- (1) A Decal shall not guarantee or reserve to the holder a parking space within a Municipal Parking Lot.
 - (2) A Decal shall not authorize the holder to park in spaces or areas designated by law as restricted or prohibited parking (loading zones, fire hydrants, disabled or other such regulated areas) nor shall it exempt him or her from the observance of any traffic regulations.
 - (3) The Village shall cause signs to be erected in Municipal Parking Lots, indicating the locations where Decal parking shall be permitted and clearly stating "Tow Away Zone."
- (e) *Enforcement.* Vehicles found within Municipal Parking Lots, without current and valid Decals, or in violation of applicable rules and regulations:
- (1) Shall be subject to issuance of a uniform parking citation pursuant to Section 30-388.25 of the Metropolitan Dade County Code; and
 - (2) Shall be subject to being towed, removed and stored pursuant to Section 30-384 of the Metropolitan Dade County Code.
- (f) *Decal violations.* It shall be unlawful for any person to represent that he or she is entitled to a Decal when he or she is not entitled, or to hold or display such a Decal at any time when he or she is not so entitled.
- (g) *Revocation of Decals and penalties.*
- (1) Upon provision of ten days' prior notice by mail and an opportunity to be heard by the Village Clerk, the Village Clerk is authorized to revoke the Decal of any individual found to be in violation of the provisions of this section.
 - (2) Failure to surrender a revoked Decal within ten working days of written notification from the Village Clerk shall be subject to the following penalties:
 - a. The violator shall not be allowed to re-apply for another Decal for six months.
 - b. Once restored, if the Decal holder should once again have their Decal revoked by the Village Clerk, the Decal holder would be barred from applying for a new Decal for a one-year period.
- (h) *Penalty.* Pursuant to section 1-14 of this Code, any person who violates any provisions of this section shall, upon conviction, be punished by a fine not to exceed \$500.00 or imprisonment in the County jail not to exceed 60 days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate violation. Pursuant to section 2-31 et seq. of this Code, this section shall be subject to enforcement under the Local Government Code Enforcement Act, F.S. Ch. 162, as amended. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction.

(Ord. No. 97-10, § 1, 4-8-97)

Rules & Regulations

Rules of the Boston Parks and Recreation Commission relative to the use of the public parks and other public places (including boundary roads and parkways) under its control.

SECTION 1. No person shall, in any public park (including any boundary road thereof), or other public place (including any parkway) under the control of the Parks and Recreation Commission:

- (a) abuse or annoy another; or
- (b) beg or canvass for alms; or
- (c) break any bottle or other article of glass; or
- (d) drop or place and suffer to remain, except in a receptacle provided for the purpose, any bottle, can, paper or other thing, or
- (e) make any public speech or distribute free or for a price any printed matter in the Public Garden or in, or within twenty-five feet of the Frog Pond in the Boston Common or in such portions of the public parks and other public places under the control of the Parks and Recreation Commission as are from time to time specially set apart for the playing of games and athletic contests, or
- (f) enter, or remain in, any public park between the hours of 11:30 p.m. and 6:00 a.m. on any day except for the purpose of going through such park on the walks or malls thereof unless specific request is made for a particular facility, written to the Commissioner, and brought before the Commission and approved. The Parks Commissioner can postpone or cancel events due to inclement weather or public safety.
- (g) Have in his or her possession any intoxicating liquor.

SECTION 2. No person shall, in any public park (including any boundary road thereof), or other public place (including any parkway) under the control of the Parks and Recreation Commission, except under the auspices of public authority:

- (a) sit, stand or lie upon, or climb upon or over, any balustrade, railing, fence, wall, roof, statue, monument, fountain, bush or tree; or
- (b) go under any balustrade, railing or fence, or
- (c) stand or lie upon any seat; or
- (d) go upon any flower bed or cultivated area; or
- (e) dig up, cut, break, remove, deface, defile, or take any tree, bush, plant, turf, rock, gravel, building, structure, fence, railing, sign or other thing connected with such park or place; or
- (f) disturb any bird's nest or eggs; or
- (g) injure or have possession of any wild animal or bird; or
- (h) set any trap or snare, or
- (i) throw any stone or other missile; or
- (j) drop or place and suffer to remain a lighted match, cigarette, cigar or other burning substance; or
- (k) have or discharge any firecracker or fireworks; or
- (l) discharge any firearm or destructive weapon; or
- (m) have in any such park or place, except a boundary road or parkway on which there are dwellings, any firearm or destructive weapon; or
- (n) go on foot on any drive or bridle path except to go directly across from the walk to another; or
- (o) sit, stand or lie upon lawn areas in the Public Garden except such lawn areas designated as sitting areas.

