



# CITY OF RAPID CITY

DEPARTMENT OF PARKS AND RECREATION  
300 SIXTH STREET  
RAPID CITY, SOUTH DAKOTA 57701

## PARKS AND RECREATION DEPARTMENT

Lon VanDeusen,  
Interim Director  
(605) 394-4175

Date: July 27, 2012  
To: City Council Members  
From: Doug Lowe, Recreation Division Manager  
Subject: Proposed Changes to Guidelines for Priority Use of Park  
and Recreation Facilities Document

Doug Lowe,  
Recreation Manager  
(605) 394-4168

**Summary:** The Recreation Division is looking to modify language in the Guidelines for Priority Use of Park & Recreation Facilities that deals with Non-Profit organizations.

**Recommendation:** In an attempt to clarify the requirement for non-profit status, we would like to remove all terminology from the Guidelines that refer to organizations having to be 501(c) (3). The only requirement will be that they be a non-profit organization certified by the Secretary of State for South Dakota. We are also proposing to add an administrative procedure that would allow us to offer organizations first right of refusal for times under contract from the previous year.

### Analysis/Background:

Currently the language in the Guidelines for Priority Use and the Lease Agreements with various organizations in the community reference non-profit organizations and the 501(c) (3) designation differently. Removing the 501 (c) (3) language from the Guidelines for Priority Use will bring that document in line with the requirements listed in our Facility Lease Agreements.

The Recreation Division would also like to add a provision that will give a first right of refusal opportunity to organizations who have prior year contracts. This provision will give organizations that have been renting from the Recreation Division for years some form of protection from losing time they have had in previous years.

City of Rapid City, South Dakota  
Department of Parks and Recreation

**POLICY**

**Guidelines for Priority Use of Park and Recreation Facilities**

The following policy establishing guidelines for priority use of public facilities was approved by the City Council on June 18, 2012 and, and was developed from input received from representatives of swim teams, ice skating clubs, current facility users, and the Parks and Recreation Advisory Board. Exempt from these policies are those organizations that have Memorandums of Understanding or Lease Agreements with the City for the Use of Existing Facilities.

**PURPOSE AND INTENT**

The purpose of this policy which establishes guidelines for the priority use of parks and facilities in the City of Rapid City is to provide for health, safety and welfare of the public.

It is the intent of this policy to grant priority use for exclusive or ongoing use of municipal parks and recreation property to those organizations which operate programs under the same general guidelines which govern public programs operated by the Parks and Recreation Department. All organizations must be a "public service group" which has its registered office located in Rapid City, organized and open to all Rapid City residents and approved by the South Dakota Secretary of State as a South Dakota non-profit and a 501(c)(3) tax exempt organization by the IRS, (hereinafter referred to as Rapid City non-profit corporations.")

**I. REQUIREMENTS OF ORGANIZATIONS THAT RECEIVE FREE OR PRIORITY USAGE RATES FOR LEAGUES, TOURNAMENTS AND PRACTICE USE OF PARKS AND RECREATION FACILITIES, EXCLUDING LEASED FACILITIES:**

Organizations which request special permits to offer ongoing programs on municipal property without paying a usage fee, or at priority usage rates, are required to comply with the following guidelines:

1. To qualify, an organization must be a Rapid City public service, non-profit corporation which has its registered office located in Rapid City, organized and open to all Rapid City residents and approved by the South Dakota

Secretary of State as a South Dakota non-profit ~~and a 501(c)(3) tax exempt organization~~. The non-profit corporation must be organized as a member corporation, where the members are entitled to elect the Board of Directors. The Articles of Incorporation or Bylaws must further provide that participation in the organization's programs is open to all Rapid City residents and that the organization shall offer equal opportunity for participation in the governance of the organization. "Public service group" is defined as a group organized to provide a public service to the entire community, or all individuals in the community within the age group being served.

2. Organizations are to deposit a copy of their articles of incorporation, certificate of incorporation, bylaws and any other documents which govern their operation at the Parks and Recreation Department. These documents will be available for public review. A copy of the current IRS 990 or 1120 tax form will be provided to the City of Rapid City Parks and Recreation Department within 30 days of when it is provided to the IRS.

