



Town of Tiburon

MCKEGNEY GREEN FIELD USE POLICY

Introduction

The Town of Tiburon is dedicated to nurturing healthy lifestyles, preserving neighborhood quality of life, and protecting the Town's park resources. The Town acknowledges that sports and recreation are a fundamental component of a healthy lifestyle. The Town is dedicated to creating partnerships with youth sports organizations to ensure that there are opportunities at McKegney Green, a community field, to participate in different sports at various ability levels. The Town recognizes that McKegney Green is the only Town-controlled field capable of being used for athletic field sports and is also highly desired by local residents for casual recreational enjoyment. The Town is committed to equitable, inclusive, and orderly distribution of field use.

This policy is established to ensure that McKegney Green is utilized for community, recreational, and athletic functions that serve the needs of the Tiburon Peninsula, to set clear policies, procedures, regulations, and to establish a rental fee system for permitted exclusive use of McKegney Green. The policy ensures that permitted users are informed of the Town's rules and regulations that govern use of McKegney Green and that such exclusive use must be balanced with the demand for general public recreational use of McKegney Green.

Purpose of the Policy

The purpose of the McKegney Green Field Use Policy is to:

- A. Ensure equitable use of McKegney Green between community, recreational, and athletic functions that serve the needs of the Tiburon Peninsula.
- B. Establish rules, regulations, policies and procedures governing the use of McKegney Green.
- C. Ensure Tiburon Peninsula residents have priority access to a facility supported by their tax dollars.
- D. Collect reasonable fees for the reserved use of McKegney Green in support of its ongoing maintenance and long-term improvement.
- E. Ensure that decisions regarding the use of the McKegney Green take into account the interests of the surrounding neighborhoods and residents.
- F. Limit organized sports use of McKegney Green to appropriate youth sports only.
- G. Maintain the safety of the field conditions and preserve the quality of McKegney Green as a Town resource



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Non-Permitted Uses of McKegney Green

Commercial, for-profit, and/or enterprise uses; commercial vendors; private events; adult sports teams; and simultaneous mixed sports uses are not allowed.

Non-Exclusive Public Recreational Use

Non-exclusive casual recreational use of McKegney Green by the public is allowed on a first-come, first-served basis during open hours when use of the field is not reserved by a Field Use Permit. Typical uses of this nature include sunbathing, picnicking, kite-flying, casual Frisbee-throwing, yoga, and similar uses. No fee or Field Use Permit is required for such use.

General Rules for McKegney Green Use

Users of McKegney Green shall abide by the following General Rules:

- A. All exclusive (reserved) use of McKegney Green must secure a Field Use Permit in advance.
- B. No person shall use McKegney Green when it is posted “Field Closed”.
- C. Applicable Tiburon Municipal Code provisions shall be obeyed.
- D. No unauthorized vehicles shall enter McKegney Green or drive on the grass or paved walkways.
- E. Prohibitions on McKegney Green:
 - (1) No alcohol or tobacco products are allowed.
 - (2) No gambling or narcotics are allowed.
 - (3) No portable barbeques, open fires, or fireworks are allowed.
 - (4) No glass containers are allowed.
 - (5) No rugby or golf is allowed.
 - (6) No commercial vendors are allowed. Outside companies or individuals may not be used as concessionaires or vendors by user groups. User groups, with permission of the Town, may sell food and drink at cost.
 - (7) No tents or canopies over 10 feet in height or over 100 square feet in area are allowed. Anchoring must not penetrate the ground surface.
 - (8) No signs are allowed. Temporary banners are permitted during events, and must pertain to the event being held.
 - (9) No amplified sound is allowed.
 - (10) No Dogs on McKegney Green.
 - (11) No bicycles or motorized vehicles including ebikes are allowed on McKegney Green.



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Field Use Permit Required

Field Use Permit is required for reservation (exclusive use) of McKegney Green. Field Use Permit is subject to fee and security deposit requirements, and is typically associated with youth sports activities such as soccer and lacrosse, Tiburon Peninsula school use, and Town-sponsored or co-sponsored events. Permitted use of McKegney Green more than three (3) times per year by any user group qualifies that group as a “Recurring User”. McKegney Green is generally closed from approximately November 30th to March 15th for turf recovery purposes or as determined by the Town.

