






CITY OF SCOTTSDALE
PARKS AND RECREATION DEPARTMENT
YOUTH AQUATIC FACILITY ALLOCATION POLICY

	Approvals:  William B. Murphy, Assistant City Manager  Reed Pryor, Parks & Recreation Director	Date Approved: <u>4/23/21</u> <u>4/22/21</u>
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Section 1 – Philosophy

Scottsdale Parks and Recreation

It is the goal of the City of Scottsdale (“City”) to provide recreation services that improve the quality of life of all citizens and respond to the leisure needs and desires of all segments of our community which include youth, adults, and families.

The Parks and Recreation Department also cooperates with Scottsdale-based public, private, and commercial groups, entities and organizations to assist them in providing recreational services and meet community leisure needs. Offering suitable facilities to assist them in providing recreational services is an important strategy to achieve goals set forth in the mission statement of the City’s Parks and Recreation Department.

Section 2 – Purpose

The purpose of this policy (“Policy”) is to outline the procedures by which youth aquatic organizations may request aquatic facility allocation from the City and the procedures by which the City will allocate City-controlled aquatic facilities to eligible youth aquatic organizations. The services that the City will provide to eligible youth aquatic organizations and the obligations of those groups receiving such services are also outlined in this Policy.

Section 3 – Definitions

Unless otherwise required by the context, the terms below shall have the following meanings when used in the Policy:

- *City Services* means the services and benefits listed in Section 4 that the City will consider providing to Partner Groups.
- *Community benefit* requires the following four criteria be met: 1) an economic benefit to the City (e.g. savings to City Budget, direct donation, sales tax impact); 2) filling a needed service gap (specialized interest area); 3) residents desiring and qualifying for the activity

shall be allowed to participate; and 4) the cost for residents to participate or register is minimal or reasonable in the City's judgment.

- *Facility or Facilities* mean facilities, including but not limited to aquatic facilities, buildings, structures, and rooms that are owned, operated, or reserved by the City.
- *Financial Assistance* means reduced membership fees.
- *Home Pool* means the practice facility where the majority of pool usage takes place for a particular Partner Group.
- *In good standing* means that the group or organization and all related staff currently adhere to and meet all requirements of their governing youth aquatic organizations, are free of violations with those organizations, and have no outstanding financial balances with the City.
- *Meet or Meets* include aquatic meets and competitions between aquatic groups.
- *Non-profit* means that the group or organization requesting Facility allocation has received a determination from the United States Internal Revenue Service that it is exempt from federal taxes pursuant to section 501(c)(3) of the Internal Revenue Code, is registered in good standing with the Arizona Corporation Commission as a non-profit organization and will function and conduct team business as a non-profit 501(c)(3) if designated as a Partner Group.
- *Non-resident* means youth who do not live within the boundaries of the City of Scottsdale and do not attend a Scottsdale Unified School District school that is subject to an Intergovernmental Agreement with the City.
- *Partner Group* means a non-profit youth aquatic organization that meets all of the Eligibility Criteria set forth in Section 5 and is approved to receive City Services as set forth in this Policy.
- *Practice* includes try-out dates, clinics/camps, and practices associated with youth aquatic organization activity.
- *Resident* means youth who live within the boundaries of the City of Scottsdale or attend a Scottsdale Unified School District school that is subject to an Intergovernmental Agreement with the City.
- *Scholarship* means waived membership fees.
- *Sponsored Team* means a City "sponsored" aquatic team under the former Community Services Sponsorship Policy.

Section 4 – City Services

The City will consider providing the following services ("City Services") to Partner Groups:

- Priority access to aquatic facilities at established fees, as per allocation priority in Section 7.
- Access to meeting rooms in aquatic facilities during normal operating hours for the use of Partner Groups to conduct business, such as board meetings and participant registration, at reduced and/or waived fees, subject to availability.

- Access to equipment storage to support Practice in aquatic facilities at reduced fees, subject to availability.
- Basic aquatic maintenance of all aquatic facilities (repairs of pool equipment, facility maintenance of locker rooms and related facilities; cleaning, heating, and cooling of year-round facilities). Maintenance will vary from site to site.
- Coordination of special maintenance and other aquatic facilities use needs.
- System maintenance of aquatic facilities.
- Upon request, provide information to the public concerning all youth aquatic programs operating for Scottsdale residents.

Section 5 – Eligibility

Organizations that meet all the following eligibility criteria are eligible to apply for City Services. Organizations will only be considered for City Services if the City deems a need and there is available aquatic facility space.

