

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Parks and Recreation *msl*

BOARD AGENDA # \*B-3

Urgent

Routine

AGENDA DATE September 22, 2009

CEO Concur with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval for On Your Mark Events to Have Exclusive Use of Woodward Reservoir Areas Designated as Trails, Bay View Boat Ramp, and the Group Picnic Area on September 26, 2009 and October 17, 2009 for their 2<sup>nd</sup> Annual Central Valley Triathlon

STAFF RECOMMENDATIONS:

- 1) Approve the request from On Your Mark Events to have exclusive use of Woodward Reservoir areas designated as trails, Bay View Boat Ramp, and the Group Picnic area on Saturday, September 26, 2009 and Saturday, October 17, 2009. Each event date will begin at 4:00 a.m. and end no later than 1:15 p.m. for the 2<sup>nd</sup> Annual Central Valley Triathlon.
- 2) Direct On Your Mark Events to adhere to the requirements set forth by the Department of Parks and Recreation.

FISCAL IMPACT:

If approved, \$2,574.42 in staffing costs and fees including exclusive use, reservation fees, Group Picnic Area rental, overnight camping, and vehicle entry for On Your Mark staff and volunteers will be assessed.

Revenue may also be collected for the use of additional portable restrooms and cannot be determined at this time.

BOARD ACTION AS FOLLOWS:

No. 2009-643

On motion of Supervisor Chiesa, Seconded by Supervisor Grover  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval for On Your Mark Events to Have Exclusive Use of Woodward Reservoir Areas Designated as Trails, Bay View Boat Ramp, and the Group Picnic Area on September 26, 2009 and October 17, 2009 for their 2<sup>nd</sup> Annual Central Valley Triathlon

## **DISCUSSION:**

A request has been received from On Your Mark Events to have exclusive use of Woodward Reservoir areas designated as trails, Bay View Boat Ramp, and the Group Picnic area for the 2<sup>nd</sup> Annual Central Valley Triathlon. Two one-day triathlons will be scheduled including Saturday, September 26, 2009 and Saturday, October 17, 2009. Each event date will begin at 4:00 a.m. and end no later than 1:15 p.m.

Woodward Reservoir is located at 14528 26 Mile Road a few miles north of Oakdale off Highway 120. This regional park offers 3,767 acres of land and 2,900 acres of reservoir for recreation and camping. The facility can accommodate tent, trailer, and recreational vehicle camping including full hook-up, developed and undeveloped campsites. Daily recreational opportunities include swimming, fishing, boating, picnicking, water and jet skiing, waterfowl hunting, and radio control airplane flying. Woodward Reservoir is also home to the Annual Fireworks Celebration.

On Your Mark Events is a management, timing and consulting company and has been producing and managing triathlons since 1987. Now in their second year at Woodward Reservoir, the Central Valley Triathlon offers Sprint, Super Sprint and International distances. It is estimated that over 300 triathletes per event date will participate. A triathlon is a multi-sport endurance event consisting of swimming, cycling, and running in immediate succession over various distances. No other event held at Woodward is comparable.

The Department of Parks and Recreation does not have any objections to this request for exclusive use and as such necessitates On Your Mark Events to adhere to the following requirements:

- On Your Mark Events shall work with all other necessary groups, organizations, or other governmental personnel as determined by applicable codes, laws, and regulations to ensure a safe event including but not limited to California Highway Patrol, Sheriff's Office, or Department of Environmental Resources.
- Sheriff Office costs are to be paid with copies of the Outdoor Entertainment Activities License and any receipts due to the Department of Parks and Recreation by Thursday, September 24, 2009, and Thursday, October 15, 2009, no later than 5:00 p.m. "Outdoor Entertainment Activity" means any musical, theatrical, or other entertainment activity to which members of the public are invited or admitted and which is held at any place other than a facility for which a valid use permit has been issued which authorizes the activity to take place at said location. Additionally, it allows the police power of the County to assure that the public's health, safety and general welfare are not threatened or harmed.
- Department of Public Works costs are to be paid with copies of the Encroachment Permit and any receipts due to the Department of Parks and Recreation by Thursday, September 24, and Thursday, October 15, 2009, no later than 5:00 p.m. The encroachment permit's purpose is to enable the County to monitor work or activities performed within County Road Right-of-Way

