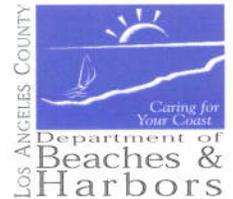




To enrich lives through effective and caring service

June 4, 2013



Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

Gary Jones
Deputy Director

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

60 June 4, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**APPROVAL OF BEACH AND HARBOR USE LICENSE POLICY ADJUSTMENTS
(THIRD AND FOURTH DISTRICTS) (3 VOTES)**

SUBJECT

Request to approve adjustments to the Beach and Harbor Use License Policy updated by the Board on August 23, 2011, which revise the Recreational Camp and Physical Fitness Training category and require an insurance endorsement for sporting events and activities, and give the Department Director authority to make future changes to the policy subsequent to notification to the Board of Supervisors.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that these actions are exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080(b)(8) and the State CEQA Guidelines Sections 15273(a) and 15301.
2. Approve the adjustments to the Beach and Harbor Use License Policy as identified on Attachment I.
3. Authorize the Department of Beaches and Harbors Director to make changes to the policy subsequent to notification to the Board.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Since the Board approved the updated Beach and Harbor Use License Policy (Use License Policy) on August 23, 2011 and we have had almost two years of experience with its implementation, it has become evident that we need to recognize a new type of recreation at the beach (organized water activity) and, further, expand the time we allow private operators to conduct recreational activities at the beach (during early morning/evening hours on summer weekends). The additional refinements to the Use License Policy will allow the Department to

maximize the use of our beaches and Marina del Rey for the benefit of the public by providing additional recreational opportunities throughout the year, while also ensuring broader public access is not negatively impacted and appropriate scheduling and adequacy of personnel on the beach during recreational use.

For purposes of future refinements as experience and time dictate, the Department Director will have the authority to make changes to the Use License Policy subsequent to notification to the Board to streamline processes and enhance operational effectiveness, customer service, and recreational public access.

Implementation of Strategic Plan Goals

The recommended actions support Goal 1, “Operational Effectiveness”, Strategic Initiative 2, “Risk Management” and Goals 2, “Fiscal Sustainability”, and 3, “Integrated Services Delivery”, by maximizing recreational opportunities through integrated community and public safety services..

FISCAL IMPACT/FINANCING

Approval of the recommended actions is expected to increase the number of recreational use licenses the Department issues, because we will be permitting early morning/evening summer weekend use, but the fiscal impact is expected to be relatively minimal.

Operating Budget Impact

Any additional revenue to be collected has not been included in our Adopted Fiscal Year 2013-14 Budget, but, again, it is expected to be minimal.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Los Angeles County Code Section 2.116.020, Director – Powers and Duties, provides the Department Director with the power to, among others:

- establish and enforce rules and regulations pertaining to the use of the harbors and beaches;
- impose and collect charges, rates and rentals for the use of the facilities of the harbors and beaches; and

- determine the kind and extent of recreational programs to be carried out at the harbors and beaches.

Pursuant to the Board-approved Use License Policy, however, the Director can only make non-material changes to the Policy. The revisions, in part, will allow the Director to make Use License Policy revisions after notification to the Board.

Further, the previously-approved Recreational Camp and Physical Fitness Training category is being refined to reflect current recreational programming trends, including recognizing new forms of water recreation, i.e., triathlon swimming training, and allowing for early summer weekend morning Use Licenses. Whereas there were three previously-defined subcategories - Summer Recreational Camps and Physical Fitness Training Activities, Off-Season Recreational Camps and Physical Fitness Training Activities, and Day Use Camp Activities - there will now be six defined subcategories:

- Summer Recreational Camps – These activities take place during the months of June through September and are comprised of organized recreational camps that are scheduled on a reoccurring basis, two or more days in a consecutive five-day period Monday through Friday.
- Off-Season Recreational Camps – These same activities take place during the months of October through May on a reoccurring basis, two or more days in a consecutive seven-day period Monday through Sunday.
- Physical Fitness Training Activities – These activities take place year-round and are comprised of organized physical fitness training activities that do not include water activity, which include, but are not limited to, fitness classes, boot camps, marathon training, and yoga classes. These physical fitness training activities are scheduled on a reoccurring basis, two or more days in a consecutive seven-day period Monday through Sunday.
- Summer Water Activities – These activities take place during the months of June through September and are comprised of organized water activity, which include, but are not limited to, swim lessons and clinics, kayaking classes, stand up paddleboard lessons, sailing lessons, triathlon swim training, and surf lessons. These water activities are scheduled on a reoccurring basis, two or more days in a consecutive five-day period Monday through Friday. Some summer water-related activities may be permitted on weekend days on Department operated beach and Marina del Rey properties as determined by the Director.