Eligibility Criteria:

- A non-profit youth aquatic organization that is active and in good standing with the Arizona Corporation Commission or equivalent regulatory body.
- A designated 501(c)(3) organization through the Internal Revenue Service.
- Organization consists of a majority of Scottsdale youth residents, as may be confirmed by the roster on file with the national governing body.
- Demonstrating benefit to residents of Scottsdale by providing Scholarship opportunities and Financial Assistance.
- Youth organizations in good standing with the City of Scottsdale and national, regional, and local aquatics governing organizations.
- Youth organizations that charge non-residents more than Scottsdale residents for services or membership.
- Demonstrated and documented Community benefit to residents of Scottsdale as defined in this Policy.
- Youth organizations with no negative issues with school districts, municipalities, aquatics organizations, or other agencies related to facilities used within the last five years. Applicant will need to detail in the application all present and past relationships with other municipalities, aquatic organizations, and facilities for the last five years.

Section 6 – Application Procedure

- Youth aquatic organization seeking to be a Partner Group will contact the Parks and Recreation Aquatics Management to initiate the process.
- Aquatics Management will provide the applicant this Policy and the application form.
- Applicant will gather the required organizational information and submit the required application form with all supplemental and any other requested information to Aquatics Management for consideration of the application.
- Aquatics Management will obtain information relating to all such preexisting relationships and submission of the application constitutes consent for the City to contact prior relationships for information regarding the applicant.
- After reviewing the application and any other necessary information, Aquatics Management will determine whether there is a City need, available Facility space and whether the group is deemed

a Partner Group. If deemed a Partner Group, aquatic facility space and home pool will be determined using the facility allocation criteria in Section 7.

- If an applicant is denied Partner Group status, Aquatics Management will inform the applicant in writing along with the appeal process.

Section 7 -- Application Guidelines

If eligible as set forth above, Aquatics Management will consider the following Aquatic Facility Allocation Criteria in allocating Facilities for use.

Staff Determination of Allocation

- If the applicant is determined to be a Partner Group under this Policy and there are no other groups requesting the same Facilities at the same time, Aquatics Management will approve the applicant's request for Facilities.
- Given the limited space available, or if more than one Partner Group requests the same Facility at the same times, it is possible that a Partner Group may not receive the Facility time or Facility requested.
- Aquatics Management will make every effort to avoid disrupting Partner Groups in good standing with the City and will consider assigning new applicants to underutilized Facilities.
- The Partner Group with the highest number of points will have "home pool" first right of refusal on space to limit or prohibit the sharing of an aquatic facility by competing groups of the same aquatic sport; provided, however, Aquatics Management reserves the right to allocate aquatic facilities including home pool status or other equipment usage based on the needs of the City and the City's goals set forth in Section 1.
 - If two or more teams receive the same number of overall points based on the Home Pool Aquatic Facility Allocation Criteria, the team that has been a 501(c)(3) non-profit organization for the longest period will have first choice of home pool.
- If additional lane allocation is requested, staff will score the Partner Group against the Other Aquatic Facility Allocation Criteria listed below and will consider awarding lane allocation to the Partner Group with the highest number of points.
- All Partner Groups will be notified individually after staff has reached a decision on the allocation pertaining to that Partner Group.
- The City has final determination of aquatic facility space at any time and allocation may be reduced due to City programs.
- The number of regional competitive meets have been grandfathered in and additional meet requests will only be considered if it is a national/international level competitive meet. Aquatics Management reserves the right to refuse meet requests if it affects other City programming.

Home Pool Aquatic Facility Allocation Criteria:

- Youth organization's number of years of serving Scottsdale residents in a specific aquatic sport and location in a positive manner at City Facilities.
 - a. 0-10 years: 1 point
 - b. 11-24 years: 3 points
 - c. 25+ years: 5 points
- Youth organizations with a majority of Scottsdale residents in their group, as confirmed by the roster on file with the national governing body.
 - a. 51%-64%: 1 point
 - b. 65%-74%: 2 points
 - c. 75% or greater: 3 points

- Youth organization in good standing with the City of Scottsdale and national and local aquatics governing organizations.
 - a. Not in good standing: 0 points
 - b. In good standing: 1 point

Other Aquatic Facility Allocation Criteria:

- Youth organization partnership does not displace or disrupt existing or future City public use programs or activities.
 - a. Disrupts 5+ hours of programming per day: 1 point
 - b. Disrupts 3-4 hours of programming per day: 2 points
 - c. Disrupts 1-2 hours of programming per day: 3 points
- Youth organizations that provide services to the greatest number of youths who are Scottsdale Residents, as defined in this Policy.
 - a. 0-100 youths: 1 point
 - b. 101-200 youths: 2 points
 - c. 201+ youths: 3 points
- Is there an opposing team of the same aquatic sport that is already a Partner Group and that is using the pool for which additional lane allocation is requested?
 - a. Yes: 0 point
 - b. No: 1 point

Allocation Priority

The following priorities have been established to determine priority use of aquatic facility space:

- Priority 1: CITY USE
Maintenance needs, public safety and City programs
- Priority 2: INTERGOVERNMENTAL AGREEMENTS
Authorized agreements between City of Scottsdale and other governmental entities
- Priority 3: SCOTTSDALE HIGH SCHOOL AND MIDDLE SCHOOL SWIM PROGRAMS
High school swim programs located in Scottsdale serving residents during the standard high school swim season (currently August through first week in November) and middle school swim programs located in Scottsdale serving residents during the standard middle school swim season (currently March through last week of April)
- Priority 4: PARTNER GROUPS
- Priority 5: CONTRACTS RESULTING FROM CITY SOLICITATIONS (i.e., masters)
- Priority 6: ALL OTHER REQUESTS

Charges for use of Facilities will be as set forth in the Council-approved Community Services fees and charges policy or per contractual agreement, which are subject to change.

Section 8 – Aquatic Facility Sharing Guidelines

Aquatic facility sharing means Partner Groups sharing a Facility in a cooperative manner such as swimming and diving practicing at the same time in accordance with the responsibilities set forth in Section 10. City staff, in their discretion, may require, limit, or prohibit the sharing of a Facility by

competing groups of the same aquatic sport. Partner Groups may also be required to share Facilities with other Facility users such as City provided public lap or recreational swim. Additionally, Partner Groups will be required to share Facilities and temporarily use a Facility other than their designated home pool to accommodate City maintenance, repairs, and improvements (e.g., future expansion of Cactus Aquatic Center). Partner Groups who do not share Facilities in accordance with City guidelines when required to share the Facility may have pool time or aquatic facility access limited as a result or face additional adverse action as set forth in Section 11.

Section 9 – Partner Agreement and Facility Use Permit

Partner Groups approved for aquatic facility allocation pursuant to this Policy will be required to enter into a written agreement with the City (“Partner Agreements”), setting forth the terms and conditions of aquatic facilities use. For Partner Groups that have not been a Partner Group or Sponsored Team for at least five (5) years, Partner Agreements will be for no more than one (1) year. For Partner Groups that have been a Partner Group and/or Sponsored Team for more than five (5) years, if approved by Scottsdale City Council, Partner Agreements may be for an initial period of three (3) years with up to two (2) optional one (1) year renewal periods. All Partner Agreements will be subject to termination by the City, with or without cause, upon giving 30 days’ written notice or immediately if for reasons of public health or safety. As a condition of receiving the services or benefits, Partner Groups must comply with all insurance and indemnification requirements deemed necessary by the City Risk Management Department. Insurance and indemnification requirements will be provided to an applicant upon request.

Once the aquatic facility use is determined and a Partner Agreement is executed, an aquatic facility use permit will be issued to the group by the City, as determined by the City in its sole discretion. The facility use permit is effective for a length of time to be determined by the City. Partner Groups must resubmit their request for the facility use permit monthly, or as indicated in their aquatic facility use permit. An administrative fee will be charged for each facility use permit issued in accordance with the approved Community Services fees and charges policy.

A Partner Group must submit an application annually to continue to be considered for Facility use and Aquatics Management will ensure Partner Groups remain eligible for such status.

Section 10 – Responsibilities of Partner Groups

Responsibilities of Partner Groups include, but are not limited to, the following:

- Submitting proposed practice schedule(s) at least 30 days in advance of first use.
- Regular, ongoing communication with Aquatics Management regarding Facility use and scheduling and demonstrate willingness to cooperate when scheduling.
- Cooperation and collaboration in working with Aquatics Management and other Facility users to assist in accommodating groups that serve Scottsdale residents.
- Fostering good working relationships with other Partner Groups and Facility users.
- Meeting all deadlines and requirements of the Policy.
- Cleaning and maintaining the Facility and spectator areas utilized by picking up trash and returning equipment to proper areas after use.
- Supervising and maintaining control over the conduct of participants and spectators during use of assigned Facilities.
- Compliance with the Community Services Behavior Management and Parks and Recreation and Human Services Rules of Conduct policies (attached).
- Providing assistance with City aquatic programs, as needed.