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**DISCUSSION (CONTINUED):**

- By Thursday, September 24, 2009, and Thursday, October 15, 2009, no later than 5:00 p.m. require On Your Mark Events, to provide the Department of Parks and Recreation a Certificate of Insurance with general liability coverage of \$1 million and endorsement naming Stanislaus County as an additional insured.
- By Thursday, September 24, 2009, and Thursday, October 15, 2009, no later than 5:00 p.m. require On Your Mark Events, to sign and return an original Hold Harmless Agreement (Organization) for each event date.
- During check-in at each scheduled event, require Hold Harmless Agreements for every participant are signed. If a minor, a parent/guardian will be required to sign the agreement. All completed agreements are to be returned to the Woodward Reservoir Entrance Station. On Your Mark Events is responsible for ensuring all participants have signed the agreements prior to the start of each event.
- The Exclusive Use fee for each event date is included.
- The Reservation fees for the Exclusive Use and Group Picnic Area request is included.
- The Group Picnic Area fee is included.
- Staffing costs per event are \$1,254.42. Staff will arrive at 6:00 a.m. and depart at 1:00 p.m.
- All County fees entering Woodward Reservoir apply for participants.
- All County fees for overnight security are included up to five (5) campsites. A pass list will need to be provided to the Entrance Station staff by Thursday, September 24, 2009, and Thursday, October 15, 2009, no later than 5:00 p.m.
- All County fees for On Your Mark staff or volunteers not to exceed fifty (50) vehicles are included. A pass list will need to be provided to the Entrance Station staff by Thursday, September 24, 2009, and Thursday, October 15, 2009, no later than 5:00 p.m.
- Should any portable restrooms need to be repositioned or more needed for event routes or areas, a fee of \$50 per portable restroom will be applied. All requests should be made by Thursday, September 24, 2009 and Thursday, October 15, 2009, no later than 5:00 p.m. If portable restrooms are needed, please include the portable restroom fees as part of the final payment of fees.
- There are Guaranteed Minimum Fees and/or a percentage to be paid to the County in the amount of twelve percent (12%) of the gross revenues, including all concessions revenues or a minimum of \$1,200 per event whichever is greater. Twelve (12%) of the gross revenues, including all concessions revenues shall be paid to the County within seven (7) calendar from

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### **DISCUSSION (CONTINUED):**

the end of the event. On Your Mark Events shall be assessed a \$200 late fee if not paid within seven (7) calendar days. After fifteen (15) calendar days, an additional five percent (5%) will be assessed on the total remaining balance owed to the County. If not paid within fifteen (15) calendar days, all future events are subject to cancellation until paid in full. A breakdown of income shall accompany payment of the fees within seven (7) calendar days of the event. On Your Mark Events shall remit fees and/or percentages of gross revenue to Stanislaus County Department of Parks and Recreation, Attn: Exclusive Use, 3800 Cornucopia Way, Ste. C, Modesto, CA 95358.

- A security deposit of \$500 per event payable by Thursday, September 24, 2009, and Thursday, October 15, 2009, no later than 5:00 p.m. is required.
- No alcohol shall be sold during this exclusive use event.
- All maintenance and janitorial needs will be provided within the Group Picnic area, restroom in the Group Picnic area, Bay View Boat Ramp area and its restrooms, designated trails litter/debris and portable restrooms by On Your Mark Event staff and volunteers.
- The areas are to be left in a clean condition with all litter/debris in trash receptacles.

### **POLICY ISSUES:**

The Board should consider whether the approval of this exclusive use request and fees supports the Board of Supervisors' priority of a healthy community. The Department of Parks and Recreation strive to establish relationships with organizations that foster human development through use of outdoor spaces to play, exercise, and facilitate community connections.

### **STAFFING IMPACTS:**

The recommended action will allow the entrance station to be manned during this exclusive use from the hours of 6:00 a.m. until 1:00 p.m. to include two (2) Park Maintenance Worker III and one (1) Administrative Clerk II.

### **CONTACT PERSON:**

Sonya K. Harrigfeld, Director or Margarita D. Ramos, Deputy Director.  
Telephone: 209-525-6770.