- Off-Season Water Activities - These same activities take place during the months of October through May on a reoccurring basis, two or more days in a consecutive seven-day period Monday through Sunday.
- Day Use Camp Activities – These activities take place year-round and are comprised of organized day camps that have outings or field trips scheduled on a reoccurring basis, no more than one day in a consecutive five-day period Monday through Friday during the summer and a consecutive seven-day period Monday through Sunday during the winter.

The revisions to the Use License Policy have been reviewed and approved by County Counsel. The Chief Executive Office's Risk Management Branch has recommended the addition of an insurance endorsement for sporting events and activities, but liability insurance requirements for all Licenses otherwise remain unchanged. The Department was unable to secure a recommendation from the Beach Commission at its April meeting due to a lack of quorum; however, of the nine Commissioners present at the time of the vote, all nine recommended the approval of the revised Use License Policy.

CONTRACTING PROCESS

The selection process for recreational use licenses will remain unchanged.

ENVIRONMENTAL DOCUMENTATION

The updated Use License Policy is exempt from the California Environmental Quality Act (CEQA) under California Public Resources Code Section 21080(b)(8) and the State CEQA Guidelines Sections 15273(a) and 15301, related to the establishment of fares or charges by a public agency and the permitting, leasing, and licensing of existing facilities.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the recommended actions will allow the Department to better manage licensed recreational activities, while also ensuring that high demand beach areas are available for use by the public. It is anticipated the Department will secure a modest amount of additional revenue to assist in funding beach and Marina maintenance and operating costs.

CONCLUSION

Please have the Executive Officer of the Board return two copies of the adopted Board letter to the Department of Beaches and Harbors and one to the Auditor-Controller. Should you

The Honorable Board of Supervisors
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have any questions, please feel free to contact Carol Baker, Community and Marketing Services Division Chief, at (310) 305-9562 or cbaker@bh.lacounty.gov.

Respectfully submitted,

Kerry Silverstrom
for
Santos H. Kreimann
Director

SHK:ks

Attachment (1)

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors
Auditor-Controller

DEPARTMENT OF BEACHES & HARBORS
BEACH AND HARBOR USE LICENSE POLICY

1.0 **INTRODUCTION/PURPOSE**

- 1.1 The purpose of this policy is to regulate use of Department of Beaches and Harbors' (Department) operated beach and Marina del Rey properties and facilities through the issuance of Use Licenses to ensure maximum public safety and enjoyment; effectively schedule and manage limited resources; balance competing interests; and generate revenue to help offset beach operating costs. The policy also provides guidelines to assist the public in interpreting and implementing the Use License policy.
- 1.2 California Government Code Section 25537(c) authorizes the Board of Supervisors to delegate authority to the Department Director to license use of its beach and Marina properties, which, if licensed for less than ten years in duration and not exceeding a maximum monthly amount established by ordinance, may be excluded from a bidding procedure requiring the highest proposal to be accepted. (See County Code Section 2.116.020.C.) The terms "permit" and "permittee", which have been utilized in the County for over 25 years, may be used interchangeably with "license" and "licensee" in this policy.
- 1.3 The Department has identified four categories of Use Licenses: Co-Sponsored; Community Service; Events (Basic and Basic Plus); and Recreational Camp, and Physical Fitness Training, and Organized Water Activity.
- 1.4 This policy provides guidelines for requesting the use of Department properties, facilities and personnel, as well as the fee structures, insurance requirements, and procedures for each license category.
- 1.5 The Department Director has the authority to make ~~non-material~~ changes to this policy subsequent to notification to the Board of Supervisors.