SECTION 3. No person shall, in any public park (including any boundary road thereof), or other public place (including any parkway) under the control of the Parks and Recreation Commission, except under the auspices of public authority or in a place especially set apart for the purpose by the Parks and Recreation Commission:

- (a) have or allow any animal, except a dog on a leash no longer than eight feet, or cat under proper control; or walk a dog in a designated Dog Free Zone; or
- (b) have, ride, or drive any vehicle except a wheelchair, baby carriage or other like vehicle; or
- (c) moor or use a boat or raft; or
- (d) skate, or coast with a sled; or
- (e) use a bicycle, scooter, roller skates, skateboard or the like; or
- (f) play ball or any other game or sport; or
- (g) run in a race; or
- (h) bathe or swim; or
- (i) fish; or
- (j) make a fire; or
- (k) have or allow any animal, including a cat or dog, with the exception of a seeing eye dog for a blind or handicapped person, on a leash, within the boundaries of the Public Garden.
- (l) play golf or hit golf balls;

SECTION 4. No person shall be at any outdoor swimming pool under the control of the Parks and Recreation Commission, or upon any beach under its control, or in or upon the waters of any such pool or beach, unless he is so clothed that his body is not indecently exposed; and no person shall dress or undress at any such swimming pool or beach except in a place especially set apart for the purpose by the Parks and Recreation Commission; and no person over the age of twelve years shall wade or bathe in, or make any use of the waters in the Frog Pond in the Boston Common

SECTION 5. No person shall have or allow on any bridle path in any public park or other public place under the control of the Parks and Recreation Commission any horse except a well broken horse, and no person shall race or gallop any horse on any such bridle path; and horses shall not be let or ridden on any such bridle path more than two abreast.

SECTION 6. No person shall, in any public park (including any boundary road thereof) or other public place (including any parkway) under the control of the Parks and Recreation Commission; unless under a lease or concession granted under Chapter 365 of the Acts of 1897, and unless a written permit be on their person or prominently displayed, engage in any commercial enterprise or solicit business or display or distribute any commercial advertising matter; nor shall any person, except in accordance with a written permit from the Commissioner of Parks and Recreation, have or drive in or on any such park or place (or boundary road or parkway) any vehicle having a seating capacity of more than eight passengers.

feedback



SECTION 7. No person in any public park (including boundary road thereof) or other public place (including any parkway) under the control of the Parks and Recreation Commission shall fail to comply with any reasonable direction given by any police officer or by any Parks and Recreation Department employee or contained in any notice posted by the Parks and Recreation Department.

SECTION 8. No person shall place any snow or ice removed from private property upon any sidewalk or roadway of any boundary road of a public park or of any parkway under the control of the Parks and Recreation Commission; nor shall the owner or tenant of an estate abutting on any sidewalk suffer any snow to remain on such sidewalk for more than three hours between sunrise and sunset or suffer any ice to so remain unless such ice is made even and covered with sand, sawdust or ashes to prevent slipping.

SECTION 9. No person shall drive any vehicle upon any sidewalk of any boundary road of a public park or of any parkway under the control of the Parks and Recreation Commission except in accordance with a written permit from the Commissioner of Parks and Recreation. In places where vehicle use is permitted, no person shall ride in excess of five miles per hour, except where specifically designated.

SECTION 10. Whoever violates any provision of section seven of these rules shall be punished by a fine of not more than twenty dollars for each offense; and whoever violates any other provision of these rules shall be punished by a fine of not more than fifty dollars for each offense.