- Providing volunteer assistance at City Parks & Recreation special events or other City approved special events or programs (i.e., Mighty Mud Mania, Fall Festival, Holiday Lights, Recreational Swim & Dive City Championship meet, Splash-n-Dash, Aquatic Events).
- Providing assistance with marketing for City aquatics programs, including lifeguard recruitment, as requested.
- Providing assistance with preparations and conditions of Facilities prior to and following group use.
- Contributions of equipment, labor, or funds supporting Facility improvements or repairs of the benefit of City residents.
- Compliance with City policies and training.
- Supervision and safety of Partner Group use according to the City of Scottsdale's Lifeguard Plan.
- Submittal of required reports and records.
- Payment of applicable Council-approved fees and charges, subject to change.
- Payment of any required out-of-pocket costs.
- Coaches and managers demonstrate compliance with the standards of their organization and disclose any history of probationary actions.
- Youth organizations provide training and meet the appropriate certification standards of their organization for all coaches and managers.
- Cognizance of limited lane space and City budget restrictions when/if increasing members above the information submitted in initial application.
- Compliance with all requirements of the Partner Agreement.

All coaches must obtain and maintain current lifeguard certifications per the City's lifeguard certification provider. Copies of certifications must be submitted for each coach.

Section 11 – Policy Violations

City Parks and Recreation staff members will monitor Facility use throughout the year, as outlined in Section 10 – Responsibilities of Partner Groups and the Partner Agreement. The following procedures will be used to address Policy violations as they arise. City staff will track and keep record of violations to ensure the Partner Group continues in good standing. The City reserves the right, in its sole discretion, to determine the scope and severity of any consequences of violations on a case-by-case basis.

Policy violations include, but are not limited to:

- disregarding responsibilities listed in Section 10 – Responsibilities of Partner Groups or the Partner Agreement
- failure to use a reserved aquatic facility at the designated time
- loss of eligibility status*

In the event of a violation(s), the following actions may be taken by the City:

1. Initial violation – City staff will contact the Partner Group, by telephone and e-mail and notify them of the violation and required corrective action.
2. Repeated violations – City staff will provide the Partner Group with written notification of violations, possible meeting and required corrective action.
3. Continuing violations – If a violation continues after written notification has been provided to the Partner Group, staff will require the Partner Group and/or authorized representatives to meet and discuss the violations, required corrective actions and/or possible loss of aquatic facility allocation.

*Loss of eligibility status may result in loss of aquatic facility allocation until eligibility status is restored.

Notwithstanding the foregoing, the City reserves the right to terminate the Partner Agreement, with or without cause, upon giving the Partner Group 30 days' written notice, or immediately if the termination is based on health or safety.

Section 12 – Appeal Process









Any applicant that has been denied as a Partner Group may appeal the denial to the Parks and Recreation Director (“Director”) for consideration and determination. If the applicant objects to the determination made by the Director, it may appeal to the Assistant City Manager overseeing Community Services (“Assistant City Manager”). The burden of proof is on the applicant requesting review. Appeals of allocation priority or home pool determination will not be entertained.

Appeals to either the Director or the Assistant City Manager must be in writing and state the reasons for the appeal. Any such appeal must be sent via certified mail or hand delivery to Aquatics Management and must be received no later than two (2) weeks following the date of the denial.

Applicants may appeal to the Assistant City Manager only after a timely appeal has been made to the Director and the Director has denied the appeal. Failure to file a timely appeal with Aquatics Management, to the Director or the Assistant City Manager, as applicable, will constitute a waiver of the right to appeal.

The Director or the Assistant City Manager, as applicable, will review the appeal and any supporting documentation in light of this Policy and best interests of the City and make a written determination to uphold or overturn the denial. If deemed necessary to render a determination, the Director, or the Assistant City Manager, as applicable, may request that the appealing organization provide additional information or make a presentation. The Assistant City Manager’s determination regarding the appeal is final and constitutes an exhaustion of the applicant’s administrative remedies.