2.0 **POLICY and PROCEDURES**

- 2.1 The policy is a mechanism by which the public can request and schedule an event or activity on Department property and in Department facilities. All Use Licenses are non-transferable, and with respect to Recreational Camp, Physical Fitness Training, and Organized Water Activity Use Licenses, only operators identified on the license as the licensee may conduct the activities. Recreational eCamp, Physical Fitness Training, and Organized Water Activity licensees are not authorized to enter into agreements with non-identified ~~camp~~ operators to perform this service for them.

- 2.2 But for Recreational Camp~~s~~ and Physical Fitness Training, and Organized Water Activity Use Licenses for activities conducted during the months of June through September, applications must be submitted no earlier than 90 days and no later than 15 days before the scheduled event or activity. All pertinent fees, liability insurance, and all required documents and permits from other agencies, e.g., Department of Public Works' Building and Safety Division, Fire Marshal, cities and Coastal Commission, also must be submitted no later than 15 days before the scheduled event or activity.
- 2.3 Fees and Charges – The license application must be submitted along with the prevailing administrative license fee before a date will be reserved for any event or activity on Department property or in Department facilities. Additional fees and charges will be due both prior and subsequent to the event as follows (see Attachment A for current rates):
- 2.3.1 All Licenses will require liability insurance and may require additional service fees, as needed, e.g., maintenance, lifeguard, parking attendant, and equipment cost reimbursement, and a security deposit.
- 2.3.2 Co-Sponsored and Community Service Licenses are exempt from paying the prevailing administrative fee, but all other fees and charges apply, when applicable.
- 2.3.3 Event Licenses will also require the prevailing percentage fee of estimated gross receipts in advance of the event if paid services or goods are utilized in connection with the event, participant fees are collected, sponsorships are secured, and/or other types of revenue are generated by the licensee.
- 2.3.4 Summer Recreational Camp~~s~~ and Physical Fitness Training and Organized Water Activity Use Licenses must pay the prevailing administrative license fee, the agreed upon annual location fee, and the prevailing percentage fee of gross receipts. Off-Season Recreational Camps~~s~~ and Physical Fitness Training and Organized Water Activity Use Licenses must pay the prevailing administrative license fee and the prevailing percentage fee of gross receipts. Day Camp Use Licenses issued for reoccurring single day use, i.e., no more than one scheduled outing/field trip in a consecutive five-day period Monday through Friday during the summer and a consecutive seven-day period Monday through Sunday during the winter, will pay the prevailing administrative license fee plus the prevailing Day Use fee for each licensed outing/field trip.
- 2.3.5 Because the percentage gross receipts fee identified in 2.3.3 and 2.3.4 will only have been paid in advance based upon an estimate of gross receipts, additional payment based upon actual gross

receipts must be paid in full within 30 calendar days following the licensed event and must be submitted with a statement itemizing all goods and services paid for related to Event Licenses or a statement of all charges assessed of participants, including additional charges paid for individual private swimming, surfing or other instruction by participants otherwise enrolled in a recreational camp, ~~or~~ physical fitness training or organized water activity program, for Recreational Camp, ~~and~~ Physical Fitness Training, or Organized Water Activity Use Licenses; all income for the event/activity; the number of participants and entry fees, if any; and the name of any sponsor(s) and terms of sponsorship (provide sponsorship agreement, if one was executed). If the required supplemental information is not submitted and the gross receipts are not paid in full within 30 calendar days following the licensee's event/activity, the outstanding account will be sent to the County Treasurer and Tax Collector for collections. Additionally, future licenses will not be issued to the licensee until all outstanding amounts and collection costs have been paid.

2.3.6 Summer recreational camp, ~~and~~ physical fitness training and organized water activity licensees will be required to pay the percentage gross receipts fee as follows:

2.3.6.1 25% of percentage fee on estimated gross receipts will be due before the Use License will be issued;

2.3.6.2 25% of percentage fee on estimated gross receipts will be due no later than ten business days after the commencement of the camp, ~~or~~ fitness training or organized water activity;

2.3.6.3 50% of percentage fee on the actual gross receipts will be due no later than ten business days after the last day of the camp, ~~or~~ fitness training, or organized water activity; and

2.3.6.4 Additional payment based upon actual gross receipts must be paid in full within 30 calendar days following the licensed event.

