



Office of the City Manager

CONSENT CALENDAR

April 29, 2014

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation and Waterfront

Subject: Waiver of Annual Marina Berth Fees for Non-Profits – Updated Policy

RECOMMENDATION

Adopt a Resolution establishing an updated policy for the use of berths at the Berkeley Marina by non-profit organizations that provide community service, and rescinding Resolution No. 58,859-N.S.

FISCAL IMPACT

None

CURRENT SITUATION AND ITS EFFECTS

On March 14, 1997, Council adopted Resolution No. 58,859-N.S. that establishes the policy by which non-profit organizations at the Berkeley Marina can receive a waiver of annual berth fees if they are found to provide community service that exceeds the value of the berths they occupy at the Berkeley Marina, along with other community service criteria. The procedures for obtaining such waivers involved a review by the Waterfront Commission of the applicant's annual report, annual finances, and by-laws related to their non-discrimination policies and their community outreach efforts to under-served populations.

On November 13, 2012, the Parks and Recreation Commission and the Waterfront Commission were consolidated into a single commission called the Parks and Waterfront Commission. As a housekeeping matter, Resolution No. 58,859-N.S. must be updated to change the name of the "Waterfront Commission" in the policy to the "Parks and Waterfront Commission."

BACKGROUND

On March 4, 1997, Council adopted Resolution No. 58,859-N.S. that provides a policy for the free use of berths at the Berkeley Marina by non-profit organizations providing community services. There are three non-profits that currently receive a waiver of berth fees: the Berkeley Racing Canoe Club has received a waiver since 2004 (Resolution No. 62,619-N.S.) The Cal Sailing Club has received a waiver since 1999 (Resolution No. 59,986-N.S.) The Pegasus Project (initially of the Nautilus Institute) has received a waiver since 2002 (Resolution No. 59,623-N.S.)

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE

Resolution No. 58,859-N.S. must be updated to reflect the fact that the Waterfront Commission no longer exists, and that the newly consolidated Parks and Waterfront Commission will perform the review described in the policy.

CONTACT

John Mann, Waterfront Manager, 981-6737

Attachments:

1. Text of Resolution 58,859-N.S. with the new text “Parks and” underlined
2. Resolution – clean version

[Text of Resolution 58,859-N.S. with the replacement of “Waterfront Commission” with “Parks and Waterfront Commission” underlined]

RESOLUTION 58,859-N.S.

ADOPTING A POLICY FOR THE USE OF BERTHS AT THE BERKELEY MARINA BY NON-PROFIT ORGANIZATIONS PROVIDING COMMUNITY SERVICE

WHEREAS, a number of non-profit organizations wish to occupy berths at the Berkeley Marina in exchange for community service; and

WHEREAS, the Waterfront Commission and the City Council have reviewed this issue.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley hereby establishes the following policy for the use of berths at the Berkeley Marina by non-profit organizations that provide community service:

A. QUALIFYING ORGANIZATIONS: MINIMUM REQUIREMENTS

1. Only those organizations that meet the following criteria shall be eligible to receive berth spaces in exchange for community service:
 - a. The purpose of the organization is to supply a beneficial public service.
 - b. The organization must conduct an activity on a regular and on-going basis.
 - c. The organization must clearly demonstrate that its presence in the Marina or its service to the community, as evidenced by a cost/benefit analysis provided by the non-profit, greatly exceeds the value of the berth.
 - d. The organization must provide a service not duplicated by a private business operator.
2. Only those organizations that demonstrate that they promote cultural and ethnic diversity, as evidenced by the following criteria, shall be eligible for consideration:
 - a. Membership policy and practices.
 - b. Recruitment strategy.
 - c. Outreach to under-represented populations.
 - d. Mission statement, if any.

The Berkeley Marina advocates and practices equal opportunity in terms of access to its berthing facilities. Availability and use of the facilities will not be predicated on a person's race, color, religion, ethnicity, national origin, age, sex, sexual orientation, marital status, political affiliation, disability or medical condition.

