



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Agenda

From: Emily Kane, Deputy City Attorney **Meeting Date:** June 6, 2023
Presenter: Bill Nary, City Attorney **Estimated Time:** 0.1 minutes
Topic: Memorandum of Agreement: Meridian Dairy Days

Recommended Council Action:

Approve the agreement and authorize the Mayor's signature.

Background:

I. HISTORIC MERIDIAN SPECIAL EVENT ORDINANCE

In 2014, by the adoption of Ordinance no. 14-1611, City Council added these provisions to Title 3, Chapter 4, Meridian City Code:

- **Meridian City Code section 3-4-1:**

CITY SERVICES: Services provided by City employees in the course and scope of their employment for the protection of the public health, safety, or welfare and/or for the maintenance of public property. This definition shall include, but shall not be limited to, property maintenance services provided by employees of the Meridian Parks and Recreation Department, public safety services provided by employees of the Meridian Police Department, and fire protection and medical services provided by employees of the Meridian Fire Department. This definition shall not include services related to permitting, licensing, inspections, or the provision of services by City contractors.

- **Meridian City Code section 3-4-1:**

SPECIAL EVENT: . . . A special event shall be classified as an "Historic Meridian Special Event" where such special event has occurred within Meridian on an annual basis for seventy-five (75) years or more.

- **Meridian City Code section 3-4-5(F)(3)(b):**

. . . City may provide city services necessary to support Historic Meridian Special Events at no or reduced charge to organizer, as established by written agreement, where the provision of such services is deemed feasible and appropriate in the discretion of the respective department director(s). Notwithstanding the execution of such contract, all provisions of this chapter, including penalties for noncompliance, shall apply, in addition to any remedies set forth in such contract.

By the adoption of Ordinance no. 14-1614, City Council also amended the Parks Code:

- **Meridian City Code section 13-2-4(C)(1):**

... No reservation fee shall apply to historic Meridian special events as defined in Title 3, Chapter 4 of this Code.

II. AMOUNT OF CITY'S INVESTMENT

In 2014, the City invested a total of \$8,168 in Dairy Days, of which \$5,982 was for the parade. ACHD also provided materials and flaggers at a cost of \$5,374 to ACHD.

2014 Parade:	\$50	Citizen's use permit fee waived
	\$2,005	Police staffing for parade (18 officers)
	\$3,927	Specialty Construction traffic control plan, signs, barricades, flaggers per ACHD requirements
2014 other:	\$150	Temporary use permit fee waived
	\$1,400	Parks & Recreation staffing Storey Park during event
	<u>+</u> \$636	Storey Park reservation fee
	\$8,168	

In 2015, the City authorized an expenditure of \$9,000 for Dairy Days, of which approximately \$7,750 was for the parade.

2015 Parade:	\$50	Citizen's use permit fee waived
	\$2,000	Police staffing for parade (15-18 officers)
	\$5,000	Traffic control plan, signs, barricades, flaggers per ACHD requirements
	\$700	Fire Department EMS/first aid staffing (8 paramedics)
2015 other:	\$150	Temporary use permit fee waived
	\$1,400	Parks & Recreation staffing Storey Park during event
	<u>+</u> \$636	Storey Park reservation fee
	\$9,936	

In 2016, the City invested \$10,037 in Dairy Days, of which approximately \$7,541 was for the parade.

2016 Parade:	\$50	Citizen's use permit fee waived
	\$2,192	Police staffing for parade
	\$4,339	Traffic control plan, signs, barricades, flaggers per ACHD requirements
	\$960	Fire Department EMS/first aid command post staffing
2016 other:	\$150	Temporary use permit fee waived
	\$1,400	Parks & Recreation staffing Storey Park during event
	\$869	Storey Park reservation fee
	<u>+</u> \$77	Electrical permit fee
	\$10,037	

In 2017, the City invested \$11,573 in Dairy Days, of which approximately \$8,030 was for the parade.

2017 Parade:	\$50	Citizen's use permit fee waived
	\$2,094	Police staffing for parade
	\$4,806	Traffic control plan, signs, barricades, flaggers per ACHD requirements
	\$1080	Fire Department staffing for parade (3 bike medics)
2017 other:	\$150	Temporary use permit fee waived
	\$2,364	Parks & Recreation staffing Storey Park during event
	\$964	Storey Park reservation fee
	<u>+</u> \$65	Electrical permit fee
	\$11,573	

In 2018, the City invested \$7,596.72 in Dairy Days, of which approximately \$5,142.12 was for the parade.

2018 Parade:	\$150	Large-Scale Temporary Use Permit fee waived
	\$664.12	Police staffing for parade
	\$4,078	Traffic control plan, signs, barricades, flaggers per ACHD requirements
	\$250	Fire Department staffing for parade
2018 other:	\$1,420	Parks & Recreation staffing Storey Park during event
	\$964.60	Storey Park reservation fee
	<u>+\$70</u>	Electrical permit fee
	\$7,596.72	

In 2019, the City invested \$11,015.86 in Dairy Days, of which approximately \$ 8,561.26 was for the parade.

2019 Parade:	\$150	Large-Scale Temporary Use Permit fee waived
	\$ 2,161.26	Police staffing for parade
	\$6,000	Traffic control plan, signs, barricades, flaggers per ACHD requirements
	\$250	Fire Department staffing for parade
2019 other:	\$1,420	Parks & Recreation staffing Storey Park during event
	\$964.60	Storey Park reservation fee
	<u>+\$70</u>	Electrical permit fee
	\$11,015.86	

In 2020, Dairy Days was canceled in order to avoid the spread of COVID-19.