2.4 Sale and/or Consumption of Alcoholic Beverages – License applications indicating the sale and/or consumption of alcoholic beverages require the completion of Beach and Harbor Use License - Addendum B, including payment of the prevailing Alcohol License fee, additional host liquor liability insurance, and the prevailing percentage fee of gross receipts set by the Director. Alcohol will not be approved until all Alcohol License conditions have been met.

- 2.4.1 Only catered events will be considered for an Alcohol License. Permittee must provide proof of an off-site liquor license from the California Department of Alcoholic Beverage Control (ABC) and comply with all license and operating requirements of ABC, federal, state, and local laws.
 - 2.4.2 The area agreed upon by the Department and the licensee where the sale and/or consumption of alcoholic beverages are to take place must be roped off and limited to the participants in the event who may legally consume such beverages. No alcoholic beverages are to be consumed and/or sold outside of the designated (licensed) drinking area. Alcohol must be served in containers 12 oz. or less. The serving of alcoholic beverages must cease one hour prior to event conclusion.
 - 2.4.3 Event participants consuming alcohol will not engage in water activity.
 - 2.4.4 The licensee, at its own expense, will provide one uniformed security guard for every 50 people of drinking age. Licensee must furnish the contact name and number of the security company hired.
- 2.5 Cancellations/Refunds – Applications will be denied and the entire administrative permit fee will be forfeited if all paperwork and fees have not been received 15 days prior to the scheduled event or activity. If cancelled 15 days prior to the scheduled event or activity, 50% of the paid administrative permit fee will be refunded. Summer Recreational Camps, and Physical Fitness Training, and Organized Water Activity License applicants who are unsuccessful in the selection process and are not awarded a license location will receive a refund of 50% of the paid administrative permit fee.
- 2.6 Insurance and Participant Release – All licensees shall provide and maintain during the term of the license, at their own expense, comprehensive general liability insurance and, as necessary, additional host liquor liability insurance if alcohol is to be sold or consumed, naming Los Angeles County as additional insured with combined single limit coverage satisfactory to the County’s Risk Manager. The insurance shall be provided to the Department at least 15 days prior to the event. Licensee shall require recreational and athletic event participants to execute a document approved by the Department, which provides for participants’ assumption of all personal risk of physical injury and holds harmless the County. (See Attachment A for current insurance requirements.)
- 2.7 Parking Fees – All licensees/participants are required to pay parking fees at the posted parking lot rates. Community service participants may have

their parking fee reduced by the Department Director to one-half of the posted parking lot rates.

3.0 CO-SPONSORED LICENSES

3.1 Policy – Certain programs that are open and free to the public may be conducted by the Department in conjunction with other County departments, local entities, and/or various community groups. Co-sponsorship shall be for the purpose of cooperative planning and conducting programs and activities of mutual interest.

3.2 Definition – Activities where the Department and an outside organization cooperatively plan and conduct a program open and free to the public that is consistent with the Department's goals and objectives, e.g., International Surf Festival and the Marina del Rey Holiday Boat Parade. The Department typically provides the necessary facilities and cleanup, while liability insurance, event promotion, event supervision and security, and extraordinary expenses are provided by the co-sponsoring organization. Fees and charges will only be assessed to the public to help defray operating expenses and to provide equipment and supplies related to the event.

4.0 COMMUNITY SERVICE LICENSES

4.1 Policy – These programs involve activities that are recognized as needed community services, e.g., coastal cleanup, public school field trips and Cesar Chavez service week. These programs are totally the responsibility of the organization conducting the activity, which must adhere to all Department rules and regulations.

4.2 Definition – Community Service agencies or organizations are those generally engaged in providing services to benefit the community at large.

5.0 EVENT LICENSES

5.1 Policy – Event Licenses are required for all events conducted on Department operated beach and Marina del Rey property or in Department facilities that are neither co-sponsored with the Department nor Community Service.

