

## **ORDINANCE NO.**

### **AN ORDINANCE REPEALING RESOLUTION 861211-19 AND AMENDING CITY CODE CHAPTER 8-1 RELATING TO USE OF ATHLETIC FIELDS FOR YOUTH RECREATION.**

#### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

##### **PART 1. Findings.**

The City Council finds that:

- (1) Providing for organized recreational opportunities for the youth of Austin is essential to the health of Austin's future citizenry.
- (2) Improvement and maintenance of city athletic fields is essential to providing recreational opportunities to all citizens of Austin.
- (3) The City maintains a cooperative relationship with private youth sports organizations to improve and maintain city athletic fields and to provide recreational opportunities to the youth of Austin on private and public fields.
- (4) The need to coordinate with youth sports organizations in an even handed manner and to balance use of city athletic fields for youth programs with other needs of the city requires reasonable regulations.

PART 2. Resolution No. 861211-19 is hereby repealed.

PART 3. City Code Chapter 8-1 (*Parks Administration*) is amended to add a new Article 6 to read:

#### **ARTICLE 6. USE OF ATHLETIC FIELDS.**

##### **§ 8-1-81 DEFINITIONS.**

In this article:

- (1) **YOUTH SPORTS ORGANIZATION (YSO)** means a non-profit organization providing recreational sports programs to the citizens of Austin aged 19 or younger on a non-profit basis.

## **§ 8-1-82 ADMINISTRATIVE RULES**

- (A) The director shall, with input and cooperation from interested YSOs , adopt administrative rules for the implementation of this article.
- (B) The director shall present draft proposed rules to the Parks and Recreation Board for review and recommendation.
- (C) The rules shall be available for inspection at the Parks and Recreation Department administrative offices during normal business hours.
- (D) The rules shall include, but are not limited to:
  - (1) The form to be used for the Athletic Field Use Agreement on public fields and the Youth Sports Services Agreement on private fields;
  - (2) requirements and criteria for granting and terminating agreements under this article;
  - (3) method to determine the predominant residency of youth served by a YSO;
  - (4) field maintenance requirements;
  - (5) calculation method for annually determining the per-year, per-field utility charges funded through an agreement under this article;
  - (6) annual reporting form and list of required documentation for agreements under this article;
  - (7) safety requirements; and
  - (8) concession requirements.

## **§ 8-1-83 ATHLETIC FIELD USE AGREEMENT ON PUBLIC FIELDS.**

- (A) The director may enter into an Athletic Field Use Agreement, in the form prescribed by rule, with a YSO meeting the requirements in section 8-1-85 whereby the YSO provides youth recreation programs at city-owned athletic fields, improves the fields and maintains the fields.
- (B) In exchange for the provision of youth recreation programs, improvements to the fields and maintenance of the fields, the fees for use of the athletic fields required under this chapter are waived. The Athletic Field Use Agreement shall provide for City payment of utility charges for use of the athletic fields by the YSO up to a maximum amount per-year per-field, calculated using the method prescribed by rule and based on the annual City budget.

- (C) All improvements proposed to be made by a YSO on a city athletic field must be approved in advance by the director and are the property of the City.
- (D) The Athletic Field Use Agreement shall be for one fiscal year term, beginning October 1 and ending September 31, with annual renewals optional.
- (E) The Athletic Field Use Agreement must include:
  - (1) a provision requiring the youth served by the YSO on city athletic fields be predominantly City of Austin residents;
  - (2) a provision requiring the programs offered by the YSO be open to all City of Austin youth regardless of race, color, religion, national origin, sexual orientation, or athletic ability;
  - (3) a provision requiring the YSO comply with the City's water and energy conservation rules and regulations in improving, using, and maintaining the athletic fields;
  - (4) a requirement that the YSO conduct background checks on its volunteers or paid employees who will interact with youth;
  - (5) any other provision deemed necessary by the director and the City Attorney to protect the City's best interests and prescribed by rule; and
  - (6) a requirement that the YSO provide indemnity and insurance in the form and amounts prescribed by rule.

**§ 8-1-84 YOUTH SPORTS SERVICES AGREEMENT ON PRIVATE FIELDS.**

- (A) The director may enter into a Youth Sports Services Agreement, in the form prescribed by rule, with a YSO meeting the requirements in section 8-1-85, whereby the YSO provides youth recreation programs on privately owned athletic fields.
- (B) In exchange for the provision of youth recreation programs, the Agreement shall provide for City payment of utility charges for use of the athletic fields by the YSO up to a maximum amount per-year per-field, calculated using the method prescribed by rule and based on the annual City budget.
- (C) The Youth Sports Services Agreement shall be for one fiscal year term, beginning October 1 and ending September 31, with annual renewals optional.
- (D) A Youth Sports Services Agreement must include:

- (1) a provision requiring the youth served by the YSO be predominantly City of Austin residents;
- (2) a provision requiring the programs offered by the YSO be open to all City of Austin youth regardless of race, color, religion, national origin, sexual orientation, or athletic ability;
- (3) a provision requiring the YSO comply with the City's water and energy conservation rules and regulations in using, improving, and maintaining the athletic fields;
- (4) Any other provision deemed necessary by the director and the City Attorney to protect the City's best interests and prescribed by rule; and
- (5) a requirement that the YSO provide indemnity and insurance in the form and amounts prescribed by rule.

#### **§ 8-1-85 AUTHORIZED APPLICANT.**

An applicant for an Athletic Field Use Agreement or Youth Sports Services Agreement must meet the following requirements:

- (1) the applicant must be a YSO;
- (2) the youth served by the YSO are predominantly City of Austin residents; and
- (3) the YSO must provide supervised, competitive athletic and recreational events for individuals ages 19 and under, regardless of race, color, religion, national origin, or athletic ability.

#### **§ 8-1-86 APPLICATION REQUIRED.**

- (A) To renew or enter into a new Athletic Field Use Agreement or Youth Sports Services Agreement, an applicant must file an application on the form prescribed by rule not later than July 1<sup>st</sup> for the upcoming fiscal year term.
- (B) An application under this article must include:
  - (1) proof of non-profit status;
  - (2) proof that the youth served are predominantly City of Austin residents;
  - (3) detailed description of the youth programs provided and the athletic fields to be used;
  - (4) proposed budget for water and electricity for use of the fields; and

- (5) proof of liability and property damage insurance in the form and in the amount prescribed by rule.

**PART 6.** To provide adequate time to transition existing Agreements to the new forms and to implement the requirements of the ordinance, this ordinance takes effect on May 15, 2010.

**PASSED AND APPROVED**

\_\_\_\_\_, 2010      §  
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                                 Lee Leffingwell  
                                 Mayor

**APPROVED:** \_\_\_\_\_  
                         David Allan Smith  
                         City Attorney

**ATTEST:** \_\_\_\_\_  
                         Shirley A. Gentry  
                         City Clerk