CERTIFIED COPY:

Brian McLaughlin, Executive Secretary
Boston Parks and Recreation Commission





Parks, Recreation and Cultural Services Department

Creating community through people, parks & programs

October 29, 2013

Directors Report: Recreation Commission Meeting
 November 5, 2013
 7 p.m., Carnegie Forum

- **Boat House RFP:** Staff contacted 12 rental companies in Central and Northern California to inform them of the concession opportunity at Lodi Lake. Staff has received questions from one prospective concessionaire regarding the operation, with answers posted on the website in accordance with the RFP instructions. Proposals are due November 14. I will schedule a time to review the proposals, if any are received, following that date.
- **Dog Parks:** We will expand the dog exercise area in the northern basin at Beckman Park. Superintendent Dutra and staff are working on signs that not only designate the larger area, but clearly state where dogs can enter the park. Once those signs are in place, we will be stricter in our enforcement of dog park rules. I witnessed an owner allowing his dogs to defecate on the slope near the playing fields on October 28, well outside the designated area.
- **Webinars:** Managers this year have participated in a monthly series of webinars provided by the California Parks and Recreation Society to boost management skills, spur creativity and prepare for the future, among other topics. At a cost of \$199, it has amounted to less than \$4 per manager per session, a small price for staff development.
- **Parks Training:** We will be sending Jason Rickard, a Parks Maintenance Worker III, to Southern California this month for a week-long training session in maintenance management. It has been quite a few years since the City sent a Parks Division employee to this training. We hope to send Jason back in 2014 for the second of the two-part training, and have him joined by a first year attendee from the Parks Division. We must be ready when change confronts us. We were fortunate to have received a \$750 scholarship for Jason, covering approximately half his tuition.
- **Thank You's:** At the November 6 City Council meeting, Mayor Nakanishi will be presenting certificates of appreciation to those individuals, clubs and businesses whose donations provided free swimming at Blakely Pool this summer.
- **Kofu Park Parking Lot:** The lot will be repaved starting Monday, November 5. The projected completion date is November 12.

Respectfully Submitted:
Jeff Hood
Director – Parks, Recreation and Cultural Services

125 N. STOCKTON STREET
LODI CA 95240
(209) 333-6742
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PARKS, RECREATION AND CULTURAL SERVICES

MEMORANDUM

To: Jeff Hood, Parks, Recreation and Cultural Services Director

From: Steve Dutra, Park Superintendent

Date: October 23, 2013

Subject: November Commission Meeting

Fall sport programs are wrapping up. Park staff is continuing to providing services at ball fields, soccer fields, a football field, several picnic shelters, public park restrooms and numerous park facilities.

Due to our rather warm weather, we will continue mowing our turf sites for a few more weeks. The majority of our seasonal maintenance staff is now gone as we approach the winter season. We anticipate having a big challenge providing our normal off-season service levels due to having no part time laborers available for the next few months and additionally, having less full time employees to pick up the balance of services we would be providing.

The following list reflects some of the projects and tasks the Division is directing their time and resources to:

Steve Dutra:

- * Assist with the recruitment of new Parks Maintenance Laborers for next season.
- * Assist in the planning of the November 9, 2013, fall tree clinic at DeBenedetti Park starting at 10 am.
- * Facilitate the development of turf management strategies for DeBenedetti Park.
- * Assist in the development of various strategies to combat the ongoing numerous experiences of vandalism and graffiti at Legion Park.
- * Develop long term use plans for the Big Belly solar trash receptacles.
- * Facilitate the development of a Lodi Lake Park north side parking lot and curb stripping and painting plan.
- * Tree Lodi has offered to assist in the maintenance of newly planted trees at the Grape Bowl, Salas Park and Roget Park. Volunteer services may include watering, tree inspections and tree maintenance for an agreed amount of time.
- * Provide assistance in the development of several Professional Service Agreements for park repair projects, park site improvements and playground area upgrades.
- * Facilitate the purchase of Parks and Recreation budget allocated vehicle purchases.
- * Develop the necessary paperwork for the purchase of portable soccer goal planned for DeBenedetti Park.
- * Facilitate the development of a Maintenance Management Plan for our 53 acre Nature Area.
- * Facilitate the development of an Urban Maintenance/Replacement Management Plan for the Peterson Park Bradford Pears and the Lodi Lake Park Cottonwood trees.
- * Develop, with the assistance of Public Works staff, a preventative maintenance plan for our facility utility systems.

- * Develop specifications for budget approved vehicle purchases.