5.2 Definition – Events are all non-construction related activities conducted by other agencies, organizations or individuals outside of the Department, using Department facilities or areas. These activities are totally the responsibility of the organization conducting the event, which must adhere to all Department rules and regulations.

5.2.1 Basic Events – Basic events are those activities conducted by the licensee without payment to third parties for services or goods utilized in connection with the event, collection of participant fees, sponsorships, items for sale to attendees, and/or other types of revenue generated by the licensee.

5.2.2 Basic Plus Events – Basic Plus events are those activities for which the licensee uses the services of a paid third party to assist in the production of the event or provide goods or services utilized at the event (e.g., caterers or rentals), items are sold to the attendees and/or if there is a participant fee or paid sponsorship(s), as well as other types of revenue generated by the licensee. Record-keeping acceptable to the County will be required, with records available for audit for a period of five years after the event at the request of the County.

5.3 Charges for County Services – The actual amount of charges will differ, based upon the County services required. An advance deposit for any County-provided services will be required as estimated by the Department, e.g., lifeguard, maintenance, parking attendant and/or equipment costs. A cost accounting for these additional services will be forwarded to licensee within 15 business days after the event. If the deposit is in excess of the cost of the additional services, the licensee will be refunded the difference.

6.0 RECREATIONAL CAMP, AND PHYSICAL FITNESS TRAINING, AND ORGANIZED WATER ACTIVITY LICENSES

6.1 Policy – Because of the popularity and proliferation of recreational camps, and physical fitness training programs, and organized water activity at Department operated beach and Marina del Rey properties and facilities, as well as the competing demand for specific locations, this type of license is designed to recognize limited resources and provide the necessary safeguards to assure participant and others' safety at Department areas and facilities when recreational camp, and physical fitness training, and organized water activity are being conducted. These activities are totally the responsibility of the operator, which must adhere to Department minimum safety requirements, rules and regulations, attached as Attachments B and C. Licensing procedures for organized camp and training activities during the summer season are set forth in Attachment D.

6.2 Definition – Activities that are conducted by outside operators on Department operated beach and Marina del Rey properties and in the water, which include various types of activities that have participant fees, e.g. but are not limited to, surf camps or lessons, summer beach camps, volleyball or soccer camps, yoga classes, sailing camps or lessons, kayaking classes, stand up paddleboard lessons, triathlon training, boot

camps, and physical fitness training ~~activities~~. This new category was developed due to an increase in requests for recreational camp and physical fitness training Use Licenses and because of a proliferation of organized water activity. If operators conduct the activities, ~~Only~~ operators identified on the license as the licensee may conduct the activities, with all personnel serving as employees of the operator. Additionally, no other activity may be conducted by the operators in connection with this License, but rather additional licenses and/or permits must be secured for all additional services, i.e., a separate Event License would need to be secured for a birthday party at the beach or individual private swimming, surfing or other instruction to campers otherwise enrolled in a summer recreational camp program.

- 6.2.1 ~~Summer Recreational Camps and Physical Fitness Training Activities~~ – These activities take place during the months of June through September and are comprised of organized recreational camps ~~and physical fitness training activities~~ that are scheduled on a reoccurring basis, two or more days in a consecutive five-day period Monday through Friday.
- 6.2.2 ~~Off-Season Recreational Camps and Physical Fitness Training Activities~~ – These activities take place during the months of October through May and are comprised of organized recreational camps ~~and physical fitness training activities~~ that are scheduled on a reoccurring basis, two or more days in a consecutive seven-day period Monday through Sunday.
- 6.2.3 ~~Physical Fitness Training Activities~~ – These activities take place year-round and are comprised of organized physical fitness training activities excluding water activity, which include, but are not limited to, fitness classes, boot camps, marathon training, and yoga classes. These physical fitness training activities are scheduled on a reoccurring basis, two or more days in a consecutive seven-day period Monday through Sunday.
- 6.2.4 Summer Organized Water Activity – These activities take place during the months of June through September and are comprised of organized water activities, which include, but are not limited to, swim lessons and clinics, kayaking classes, stand up paddleboard lessons, sailing lessons, triathlon swim training and surf lessons. These water activities are scheduled on a reoccurring basis, two or more days in a consecutive five-day period Monday through Friday. Some organized summer water activities may be permitted on weekend days on Department operated beach and Marina del Rey properties as determined by the Director.