Community Services Policy – Behavior Management Policy

	Approvals:	Date Approved:
	 William B. Murphy, Assistant City Manager	09-16-2019
	 Reed Pryor, Parks & Recreation Director	09-16-2019
	 Greg Bestgen, Human Services Director	09-16-2019
	 Kira Peters, Library Director	09-16-2019
	 Kroy Ekblaw, Preserve Director	09-16-2019
	 Brian Dygert, WestWorld General Manager	09-16-2019
 Community Services Policy Team	09-16-2019	

1.0 PURPOSE

- 1.1. The purpose of this Policy is to establish standard procedures regarding how Community Services enforces the Rules of Conduct for adults in Community Services Facilities, Parks, and Programs. This Policy also creates an appeal process. There may be separate behavior guidelines and procedures for youth.
- 1.2. This Policy is intended to provide notice, standard procedures, proper management authority delegation, and consistency in process. Failure to meet one or more provisions of this Policy does not invalidate a trespass warning that was otherwise lawfully issued.
- 1.3. This policy will serve as a guide for Community Services staff to enforce and educate the public about the Rules of Conduct and General Park Rules/Ordinances.

2.0 POLICY

- 2.1. It is the policy of Community Services to maintain a safe environment in all Facilities, Parks, and Programs and an atmosphere in which mutual respect and dignity is maintained for all individuals. This Policy does not prohibit a person from exercising his or her lawful First Amendment rights at a public forum.

3.0 PROCEDURES | REGULATIONS

In the operation of Community Services Facilities, Parks, and Programs, Community Services staff relies upon the Rules of Conduct to maintain safe environments. To enforce the Rules of Conduct, staff will follow progressive disciplinary steps or, if the offense is serious enough, one violation may result in suspending a patron's privileges from a Facility, Park, or Program for a specified period of time, which may be followed by enforcement of the state criminal trespass statute by the Scottsdale Police Department. Disciplinary steps may be escalated for serious or dangerous situations.

- 3.1. **PROGRESSIVE DISCIPLINE:** Progressive discipline means issuing and documenting verbal and/or written warnings before suspending the patron's privileges for violating the Rules of Conduct.

Community Services Policy – Behavior Management Policy

- 3.1.1. **PROGRESSIVE DISCIPLINE VIOLATIONS:** Any violations of the Rules of Conduct except the violations stated in Section 3.2.1 may warrant progressive discipline (i.e. documented verbal and/or written warnings).
- 3.1.2. **VERBAL WARNING:** Unless a patron's conduct violates Section 3.2.1 below, before issuing a written warning for violations of the Rules of Conduct (Behavior Warning Letter), Community Services staff should:
 - A. Verbally warn the patron that his or her conduct violates the Rules of Conduct, request compliance, and warn the patron that failure to comply may result in the patron being asked to leave the premises;
 - B. Provide a reasonable opportunity for the patron to cease the violation; and
 - C. Not issue a written warning if the patron promptly ceases the violation.
- 3.1.3. **WRITTEN WARNING AFTER VERBAL WARNING:** When staff has verbally warned the patron that his or her conduct violates the Rules of Conduct and the violation continues, a Community Services Supervisor may initiate a Behavior Warning Letter as set forth in Section 3.3 below as part of the progressive discipline process. The Community Services Supervisor will also submit an incident report to document the incident and that a Behavior Warning Letter was given to the patron.
- 3.1.4. **SUSPENSION AFTER WARNING:** When a violation is serious or repeated, a Community Services Supervisor may issue a Trespass Warning Letter to suspend the patron's privileges from the location where the violation took place or for all Facilities, Parks, and Programs, depending on location and severity of the offense. See the procedures set forth in Section 3.3 below.
- 3.2. **IMMEDIATE TRESPASS WARNING:** Certain serious violations of the Rules of Conduct may result in suspending a patron's privileges to one or all of Community Services Facilities, Parks, and Programs after the first incident without a verbal warning. See the procedures set forth in Section 3.3 below. In the event of criminal activity or if staff believes there is an imminent threat, the Police Department should be called.
 - 3.2.1. **IMMEDIATE TRESPASS WARNING VIOLATIONS:** Violations that may result in immediate trespass warnings without a verbal warning include, but are not limited to:
 - A. Physical or threatened assault to a patron or staff member.
 - B. Severe verbal abuse or intimidation of a patron or staff member.
 - C. Intentional damage to facilities, materials, or furnishings.
 - D. Theft of City property.
 - E. Any illegal activity.
 - F. Any activity that causes serious disruption of Community Services-provided services.
 - G. Any violation of the Deadly Weapons/Gun Locker Policy.
 - H. Accessing pornography (city facilities with public PC access).