Duane Wright:

- * Providing oversight for the daily operations of general park maintenance, soccer and baseball field renovations, and leaf removal season and pesticide pre-emergent applications.
 - * Provide new Parks Laborers orientation and necessary training.
 - * Continue our planned schedule for Fibar replenishment.
 - * Provide oversight for pre-event and post-event inspections and maintenance regarding our all weather surfacing at the Grape Bowl.
 - * Continue with the development of our use of the RTA Parks mechanic shop software program recently installed.
 - * Provide oversight with swimming and wading pool maintenance as we train Park staff to assume more responsibility in this area.
 - * Provide oversight with post season repairs and maintenance of the Lodi Lake Park wading pool.
-



PARKS, RECREATION, AND CULTURAL SERVICES MEMORANDUM

To: Jeff Hood, Parks and Recreation Director
From: Grant Plath, Recreation Manager
Date: October 24, 2013
Subject: November Commission Report

B.O.B.S.: The next board of directors meeting will be held on Wednesday, November 13, 2013, at 7:00 p.m. Lodi Parks & Recreation office.

B.O.B.S. Soccer: Games are currently ongoing for all 57 recreational soccer teams. The regular season will continue until October 26. The Championship contests for the 12's & 14's soccer divisions will be held on October 30 at the Grape Bowl. Tryouts for the extended soccer season will be on November 4 & 5 at the Lodi Grape Bowl, with times TBA.

Flag Football 2013: The regular season games continue to be played at Needham Elementary School. Games start at 9:00 a.m. & 10:30 a.m. The flag football Super Bowl will be held on October 26 at 10:00 a.m. at Needham Elementary School.

Tackle Football 2013: The Lodi Colts will be hosting the first round of playoffs for the DYSA league contestants at the Grape Bowl on November 2.

Junior Basketball (Spartan K-3rd): We held a coaches meeting on Wednesday, October 23 and games are set to begin on Saturday, November 2, 2013, at the Lodi Grape Pavilion. There will be 7 games for each of the teams, with the program ending on December 21, 2013.

Junior Basketball (Hornet 4-6): Registration is currently being taken for the Hornet League basketball program. Regular registration runs until November 8 at \$70 for residents and \$80 for non-residents. Beginning on November 9 a \$10 late fee will be added. Games will begin on January 4, 2014, at the Lodi Grape Pavilion. Teams will be given practice times in December 2013.

Comet/Cardinal Basketball: The sign-ups for the 7th & 8th grade basketball programs are full. We've added 2 new teams in the boys Comet program. That makes 10 teams total for boys and 4 girls' teams. Tryouts are scheduled for November 6 & 7 at the Lodi Grape Pavilion from 5:30-8:30 p.m. for respective age groups and genders.



PARKS, RECREATION, AND CULTURAL SERVICES MEMORANDUM

To: Jeff Hood, Parks, Recreation & Cultural Services Director
From: Michael Reese, Recreation Superintendent
Date: October 22, 2013
Subject: Monthly Report

Adult Sports

The fall softball season is wrapping up, with playoff games beginning tonight. The final game is scheduled for November 11.

~~Late Nite Basketball has completed the first two weeks of play with eight teams in the Grape Pavilion. Weeknight Adult League's registration has been very slow, and the league should begin in two weeks.~~

Field and Facility Rentals

Both public high schools continue to play games in the Grape Bowl, with freshman football each Thursday and junior varsity and varsity on Friday nights. Last Saturday Jim Elliot HS held their homecoming game. Youth football teams including Lodi Colts, Lodi Jr. Flames and the Stockton Bears are also using this facility.

Upcoming rentals include the Grape Bowl Classic band review and the Central Valley Youth Soccer league playoffs.

Aquatics

Instructional and exercise classes continue at the Square, with good attendance. At the November 6 City Council meeting, the Mayor will recognize those individuals and groups which donated money to provide free public swimming at Blakely Pool.

We will be promoting all of our summer aquatics programs in the upcoming activity guide, as we will begin taking registrations much earlier than in the past as we attempt to fill up all of our classes and increase sign-ups.

Distance Runs at Lodi Lake and Other Races

The fall season includes many races, both in high school competition and community events. December's annual Christmas Tree Run registration begins on November 1, with some 150 expected to participate.