A copy of the "Non-Profit Corporation Annual Registration" form that is submitted to the State must also be submitted each year.

3. Organizations are to make all information concerning the governance of their programs available to participants upon request.
4. All meetings of the organization's Board of Directors and any committees formed by the Board or the Articles of Incorporation or the Bylaws, except those which deal with personnel issues or litigation, are to be publicized in advance and open to participation to all members.
5. Head coaches working in youth sport organizations are to be trained and/or certified through a program approved by the Board of Directors of each organization. This training will address values, safety and liability.
6. Organizations are to be adequately prepared for dealing with participants that have special economic, physical or social needs.
7. Organizations which are state actors shall not discriminate on the grounds of or because of race, color, creed, religion, national origin, sex, marital status, status with regards to public assistance, disability, sexual orientation, or age against any member or participant in its program. The

organization shall comply with all aspects of the SD Human Rights Act 20-13 and the Americans with Disabilities Act of 1990.

All other organizations shall comply with any and all federal, state and local laws, rules, regulations and ordinances applicable to the organization.

## **II. REQUIREMENTS OF ORGANIZATIONS NOT AFFILIATED WITH A RAPID CITY TAX EXEMPT ORGANIZATION REQUESTING RESERVATION OF FACILITY:**

1. The team must be composed of a minimum of 50% Rapid City residents.
2. Facility reservations will be limited to home games or meets only, or organization practices.
3. Fees will be assessed to the facility user based on the current fee structure passed by City Council Resolution.
4. A permit issued by the Parks and Recreation Department is required for use of the facility.

## **III. REQUIREMENTS OF GROUPS FOR SINGLE USE REQUESTS:**

See Guidelines for Community Use of Park and Recreation Rental Facilities.

## **IV. PRIORITIES FOR ORGANIZATIONS REQUESTING RECURRING USE:**

Organizations that meet the above stated guidelines that are requesting special permits for single use or to offer ongoing programs on municipal property will be granted the opportunity based on the following priorities:

**PRIORITY I:** City programs (Examples: summer recreation programs, lesson programs, open swim, special events open to the entire community.)

**PRIORITY II:** Rapid City School District Programs (Examples: curriculum programs, interscholastic team practices, games, etc.)

**PRIORITY III:** Youth (18 and under) organizations that are Rapid City non-profit corporations that meet the following requirements:

1. The youth participants of the organization must be comprised of at least 51% Rapid City residents. Rapid City residents are defined as individuals who live in Rapid City or who go to school in Rapid City.
2. At the start of each season or year the corporation shall file with the Director of Parks and Recreation or his/her designee, the roster of youth participants that the corporation files with its State or National association. An updated roster shall be filed with the City at the same time an updated roster is filed with the state association. Those corporations that do not have a State association will provide a roster to the City by a mutually agreed upon date. The roster will include the name and address of each youth participant, and will be kept confidential by the City.
3. A club, team or organization that meets Priority III status and is also the only club, team or organization providing a particular sport in Rapid City, will be provided access to fields, rinks, or pools for as many hours as they require to provide a quality program, subject to the limitations of available facilities.

The Parks and Recreation Department will review requests from such organizations and attempt to provide a fair distribution of the facilities available.

4. If a club, team or organization provides a sport that is already offered, then the club, team or organization with the highest number of Rapid City residents will have priority use of fields, rink or pool hours for as many hours as they require, subject to the following limitations:

The club, team or organization with the second highest number of Rapid City residents will be allowed use of the field, pool or rink on a sliding scale. The scale will be based on the percentage of Rapid City residents on the State or National roster. (Example: Team A has 100 RC participants and Team B has 30 RC participants. The total RC participants would be 130. Team B with 30 RC Participants would be divided into the total participants of 130. That would give Team B 23% of the available prime time practice space. If Team B's roster increases to 40 Rapid City residents in the following year and Team A stayed the same, their scaled allotment would increase to 31%). Rosters will be requested once per year and will establish the scaled percentages for the entire sport season, even if that season runs through the next roster period.