Community Services Policy – Behavior Management Policy

3.3. **ISSUING BEHAVIOR WARNING LETTER OR TRESPASS WARNING:** Written Behavior Warning Letters and Trespass Suspension Warning letters must be initiated and signed by a Community Services Supervisor. If a Community Services Supervisor is not onsite at the time of the violation and no immediate action is needed, the staff member should contact a Community Services Supervisor as soon as reasonably possible to initiate the appropriate letter. The Police or City Attorney's Office may also be consulted for advice. When necessary, upon request, trespass warnings can be issued by a Scottsdale police officer on behalf of Community Services. If a police officer issues a trespass warning on behalf of Community Services, staff shall (i) deliver, or request that the police officer deliver, to the patron a Notice of Request for Reconsideration Process¹ and (ii) complete and submit an incident report to document the incident.

3.3.1. **PROCEDURES:** The Community Services Supervisor will take the following steps to issue a Behavior Warning Letter or a Trespass Warning Letter:

- A. Determine if the violation(s) merits a written Behavior Warning Letter or Trespass Warning Letter.
- B. If so, draft a Behavior Warning Letter or Trespass Warning Letter detailing the incident(s) (see samples attached). Additionally, a Trespass Warning Letter should include the length of time of the suspension, the location(s) or program(s) the patron is prohibited from entering or participating in and the consequences of violating the trespass warning (possible arrest), and the process for requesting reconsideration.
- C. Send the Behavior Warning Letter or the Trespass Warning Letter by certified mail, return receipt requested, and regular mail, or alternatively hand deliver the Behavior Warning Letter or the Trespass Warning Letter and note its receipt. If appropriate, request the presence of a police officer prior to serving the Trespass Warning Letter and provide the police officer with a copy of the Trespass Warning Letter for his or her report. If applicable, send a copy of the Behavior Warning Letter or Trespass Warning Letter to the Department Director.
- D. Complete and submit an incident report to document the incident and that the appropriate letter was sent.
- E. **ADDITIONAL PROCEDURES FOR TRESPASS WARNINGS:**
 1. If possible, take a photograph of the suspended patron.
 2. If necessary, provide a copy of the Incident Report and any supporting photographs to the Scottsdale Police Department for tracking and future prosecution purposes.
 3. Retain a copy of the Trespass Warning letter for compliance purposes. Any personal information or photos posted in employee work areas should be posted out of the public's view and used solely for identifying persons who are prohibited from entering or participating in a Community Services Facility, Park or Program, or who have been known to be involved in criminal activity.

¹ This does not apply to a criminal trespass citation.

Community Services Policy – Behavior Management Policy

4. Save the information in a designated, secure area for the applicable Community Services department.
5. Send a copy of the Trespass Warning Letter to the Police Department Crime Prevention Officer for the police district in which the Community Services facility is located. If a police report is created for the incident, retain the police report number.
6. Maintain a list of all Community Services locations from which the offender is prohibited from entering.
7. Do not disseminate or use for non-City purposes any information contained in a Trespass Warning, including personal information and photos, except as may be required by law. (See AR 296 – Records Requests.)

3.3.2. **LENGTH OF SUSPENSION:** For serious incidents that merit an immediate trespass warning (see Section 3.2.1), the patron's privileges may be suspended for up to one year. For other violations subject to progressive discipline (see Section 3.1.1), the patron's privileges may be suspended for up to six months.

3.3.3. **NONCOMPLIANCE WITH TRESPASS WARNINGS:** Noncompliance with a trespass warning could result in the following:

- A. Patrons who violate their trespass warning may have the term of their suspension extended by (a) up to six months from the date of violation if the patron violated a six-month trespass warning or (b) up to one year from the date of violation if the patron violated a one-year trespass warning. Only a Community Services Supervisor can extend the term of suspension by issuing a new Trespass Warning Letter. Staff should send a copy of the new Trespass Warning Letter to the Police Department Crime Prevention Officer for the police district in which the Community Services facility is located.
- B. Patrons who violate their trespass warnings may be arrested and/or cited for criminal trespass from the Facility, Park, or Program.
- C. If a patron commits a subsequent violation of the Rules of Conduct within six months after the date the patron's trespass warning expired, the patron may be issued a trespass warning immediately even if the violation normally would be subject to progressive discipline.

