

**USE, PRIORITIES AND FEES FOR MARIAN BERGESON AQUATIC CENTER**

The Marian Bergeson Aquatic Center (MBAC) is a 50 meter pool complex located on the Corona del Mar High School campus. The Newport-Mesa Unified School District (NMUSD), as the legal owner of the property, has entered into an agreement with the City of Newport Beach (CITY) to allow public use of the facility after official school use. This agreement has resulted due to the significant contribution to the pool construction by the City.

***Purpose of Use***

The foregoing facilities and equipment therein shall be used for activities which are recreational, social or civic in character, and offer services of interest or need to the community.

***Procedure***

Any group desiring to use the MBAC shall make application on forms provided by the Recreation & Senior Services Department (Department) and shall provide such additional information as may be required by the Department to assure compliance with priorities. Applicants may be required to satisfy the Department that activities will be conducted in an orderly manner and that such person(s) or groups are financially able to respond to damages arising therefrom. Prior to the use of any facility, the application must have been approved by the Recreation & Senior Services Director or a designated representative.

***Schedule***

The City and the NMUSD establishes the use of the aquatic center as follows:

**Pool Use Criteria (As Dictated by School District-City Agreement)**

**School Year**

- A. 6:00 A.M. - 3:00 P.M. District use only.
- B. 3:00 P.M. - 6:00 P.M. Joint use City/District w/District as first priority.
- C. 6:00 P.M. - 9:00 P.M. City exclusive use.

**Holidays, Summer Vacation, Saturdays**

- A. 6:00 A.M. - 9:00 A.M. Joint scheduling w/City priority.
- B. 9:00 A.M. - 9:00 P.M. City exclusive use.

## Sundays

A. 6:00 A.M. - 9:00 P.M. Joint City/District.

(Use includes showers, restrooms and ancillary facilities.)

- A. All official Department/City initiated and/or conducted activities.
- B. All official Department co-sponsored groups and/or activities. The aforementioned are community groups and activities which are nonprofit, self-governing, privately organized of a recreational nature may be brought under the sponsorship of the Department by application.
- C. Official School District sponsored programs and activities.
- D. Official public agency sponsored programs and activities not included in the above categories.
- E. Recreational, social or civic activities and/or groups (resident) promoted and sponsored by local nonprofit organizations which are open to the public and have 50% or more of memberships consisting of Newport Beach residents.
- F. Recreational, social or civic activities and/or groups (nonresident) promoted and sponsored by nonprofit organizations which are open to the public, not qualifying under Priority No. E.
- G. Private resident and nonresident use.
- H. Commercial or profit making groups.

*Specifications for MBAC Users*

- A. Determining factors of priority shall include, but not be limited to, the number of City residents on the playing teams, recognized seasonal sports, and past contributions to facilities by sponsoring groups. This policy shall not be exclusionary to any group. Staff has the right to revoke a permit for specific times if the facility is not being used.
- B. Recognized seasonal sports shall be determined where at all possible one year in advance. All non-seasonal sports shall be accommodated, but scheduled secondarily to seasonal sports. Special tournaments/regional playoffs, even if off-season, shall be accommodated whenever possible. Applicable fees will be charged to the hosted group. Special events shall be applied for at least six months in advance and not more than 12 months in advance.

- C. Staff will coordinate and chair meetings as necessary to determine equitable use of available athletic facilities. Groups not satisfied with the results of this procedure can appeal the staff determinations to the Parks, Beaches and Recreation Commission.
- D. The MBAC may be closed for periodic maintenance and renovation at a time determined by NMUSD staff to be least disruptive to all parties.
- E. Any group claiming nonprofit status is required to submit, at the request of staff, proof of non-profit status by submitting their Internal Revenue Service 501c(3) letter and a current IRS 990 Form.

Membership and meetings or activities must be open to the public. Fees, donations or admissions charged by the group must be limited to essential expenses of the group. The group treasurer will be required to submit a financial report following each activity when any of the above is collected.

#### ***Fees and Deposits***

- A. The fees charged for use of the MBAC are in accordance with the Master Fee Schedule which is annually adjusted by resolution of the City Council.
- B. The intent of these fees shall be that the MBAC be operated in accordance with Municipal Code Section 3.36 Cost Recovery For User Services.
- C. The NMUSD requires a custodial fee from groups to clean and maintain the facility both during and after a rental.

#### ***History***

Adopted I-24 - 6-25-1990  
 Amended I-24 - 1-24-1994 (changed to I-11)  
 Amended I-11 - 4-8-2003 (changed to B-10)  
 Amended B-10 - 9-13-2005  
 Amended B-10 - 5-12-2015  
 Amended B-10 - 8-8-2017