5. The Parks and Recreation Department recognizes that all sports require a minimum number of hours of use per week to provide a quality program. This amount of time will vary from sport to sport, and the goal of the Parks and Recreation Department and the City of Rapid City is to make the most efficient use of the facilities available which can best be achieved by limiting the number of associations, clubs or teams that provide a sport.

If the Parks and Recreation Department determines that accommodation of a new competing organization will jeopardize the continued viability of an existing organization by not providing a sufficient number of facilities or hours of facility use for such organization, the Parks and Recreation Department and the City of Rapid City may deny access to facilities to a new organization.

6. To qualify for facility use under this policy, the organization shall be open to all Rapid City residents of qualified age.
7. Further, the organization shall have an open process for parents to discuss concerns or recommend changes to the organization.
8. Teams will play during the designated “primary season.”

Primary season for sports using facilities will be defined by the Parks and Recreation Department for various facilities and seasons.

9. Priority III teams who request or that schedule a tournament, revenue-generating clinic, camp or other non-league facility use on weekdays or weekends will be charged a fee based on the Fee Resolution approved by the City Council.

**Priority IV:** Rapid City non-profit organizations that use the facilities to raise money for the benefit of the entire community. Applicable fees apply.

**Priority V:** Businesses and neighborhood groups located in Rapid City during the designated primary season. Applicable fees and guidelines will apply.

**Priority VI:** Non-profit adult teams or organizations that have at least 51% Rapid City residents during the designated primary season. Rapid City adult “residents” must either live or work in Rapid City. Applicable fees apply.

**Priority VII:** Private schools and churches located in Rapid City during the designated primary season. Applicable fees and guidelines apply.

**Priority VIII:** All other Rapid City teams on a first come, first serve basis after higher priority teams have had an opportunity to schedule each season.

## **V. ADMINISTRATIVE PROCEDURES**

All teams must be composed of at least 51% Rapid City residents and requests must be made by a Rapid City resident. Rapid City adult “residents” must either live or work in Rapid City. Applicable fees and guidelines will apply. Team rosters must be submitted to the City of Rapid City prior to a reservation being granted. The City may verify this roster for any league or tournament in which the team plays.

1. Fees will be subject to change each year depending on actual cost to provide the services requested. The Parks and Recreation Department will attempt to notify Associations of fee changes.
2. The City will establish dates each year by which teams must submit requests for facility reservation use in order to apply for and utilize priority status. After that date, facilities will be reserved on a first come, first served basis. The City will only authorize reservations with one coordinator per organization.

**Organizations will have a first right of refusal established by previous years contracts.**

3. If teams or organizations are at the same priority level, then the team or organization that serves the highest number of Rapid City residents on the registration date will receive the higher priority status in terms of field, pool, rink and court reservations, subject to the following limitations:

The club, team or organization with the second highest number of Rapid City residents will be allowed use of the field, pool or rink on a sliding scale. The scale will be based on the percentage of Rapid City residents on the State or National roster. (Example: Team A has 100 RC participants and Team B has 30 RC participants. The total RC participants would be 130. Team B with 30 RC Participants would be divided into the total participants of 130. That would give Team B 23% of the available prime time practice space. If Team B's roster increases to 40 Rapid City residents in the following year and Team A stayed the

same, their scaled allotment would increase to 31%). Rosters will be requested once per year and will establish the percentages for the entire sport season, even if that season runs through the next roster period.

4. Any organization which fails to provide for and follow the guidelines set forth above, or provides false information on a permit application, is subject to revocation of its permit at the discretion of the Director of Parks and Recreation, or his designee.

5. No organization is allowed to sublease City facilities without the written approval of the Parks and Recreation Director or his designee. The City will not authorize subleasing for profit, or for organizations that compete with City programs.

6. Any team or organization that fails to pay the appropriate fees or fails to provide the information required by this policy within the time frame specified may lose Priority status. The Parks and Recreation Department will recommend appropriate action to the Parks and Recreation Advisory Board after the team or organization is given the opportunity to explain its actions.

Approved this 18<sup>th</sup> day of June, 2012.

CITY OF RAPID CITY

ATTEST:

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Mayor

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Finance Officer

(SEAL)