1. RECURRING USE FIELD REQUEST PERMITTING

McKegney Green requests from Recurring Users are considered once per year for the following year. Field space is awarded on a priority basis and sport in season beginning in November of each year for the following calendar year. To apply for a McKegney Field Use Permit, an applicant must submit a field request form with the Tiburon Public Works Department at Town Hall. Field request forms may be found online at:

<http://www.townoftiburon.org/DocumentCenter/View/156/McKegney-Green-Field-Use-Permit-Application-Form-PDF?bidId=>

Requests from Recurring Users are accepted beginning November 1 each year for the following March 15 through November 30 time period.

2. NON-RECURRING USE FIELD REQUEST PERMITTING

A Field Use Permit for a non-recurring use (three or fewer times per year) must be made no fewer than ten (10) calendar days prior to the desired date(s) of use and prior to a permit being issued. Proof of insurance must be submitted prior to permit issuance.

3. FIELD PRIORITY FOR RESERVED (EXCLUSIVE) USE

Reserved use will be allocated based on the following priority system:

Group 1: Town-sponsored or co-sponsored events have first priority.

Group 2: Belvedere-Tiburon Recreation (The Ranch) programs, and non-profit youth sports organizations with more than 75% 94920 zip code participant residency on the field, have second priority.

Group 3: Tiburon Peninsula school-related events have third priority.

Adopted by Town Council 10/20/2021



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Group 4: Non-profit organized youth sports organizations with 50% to 75% 94920 zip code participant residency on the field have fourth priority.

Group 5: Adult use for soccer games with 50% to 75% of 94920 zip code participant residency on the field have fifth priority.

The Town Manager or his/her designee shall exercise sound judgment in determining the field use allocation for two or more equal priority groups requesting conflicting or overlapping times of use. The first tiebreaker for sports-related uses shall be “sport in season”.

As used in this policy, the following terms have the meanings as set forth below:

Non-Profit Eligibility: To qualify for a field use reservation, organizations must provide a copy of their letter of non-profit 501(c)(3) status with their ID number. Payment with an organization’s check is required.

Residency: A resident is a person residing within zip code 94920. In the case of youth sports organizations and Tiburon Peninsula school-related uses, a youth’s attendance at the Reed Union School District or St. Hilary’s School shall qualify for residency. Residency verification shall be provided by a master league roster, team roster, or other means acceptable to the Town. Such roster shall be complete with player’s first and last names, address, phone number, and peninsula school affiliation if not residing in the 94920 zip code. Rosters must be made available upon request by the Town. Any organization found to be willfully misrepresenting its residency status may have its Field Use Permit revoked and fees forfeited for the season, and may be assigned last priority for field use scheduling for the immediately following season.

Sport in Season: A pre-determined season of play based on traditional recreational sports activity period as follows:

Soccer: The priority season of play shall be set from August through mid-November, with recognized post-season play extending through January.

Lacrosse: The priority season of play shall be set from February through May.

Adult: An adult is defined as a person eighteen (18) years of age or older.

Organized Youth Sports: Organized sport is defined as physical activity that is directed by adult or youth leaders and involves rules and formal practice and competition. School and club sports are included in this definition.

4. FEES



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The standard field rental fees are \$70 per hour. These rates are subject to periodic review and adjustment. Hourly rate fees are due and payable prior to the issuance of a Field Use Permit. For Recurring Users, the Town may determine to collect the fee prior to each sports season, quarterly, or through other schedule determined by the Town. Failure to pay the fee in a timely manner may result in the default of the permit and loss of reserved field time. Twenty-five percent (25%) of the hourly rate rental fees collected shall be set aside in a restricted fund for capital improvements to McKegney Green, in accordance with a capital improvement plan adopted by the Town. The intent is for field rental users to supplement the investment of Tiburon taxpayers toward major improvements to McKegney Green.

5. FIELD USE PERMIT STANDARD RULES AND REGULATIONS

Permit holders must comply with the following Rules and Regulations, in addition to any special conditions that may reasonably be imposed upon the issuance of a Field Use Permit for McKegney Green:

- A. Permits cannot be transferred, assigned or subleased to any other person, group or organization for any reason.
- B. Permit holders must be in possession of their Field Use Permit or Town-posted McKegney Green Schedule in case there is a need to address the question of who has priority of use or reservation. If the permit holder cannot use McKegney Green due to unauthorized use by another party, the permit holder should contact the Town of Tiburon Police Department at 415-789-2801.
- C. The permit holder will be responsible for all actions and omissions that result in damage caused by their attendees. If additional maintenance is required (in excess of normal services/time) to restore the premises, turf, equipment, and/or property to reasonable use by others, the permit holder shall be charged accordingly.
- D. Verified complaints regarding a permit holder's activity noise level, litter and debris, and/or disregard of parking regulations could lead to suspension or revocation of a permit or reservation, the forfeiture of the security deposit, and denial of field use in the future.
- E. McKegney Green may be lined prior to a permitted group use. Water-soluble spray paint and chalk are the only permitted means of lining.
- F. Soccer and lacrosse goals must be anchored at all times when they are located on the playing field. When goals are not being utilized for play, they must be secured off the playing field in a manner that will prevent tipping or any hazardous condition.
- G. The Town reserves the right to cancel an approved reservation due to maintenance needs,



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overuse of the field, unsafe conditions, or conflict with a Town-sponsored event. In these cases, reasonable attempts will be made to provide a minimum of ten (10) days advance notice. In the event of an emergency or cancellation of an approved field request by the Town, a full refund will be provided.

- H. Permit holders must instruct participants and spectators to park in Blackie's Pasture public parking areas and avoid neighborhood parking. Permit holders should post directional signs, if needed, to guide participants and spectators to appropriate parking areas. If traffic/parking is an issue, the permit holders must provide volunteers to direct participants and spectators to designated parking areas. Permit holders must instruct participants that no dogs are allowed on McKegney Green.
- I. No group or individual is permitted to maintain a storage unit (or similar object) on or around McKegney Green without written approval from the Town.
- J. Permit holders must pick up and remove any trash or litter generated by their activity.
- K. Games, practices, and other events are not to start before 8:00 am or extend later than 9:00 pm. No field use is permitted after dark.

6. WET FIELD RULES

Wet Field rules are hereby established to prevent bodily injury and damage to the field from inclement weather and/or unsafe playing conditions. Groups that use the McKegney Green field are expected to assist in protecting their participants and the field during periods of rain or inclement weather. Sports use of a wet or saturated field may cause extensive damage resulting in field closure and costly renovations. Groups shall abide by the Wet Field rules and preserve the life and condition of McKegney Green by not using it in wet conditions. You may contact Public Works at 415-435-7399 regarding field closures. The following rules apply to a period of rainfall, an over-watered field and/or irrigation breaks.

- A. McKegney Green field is deemed closed to use at any time during rainfall and for twenty-four (24) hours after measurable rain, or when wet or muddy. Actual duration of closure is subject to discretion of the Town.
- B. The Town reserves the right to cancel reservations or suspend Field Use Permits when field conditions could result in injury to players or users or cause damage to the field. Permits may also be suspended when the health and safety of participants are threatened due to existing or impending conditions, including but not limited to field maintenance, fertilizer application, lightning, or air quality alerts.
- C. During Town work hours, the Town's Public Works Department maintenance staff will assess the



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playability of McKegney Green to determine if use will occur.

- D. Recurring Users will be required to designate a field conditions representative to apply these rules during non-business hours and on weekends. The designated representative shall have the responsibility to close McKegney Green or any portion thereof in accordance with the Wet Field rules.

7. TURF PRESERVATION GUIDELINES

User cooperation is needed to preserve the turf on the field. Please abide by the following guidelines:

- A. Field use, especially sports practice, should be conducted in a manner so that play takes place on different sections of turf, thus reducing excessive turf wear and damage to any one area. Rotate use of areas (i.e., use middle of turf area for drills one day and sides of the field the following day) and, when possible, stay off of the fringe or bare areas to limit erosion and further damage.
- B. Replace turf divots at the end of each day to help re-root the grass.
- C. Remove all equipment from the field at the conclusion of use each day.
- D. Water-soluble paint and chalk are the only approved methods of applying lines to the field.
- E. Report field hazards to Tiburon Public Works at 415-435-7399 during Town working hours or to Tiburon Police Dispatch at 415-789-2800 during other hours.
- F. No tarps or material, which may damage the grass, may be placed on McKegney Green. Any turf coverings used must be made of a breathable material.

8. SECURITY DEPOSIT

Recurring Users are required to provide a \$1,000 refundable security deposit. The Town may retain all or part of a security deposit, and/or assess additional fees, for the following reasons, without limitation:

- Damage to the field
- Misuse of the field
- Inadequate clean-up by Recurring User, requiring additional custodial/staff time following permit holder's use
- Violation of field use rules

If the additional fees due exceed the amount of the security deposit, the permit holder will be billed for the balance due. Payment will be due within thirty (30) days of the date of invoice. Unpaid fees will make the user group ineligible to apply for field use until the unpaid amount is settled in full.