3.4. **REQUEST FOR RECONSIDERATION OF TRESPASS WARNING:** A patron who has received a Trespass Warning Letter may, within 20 days of the date of the Trespass Warning Letter, submit a written request for reconsideration with any applicable supporting documentation to the Community Services Director. The burden of proof is on the patron requesting review. The Community Services Director will review the request, any supporting documentation and the facts and circumstances relating to the trespass warning and decide to uphold, modify, or overturn the trespass warning. The Community Services Director shall provide the patron with a written notice of the Community Services Director's determination within 30 days following receipt of the patron's timely written request for reconsideration. If the Community Services Director modifies or overturns a trespass warning, staff shall send a copy of the determination to the Police

Community Services Policy – Behavior Management Policy

Department Crime Prevention Officer for the police district in which the Community Services facility is located. The Community Services Director's determination regarding the request for reconsideration shall be final and shall constitute an exhaustion of a patron's administrative remedies.

The request for reconsideration process does not apply and is not available to patrons who have been arrested for violating a trespass warning.

4.0 DEFINITIONS

For purposes of this Policy, terms are as defined below:

- 4.1. "Community Services" means the city division consisting of the Parks & Recreation Department, Human Services Department, Preserve, WestWorld, and Library System.
- 4.2. "Behavior Warning Letter" means a written communication to a person that he or she has violated the Rules of Conduct and warn that if any violation continues or recurs, his or her privileges to enter the applicable Community Services Facilities, Parks, and Programs may be suspended for a period and his or her presence would constitute a criminal trespass. See sample/template Behavior Warning Letter attached.
- 4.3. "Community Services Director" means the City Community Services Executive Director or the Assistant City Manager overseeing Community Services.
- 4.4. "Community Services Supervisor" means:
 - For the Human Services Department: a full-time Human Services Representative, Human Services Specialist, Recreation Leader Senior, Operations Supervisor, Human Services Center Supervisor, Human Services Manager, or the Human Services Director;
 - For the Library System: the designated Person in Charge, a Library Manager, or the Library Services Department Director;
 - For the Parks & Recreation Department: a full-time Parks & Recreation Department Recreation Leader Senior, Pool Manager, Operations Supervisor, Recreation Coordinator, Parks & Recreation Manager, or the Parks & Recreation Department Director;
 - For the Preserve: a full-time Parks & Recreation Department Recreation Leader Senior, Operations Supervisor, Recreation Coordinator, Recreation Manager, or the Preserve Director.
 - For WestWorld: a Maintenance Worker III, Feed Store Supervisor, Business Manager, Facilities Manager, the WestWorld Director, or the WestWorld General Manager.
- 4.5. "Department Director" means the applicable director of the city Parks & Recreation Department, Human Services Department, or Library System.
- 4.6. "Facility, Park, or Program," "Facilities, Parks, and Programs," or "Community Services Facilities, Parks, and Programs" means individually or collectively Scottsdale Public Library Facilities, Human Services Facilities, Park Facilities, Park Grounds, WestWorld, Preserve Grounds, and classes or programs offered by Community Services.

Community Services Policy – Behavior Management Policy

- 4.7. "Human Services Facilities" means Granite Reef Senior Center, Paiute Neighborhood Center, Vista del Camino Community Center, Adaptive Services Center, Youth and Family Services Center, and Via Linda Senior Center.
- 4.8. "Park" means a large parcel of land owned and/or operated by the City for public recreation purposes, excluding the public land within the boundaries of the McDowell Sonoran Preserve.
- 4.9. "Park Facilities" means offices, buildings, structures, or amenities in a Park dedicated for public recreation or governmental purposes, including but not limited to, community centers, visitor centers, offices, maintenance facilities, aquatic centers, fitness centers, pools, equestrian facilities, training facilities, and restrooms.
- 4.10. "Park Grounds" means the areas of a Park other than Park Facilities, including but not limited to, open areas, sidewalks, paths, fields, ramadas, and picnic areas.
- 4.11. "Preserve Grounds" means the areas within the McDowell Sonoran Preserve.
- 4.12. "Rules of Conduct" means the behavioral rules associated with the Community Services Facilities, Parks, and Programs or other unacceptable behavior, which include standard operating procedures, procedures, policies, ordinances, rules or codes of conduct posted or otherwise made available at individual facilities.
- 4.13. "Scottsdale Public Library Facilities" means the Appaloosa Library, Arabian Library, Civic Center Library, Mustang Library, and Palomino Library.²
- 4.14. "Trespass Warning" means a written communication to a person that his or her presence or entry onto certain Community Services Facilities, Parks, and Programs is prohibited and the person must immediately leave the premises for the specified period. See sample/template Trespass Warning Letter attached.

