



STAFF REPORT

Agenda Item: 5E

Report To: Parks and Recreation Commission

Meeting Date: October 3, 2023

Staff Contact: Jennifer Budge, CPRP, Director; Dan Earp, CPRP, Recreation Superintendent

Agenda Title: For Discussion Only: Discussion only regarding possible creation of a policy regarding private use and instruction at Carson City's public recreation facilities. (Dan Earp, djearp@carson.org)

Staff Summary: Staff will review current practices related to private instruction at the City's public facilities and gather feedback from the Commission regarding possible consideration of a future policy regarding such matters.

Agenda Action: For Discussion Only

Time Requested: 20 minutes

Proposed Motion

No action required

Board's Strategic Goal

Quality of Life

Previous Action

N/A

Background/Issues & Analysis

There have been several instances where private individuals or businesses use public parks or facilities to conduct and operate private instruction businesses. The majority of these occurrences take place during public drop-in times, therefore the instructor is not typically reserving a specific space but using resources that are designed for general public use to operate their business. They do not pay reservation fees but do pay or have the participant(s) pay any required drop-in fee. The Department does not have any policy in place on how to properly manage this usage.

Examples of private usage at Carson City facilities:

- Private swim lessons at the Aquatic Facility
- Private basketball lessons or clinics at the Multi-Purpose Athletic Center (MAC)
- Group basketball lessons or clinics at the MAC
- Tennis/pickleball lesson on outdoor tennis courts
- Group yoga or similar classes in parks
- Concealed Carry Weapon (CCW) classes at the Carson Rifle and Pistol Range

While Department staff recognizes the value in private instruction, there are concerns with safety and a lot of unknown factors regarding these lessons. Are the instructors qualified to teach their respective activity? Do

they have the proper certifications? If a participant were to get injured in a private class, would the City have any liability? What documentation should be required to operate if not an authorized contract/independent contractor class? Should instructors be required to reserve public space and pay reservation fees rather than drop-in fees? These are just some of the questions that come up regarding private instruction in public recreation facilities. Additional concerns include the fact that the instructors are taking away public space from the community that is designed for drop-in use.

Staff would like to support private instruction at Department facilities but want to make sure it is done in a safe, consistent and equitable manner.

Attached are examples of private instruction policies from other agencies of Henderson, Nevada and Parma, Ohio.

Applicable Statute, Code, Policy, Rule or Regulation

-Carson City Municipal Code 4.04.010 Business License Required.

“It is unlawful for any person to engage in or carry on any trade, profession, calling or business in whole or in part within Carson City, or to advertise that person is conducting or carrying on any business specified herein, without first applying for, obtaining and maintaining a license as set forth in this chapter.”

-Carson City Parks, Recreation and Open Space Fee Policy and Fee Schedule

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number: 1015055,1015054

Is it currently budgeted? Yes No

There would be a minimal fiscal impact and it would mostly depend on whether the Department required permitting fees or rental fees. If so, it could have a positive impact on revenue.

Alternatives

N/A

Chapter 2.27 - PARKS AND RECREATION

2.27.030 - Rules and regulations regarding use of parks, recreation facilities and trails.

W. Conducting business. Except as otherwise provided in this chapter, it is unlawful for a person to use a park, recreation facility or trail to provide private lessons or classes for commercial gain or to otherwise use a park, or recreation facility or trail as a place for conducting business unless that person has an agreement with the city pursuant to HMC chapters [8.10](#) or [8.11](#) allowing such enterprise incidental to the permitted activity or activities, or has obtained the appropriate permit from the director to use the park, recreation facility or trail for commercial purposes.

961.20 PRIVATE INSTRUCTION AT CITY FACILITIES.

(a) No person, other than an employee of the City, shall utilize any of the recreational facilities of the City to give private instructions for compensation in any sport, except pursuant to the provisions of this section.

(b) Any group may apply to the Recreation and Park Commissioner to reserve any City recreational facilities, for a period not needed as part of a City program or otherwise previously committed, for the purpose of conducting private instructions for compensation in any sport. The Commissioner shall grant the permit upon receipt of all of the following:

- (1) Any fee as established by ordinance for reservation of the use of the facilities;
- (2) A statement by an authorized representative of the group certifying that:
 - A. The group is operating as an independent contractor and with no affiliation whatsoever with the City.
 - B. Every student of the group will be notified, in writing, that the program of instruction is carried on by the group and with no affiliation whatsoever with the City.
 - C. The group will indemnify and hold harmless the City and its officers, agents and employees from all claims arising out of the group's instruction program and will reimburse the City for its costs in defending all such claims.
- (3) A certificate of insurance in the amount of one million dollars (\$1,000,000), naming the City and its officers, agents and employees as additional insureds, against all liability claims arising from the group's instruction program.

(Ord. 198-86. Passed 9-15-86.)