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9. INSURANCE AND LIABILITY REQUIREMENTS

As a pre-condition of Field Use Permit issuance, unless waived in part or in whole by the Town Manager, the applicant shall provide to the satisfaction of the Town Attorney, the following:

- A. Evidence of commercial general liability (CGL) insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in the amount of \$2,000,000 each occurrence and \$5,000,000 aggregate, placed with insurers admitted in the State of California and with an AM Best rating of A-VII or higher.
- B. An endorsement attached to the CGL that policy naming the Town and its officials, employees, and agents as an additional insured, issued on form CG2010 or its equivalent with additional insured coverage on a primary and non-contributory basis.
- C. An agreement from the insurance carrier to provide at least thirty (30) days prior notice of cancellation, except ten (10) days' notice shall apply in the event of cancellation for nonpayment of premium.
- D. A signed agreement or clause agreeing to indemnify and hold the Town of Tiburon, its officers, agents, employees, and volunteers, harmless from any claims, liabilities, losses or expenses arising from use of McKegney Green.
- E. A statement acknowledging that the permit holder is not entitled to use McKegney Green until the Town Attorney has approved their evidence of insurance and additional insured endorsement..
- F. A statement acknowledging the Town is not responsible for any accident, injury, liability, loss or damage to persons or property as a result of unauthorized use of McKegney Green.

10. REFUNDS

- (a) Non-Recurring Users: For permitted events cancelled by the permit-holder twenty-one (21) calendar days or more in advance, a one hundred percent (100%) refund will be issued. For permitted events cancelled by the permit-holder less than twenty-one (21) calendar days in advance, no refund will be issued. Cancellations must be made in writing and submitted to and received by the Public Works Department in order to be entitled to receive a refund. If there is rain on the date of a non-recurring use reservation such that the event cannot be held, another date will be made available or a full refund for the rained-out date will be made available.
- (b) Recurring Users: Recurring Users are entitled to rescheduling privileges or refunds for cancelled events, rain-outs, or reserved use times that were not used due to unusually lengthy periods of rain delay or other factors beyond the control of the Recurring User that result in the inability to use the field during otherwise reserved times for that Recurring User.



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11. SAFETY-RELATED CLOSURES/TOWN PRIORITY

The Town makes every effort to accommodate permit holders. However, the health and safety of users and the condition and playability of the field take precedence. As a result, the Town may close McKegney Green and/or limit portions of McKegney Green available for use at any time in its reasonable discretion. The Town reserves the right to suspend or cancel any reservations (Field Use Permits) for field use or to temporarily close the field for any of the following reasons:

- Conflicts with a Town-sponsored or co-sponsored program, activity, or event
- Unscheduled maintenance issues
- Over-use of the field
- Unsafe conditions

The Town also reserves the right to preempt a reservation for a Town-sponsored or co-sponsored event. In the instances described above, reasonable attempts will be made to provide advance notice and to reschedule field use for permit holders.

12. RE-SEEDING AND TURF MAINTENANCE

The Town may close McKegney Green and/or limit portions of McKegney Green available for use at any time in its reasonable discretion. The field will be closed in December, January, February and July for annual rest and maintenance.

13. SUSPENSION OF PERMIT/VIOLATIONS

The Town Manager, Director of Public Works/Town Engineer, Superintendent of Public Works, and the Chief of Police (and their respective designees) shall have the authority to suspend a Field Use Permit, if the permit holder has done any of the following:

- A. Violated any provision or requirement of approval imposed on the permit.
- B. Violated any provisions of the law.
- C. With the actual conduct of the activity, threatened the preservation of the public health, safety or general welfare or unreasonably interfered with the use and enjoyment of other property in the vicinity of the activity.

Misuse of the field or the failure to comply with permit conditions, established rules and regulations, or any Federal, State, or local law shall be sufficient grounds for the immediate revocation of the permit and/or denial of any future applications. No refund will be granted.



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Field Improvements

The Town encourages partnerships and volunteerism to improve field quality and maintenance. However, in the absence of a written agreement, donations and/or contributions of time do not give any organization priority. Groups wishing to alter the field or ancillary areas must submit all improvement or alteration requests in advance to the Tiburon Public Works Department and receive written approval.

Interpretation of Policy

The Town Manager or his/her designee will make interpretations of the meaning of this Policy, and may override the Policy if he/she determines doing so is in the best interests of the Town. The Town Manager's interpretation shall be final.