5.0 RELATIONSHIPS TO ADOPTED POLICIES AND ORDINANCES

6.0 LINKS TO SUPPORTING DOCUMENTS

- 6.1. Community Services General Rules of Conduct
- 6.2. Library Specific Rules of Conduct
- 6.3. Scottsdale Park Rules
- 6.4. Notice of Request for Reconsideration Process (To be used when the Scottsdale Police Department has issued a Trespass Warning from Community Services Facilities.)
- 6.5. Sample/Template of Behavior Warning Letter
- 6.6. Sample/Template of Trespass Warning Letter
- 6.7. Flow Chart of Progressive Discipline and Immediate Trespass Warning

7.0 REVIEWED/AMENDED DATE(S) AND NOTES ON SIGNIFICANT CHANGES









- 7.1. Leadership Team reviewed and provided input (February 2014).

² Palomino Library is included only for the period in which the shared-use intergovernmental agreement with Scottsdale Unified School District is in effect.

Community Services Policy – Behavior Management Policy

- 7.2. Policies & Procedures group reviewed and provided input (May 2014).
- 7.3. Library's policies approved from Legal (February 2015).
- 7.4. Policies & Procedures group reviewed and approved (February 2015).
- 7.5. Revised September 2019 to include relevant updates (2019).

Community Services Policy-Rules of Conduct

	Approvals:	Date Approved:
	 William B. Murphy, Assistant City Manager	3/04/2021
	 Reed Pryor, Parks and Recreation Director	3/04/2021
	 Greg Bestgen, Human Services Director	3/04/2021
	 Kira Peters, Library Director	3/04/2021
	 Kroy Ekblaw, Preserve Director	3/04/2021
	 Brian Dygert, WestWorld General Manager	3/04/2021
 Community Services Policy Team	3/04/2021	

1.0 PURPOSE

- 1.1. It is the policy of Community Services to maintain a safe environment in all facilities and parks. Our goal is to provide a positive experience where all facility and park users are ensured open access to services and programs. WestWorld operates under its own Rules & Regulations as outlined in facility use permits and through event providers.

2.0 POLICY

- 2.1. Be considerate and respectful of all facility and park users and staff, and behave in a manner that does not disturb other persons.
- 2.2. Unacceptable conduct includes, but is not limited to:
 - 2.2.1. Any violation of federal or state law, or city ordinance
 - 2.2.2. Loud, disruptive and other inappropriate behavior that would be annoying to a reasonable person using facility and park services
 - 2.2.3. Damaging or stealing facility or park property
 - 2.2.4. Physical injury or aggression towards patrons or staff
 - 2.2.5. Harassing other patrons or staff
 - 2.2.6. Sleeping
 - 2.2.7. Possession of or being under the influence of illegal drug or alcohol
 - 2.2.8. Utilizing restrooms or kitchen areas for washing or bathing
 - 2.2.9. Indecent exposure or lewd acts
- 2.3. Treat facility and park property (furnishings and equipment, etc.) with respect.
- 2.4. Dress appropriately; shirt and shoes are required inside facilities. Persons whose bodily hygiene is offensive so as to constitute a nuisance to other persons shall be required to leave the facility or park.
- 2.5. Children must be supervised and assisted in observing appropriate conduct.
- 2.6. Adult or senior who is unable to adequately take care of themselves must be supervised.
- 2.7. Bicycles and gasoline-powered vehicles must be left outside facilities. Community Services is not responsible for items left unattended.

Community Services Policy-Rules of Conduct

- 2.8. Personal items are to be with you at all times and not left unattended.
- 2.9. Comply with staff requests in regard to policies.
- 2.10. Service Animals are the only animals permitted in the facilities.
- 2.11. Deadly weapons are not permitted in any Community Services facilities unless specifically authorized by law. Weapons may be secured in weapon lockers where provided.
- 2.12. Noncompliance with the Rules of Conduct may result in suspension and/or a trespass from the Community Services facility or park.

3.0 RELATIONSHIPS TO ADOPTED POLICIES AND ORDINANCES

- 3.1. Behavior Management Policy cites Rules of Conduct

4.0 REVIEWED/AMENDED DATE(S) AND NOTES ON SIGNIFICANT CHANGES:

- 4.1. Behavior Management Policy reviewed (5/31/17) and suggested a Rules of Conduct policy be developed to specify rules referenced in the Behavior Management Policy.
- 4.2. Reviewed by CS Policy Team and approved to move through Leadership Team (6/2017).
- 4.3. Reviewed by CS Policy Team and approved to move through Leadership Team (3/2021).