B. APPLICATION PROCEDURE

1. Non-profit applicants for berths at the Berkeley Marina must make written application to the Waterfront Manager stipulating the following:

- a. Name and address of organization
 - b. Name, address & telephone number of person responsible for business affairs of the group
 - c. Type of organization
 - d. Number of members in organization
 - e. Level of participation of members
 - f. Age-level of members of organization and/or participants
 - g. Contribution to community including hours of service (if applicable) and activities
 - h. Reason and justification for request
 - i. Time period/duration for use of Marina (indefinite or specific time period)
 - j. Copy of bylaws (if any)
 - k. List of completed and planned community projects
 - l. Financial statement for prior year
2. The Parks and Waterfront Commission shall review the application and make a recommendation to the Council that the provision of community services warrants berthing compensation commensurate with the public benefit.

C. REPORTING REQUIREMENTS, COMPLIANCE, AND ADMINISTRATION

1. All organizations that receive berthing space compensation in consideration for community services at the Berkeley Marina must comply with the following provisions:
 - a. On February 1 of each year, each organization must submit a report to the Waterfront Manager detailing the organization's community service for the prior calendar year, including the following:
 - 1) Number of members of the organization and/or level of participation.
 - 2) Number and type of community activities.
 - 3) Number of persons participating in each activity both from the membership and from the community, if different.
 - 4) Plans for the upcoming year for community service.
 - b. On February 1 of each year, each organization must submit a financial statement for the prior calendar year to the Waterfront Manager.
 - c. No later than the February meeting of the Parks and Waterfront Commission, or at its next meeting in the event there is no February meeting, each organization must appear before the Parks and Waterfront Commission and describe its activities in the prior calendar year, as described in this section.
 - d. On August 1 of each year, each organization must submit to the Waterfront Manager a semi-annual report containing the information described herein for the first six months of the calendar year.
 - e. Any organization failing to provide the prescribed information and reports by the listed deadlines will be required to pay the normal fee charged for its berth or remove its vessel or material from the Marina within thirty (30) days notice by the Waterfront Manager.

2. Organizations that comply with the requirements of this policy and other applicable City ordinances and/or policies shall have any applicable berthing compensation renewed annually by the Council after a review and recommendation by the Parks and Waterfront Commission.
3. When the owner of a private vessel requests a berth that is occupied by a vessel owned by a non-profit organization receiving berthing compensation for community services, the Waterfront Manager may require, with thirty (30) days advance notice, the vessel owned by the non-profit organization to move to another berth.

RESOLUTION NO. ##,###-N.S.

POLICY FOR THE USE OF BERTHS AT THE BERKELEY MARINA BY NON-PROFIT ORGANIZATIONS PROVIDING COMMUNITY SERVICE

WHEREAS, on March 14, 1997, Council adopted Resolution No. 58,859-N.S. that established the policy by which non-profit organizations at the Berkeley Marina can receive a waiver of annual berth fees if they are found to provide community service that exceeds the value of the berths they occupy at the Berkeley Marina, along with other community service criteria; and

WHEREAS, the procedures for obtaining such waivers involved a review by the Waterfront Commission of the applicant's annual report, annual finances, and by-laws related to their non-discrimination policies and their community outreach efforts to under-served populations; and

WHEREAS, on November 13, 2012, the Parks and Recreation Commission and the Waterfront Commission were consolidated into a single commission called the Parks and Waterfront Commission; and

WHEREAS, as a housekeeping matter, Resolution No. 58,859-N.S. must be updated to change the name of the "Waterfront Commission" in the policy to the "Parks and Waterfront Commission."

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following policy is hereby established for the use of berths at the Berkeley Marina by non-profit organizations that provide community service:

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 - j. Copy of bylaws (if any)
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2. The Parks and Waterfront Commission shall review the application and make a recommendation to the Council that the provision of community services warrants berthing compensation commensurate with the public benefit.

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- organization must appear before the Parks and Waterfront Commission and describe its activities in the prior calendar year, as described in this section.
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BE IT FURTHER RESOLVED that Resolution No. 58,859-N.S. is hereby rescinded.