6.2.5 Off-Season Organized Water Activity - These activities take place during the months of October through May and are comprised of organized water activities, which include, but are not limited to, swim lessons and clinics, kayaking classes, stand up paddleboard lessons, sailing lessons, triathlon swim training and surf lessons. These water activities are scheduled on a reoccurring basis, two or more days in a consecutive seven-day period Monday through Sunday.

6.2.6 Day Use Camp Activities – These activities take place year-round and are comprised of organized day camps that have outings or field trips scheduled on a reoccurring basis, no more than one day in a consecutive five-day period Monday through Friday during the summer and a consecutive seven-day period Monday through Sunday during the winter.

Day Use Camps need not meet all requirements of Recreational Camps but shall maintain the Recreational Camp instructor/camper ratios and have at least one CPR/First Aid certified counselor; operate within lifeguard tower operational hours and check in with lifeguards prior to establishing their camp site, providing the lifeguards with an on-site contact cell phone number; have a safety plan and standard Red Cross first aid supplies; and possess assumption of risk documents holding the County harmless for all participants and medical waivers for all minors.

SUMMARY OF FEES AND INSURANCE REQUIRED BY TYPE OF EVENT OR ACTIVITY

Type of Event/Activity	Use License Fees and Charges	Extra Services Charged*	Parking Fees	Liability Policy	Participant's Release
Co-sponsored/ Community Service	0	Yes	As posted at lot or 50% of posted lot rate (Director approval required)	Yes	Yes
Event	\$200 + 15% of gross receipts	Yes	As posted at lot	Yes	Yes
Camps/Training/Water (Summer)	\$200 + County-accepted annual amount for location and 15% of gross receipts	Yes	As posted at lot	Yes	Yes
Camps/Training/Water (Off-Season)	\$200 + 15% of gross receipts	Yes	As posted at lot	Yes	Yes
Day Camps (Outing/Field Trip)	\$200 + \$100 for each licensed outing or field trip	Yes	As posted at lot	Yes	Yes
Alcohol	\$150 + 15% of sales	Yes	As posted at lot	Yes	Yes

*All rental permits will be charged extra fees for lifeguard, maintenance, parking personnel and equipment for requested and/or required services.

INSURANCE

Limits	Additional Requirements	Rating	Alcohol Requirements
One Million General Liability Two Million Aggregate Name the County of Los Angeles as an Additional Insured County of Los Angeles must be the certificate holder <u>Insurance must be endorsed for sporting events and activities</u>	Additional Insured Endorsement (AI) or blank page from policy May also be required: Workers' Compensation and Employer's Liability Insurance or qualified self-insurance + Employer's Liability One Million per accident Automobile Liability Insurance Coverage limit of not less than One Million for bodily injury and property damage	The County of Los Angeles will not accept a rating lower than a B+	One Million General Liability One Million Host Liquor Liability

DEADLINES

Use License Application	Application must be submitted no earlier than 90 days and no later than 15 days before event or activity, but for Recreational Camp/Physical Fitness Training/Organized Water Activities licenses issued for the summer months of June - September, for which applications will be due during a time period designated by the Department. Use Licenses are non-transferable and must include pertinent fees and all relative permits from other agencies, e.g., Public Works' Building and Safety Division, Fire Marshal, cities and Coastal Commission. Only the operator identified on the Use License as the licensee may conduct any activities.
Use License Cancellation	Use License will be cancelled and entire license fee will be forfeited if all paperwork and fees have not been received 15 days prior to event. If cancelled 15 days prior to event, 50% of the Use License fee will be refunded.

**Insurance and Participant
Release**

Licensee shall provide and maintain during the term of the license, at its own expense, comprehensive general liability insurance with combined single limit coverage as outlined above. The insurance shall be provided to the Department no later than 15 days prior to the event or activity. Licensee shall require participants to execute a document approved by the Department, which provides for participants' assumption of all personal risk of physical injury and to hold harmless the County. The County is to be given written notice at least 30 days in advance of any modification or termination of policy of insurance.