I will be offering the Reindeer Run again this year, an 8/10 mile run on the closed course of the Parade of Lights. The inaugural race was popular last year, with about ten teams of "reindeer" participating. This race is held in the last ten minutes before the Parade begins and it was very well received by the teams of runners and the spectators.

Rachel Sandoval, Recreation Manager

City Manager Rad Bartlam attended our staff meeting last week and presented Rachel Sandoval with the Employee of the Quarter award. Ms. Sandoval was recognized for her extra efforts this spring when the front office staff was missing two of the three clerical people and she moved up to the front counter to register applicants and take reservations. Her Spanish language skills were also of great benefit to our department. She performed all this extra work while still maintaining all of her programs in a professional manner. Ms. Sandoval provided these services to the public enthusiastically with a smile on her face and made it easier for the public to be served. She handled difficult customers with kindness and poise, and made the work environment for the remaining staff very comfortable.

Parks and Recreation Programs Make Life Better!



Lodi Parks and Recreation Department
The Benefits are Endless

MEMORANDUM

To: Jeff Hood
From: Rachel Sandoval
Date: 10/15/13
Subject: November Commission Report

ASP:

The ASP Program has been running smoothly. We are entering the fall cool weather and the kids are excited to be back from fall break. The weather makes it nice to play outside and hang out with friends. They are working on harvest and fall crafts. Pumpkins are usually a hit.

Bridge:

The waiting lists are full. The program is gearing up for a state audit. The state will come in to interview staff, parents, and children about what specifically goes on in a typical Bridge afternoon. All Bridge sites have had parent meetings to go over all Bridge codes, procedures, and program requirements. I'm confident that all will be great. It is an excellent program and LUSD does a fantastic job. The children are happy to be back from break to see their teachers and friends. They are quite busy with home work, fall projects, crafts, and outdoor sports. The weather is perfect for them to stay out longer and play hard. They will certainly get their exercise in.

Safari Camp:

It was very good to have held camp again. The parents and the children were very happy that we had fall camp. We had quite a busy fall break. The first week we had 33 children and 36 the second week. We took them to swim, build sand castles at Lodi Lake, peddle boating, matinee movies, and to the WOW museum. We held camp at the National Guard Armory Gym. The kids played volley ball and basketball. The children did fuse beads, made bracelets, and had relay races inside the gym. The kids had a great time and as usual we got very tired, so we must have been doing something right! The Safari staff is glad camp is over!

Specialty Classes:

I am so sad to inform you that we have lost our Aikido instructor, Tom Okamoto, during his vacation in Hawaii. We are all at a loss and my thoughts and prayers go out to Carol, his wife, and family. We will miss you Tom very much!



PARKS, RECREATION, AND CULTURAL SERVICES MEMORANDUM

To: Jeff Hood, Parks, Recreation & Cultural Services Director
From: Jennifer Winn
Date: 10/17/13
Subject: Commission Report

Senior Commission:

The Senior Commission is working on planning their annual Aging with Grace event for October 24, 2013, from 9:00am – 12:00pm in Pisano Hall at Hutchins Street Square. This year's lineup will include Senior Fraud Prevention and Health Directives.

On October 24, 2013, there will also be a Medicare Part D all day event for seniors. This event brings in a couple hundred seniors every year. UOP Pharmacy students will be here providing free health screenings such as blood pressure checks, glucose tests, and medication evaluations.

Lodi Youth Commission/Events:

Lodi Youth Commission is busy putting together their first dance of the school year which will be the Fall Formal/Pigskin, scheduled for November 16th. The theme this year will be New York, New York. Bids go on sale November 4th.

They are also working on a New Year's Eve party/dance for the teens in the community. More information to come.

Art Advisory Board (AiPP):

The Art Advisory Board (AiPP) is busy working on bringing back the Seward Johnson Sculptures to downtown in April – July 2014. The Commission will be taking it to Council next month.

The Commission is also working on recruiting more artists for the Traffic Control Box art project. AiPP will be asking Council for \$300 per box for the artist.

Lodi Arts Commission:

Lodi Arts Commission is busy preparing the 2014-2015 Grants. They are also working on getting artists for the 2014 Art Hops, the Art Hops are already fill with artists for the rest of the year.