In 2021, the City invested \$15,158.27 in Dairy Days, of which approximately \$10,814.15 was for the parade.

2021 Parade:	\$ 150.00	Large-Scale Temporary Use Permit fee waived
	\$ 2,400.00	Police staffing for parade
	\$ 7,304.15	Traffic control plan, signs, barricades, flaggers per ACHD requirements
	\$ 960.00	Fire Department staffing for parade
2021 other:	\$ 3,199.32	Parks & Recreation staffing Storey Park during event
	<u>+\$ 1,144.80</u>	Storey Park reservation fee
	\$15,158.27	

In 2022, the City invested \$18,083.83 in Dairy Days, of which approximately \$13,739.71 was for the parade.

2022 Parade:	\$ 150.00	Large-Scale Temporary Use Permit fee waived
	\$ 3,272.15	Police staffing for parade
	\$ 9,357.56	Traffic control plan, signs, barricades, flaggers per ACHD requirements
	\$ 960.00	Fire Department staffing for parade
2022 other:	\$ 3,199.32	Parks & Recreation staffing Storey Park during event
	<u>+\$ 1,144.80</u>	Storey Park reservation fee
	\$ 18,083.83	

III. AWARD TO DAIRY DAYS

A. HISTORY OF CITY'S COMMITMENT TO DAIRY DAYS

In 2014, ACHD a) completed the Split Corridor, which added a crossover from Main Street to Meridian Road, b) advised the Dairy Board that it would no longer provide traffic safety devices such as barricades and cones, and c) determined that only certified flaggers and law enforcement officers could conduct traffic control. City staff advised City Council that the costs of providing City services to support the parade, as well as the event and carnival in the park, were increasing, due to increased attendance at these events.

An interdepartmental team of City staff members proposed an ordinance for historic Meridian events that would help formalize the City's relationship with the Dairy Board as a partner in providing services necessary to support Dairy Days. City Council passed the ordinance, and since that time, staff has worked with the Dairy Board to identify and waive or pay costs and fees related to City or ACHD regulations.

B. HISTORICAL AND FY23 AMOUNT OF CITY'S COMMITMENT, PROCESSES, AND DOCUMENTATION

Since 2014, the City has waived all permit fees, absorbed all staffing costs, and paid the vendor directly for traffic control planning and equipment. Before 2022, City Council's directive to this effect was memorialized in the minutes reflecting City Council's authorization of the City's investment (and in Mayor De Weerd's 2015 letter). The City Attorney's Office was advised not to prepare a written agreement with the Dairy Board regarding the use of City services and/or City facilities for Dairy Days. In 2022, the City Attorney's Office was directed to prepare a written memorandum of agreement with the Dairy Board detailing the City's contributions to Dairy Days.

A summary of each year's process is as follows:

- **FY15:** On March 24, 2015, the Dairy Board president made a presentation to City Council requesting that the City absorb all costs related to City services and the traffic control plan. Following City Council deliberation, City Council agreed to fulfill this request, committing up to \$9,000 for in-kind/staffing contributions and payment for the traffic plan. The Mayor sent a letter to the Dairy Board advising them of the City's contribution to Dairy Days.
- **FY16:** On May 17, 2016, the Dairy Board president made a presentation to City Council requesting that the City absorb all costs related to City services and the traffic plan. On May 24, 2016, the Mayor stated that the cost of the City services necessary to support Dairy Days, including the traffic plan, would be absorbed as part of the departments' respective budgets.
- **FY17:** On May 23, 2017, the Dairy Board president appeared before City Council to make a request for the City's contribution, and, following deliberation, Council authorized an expenditure of \$4,600 for the traffic control plan and directed staff to coordinate with the Dairy Board to provide other necessary City services, with all fees waived. The costs of the City services were absorbed as part of the departments' respective budgets.
- **FY18:** On May 22, 2018, the Dairy Board president appeared before City Council to make a request from the City of \$6,000 to be used for preparation of the traffic control plan. City Council authorized an amount not to exceed \$6,000 to the Dairy Board. The costs of the City services were absorbed as part of the departments' respective budgets.
- **FY19:** On May 21, 2019, the Dairy Board president appeared before City Council to make a request from the City of \$6,000 to be used for preparation of the traffic control plan. City Council authorized an amount of approximately \$6,000 to the Dairy Board. (The City had budgeted \$4,900, so the additional amount required a budget amendment.) The costs of the City services were absorbed as part of the departments' respective budgets.
- **FY21:** On May 18, 2021, the Dairy Board president appeared before City Council to make a request from the City of \$8,900 to be used for preparation of the traffic control plan. City Council authorized a not-to-exceed amount of approximately \$8,900 to the Dairy Board. (The City had

budgeted \$5,000, so the additional amount required a budget amendment.) The costs of the City services were absorbed as part of the departments' respective budgets.

- **FY22:** On May 10, 2022, the Dairy Board president appeared before City Council to make a request from the City of \$9,249 to be used for preparation of the traffic control plan. City Council authorized this amount. The costs of the City services were absorbed as part of the departments' respective budgets. The Dairy Board also executed a memorandum of agreement with the City memorializing the City's contribution to Dairy Days.
- **FY23:** MPD has budgeted \$7,950 for services to be provided at the Dairy Days parade - \$4,450 for the traffic plan and \$3,500 for police services. From FY23 on, unless otherwise directed by the Mayor or Council President, the Dairy Board will not present to City Council prior to Dairy Days; rather, this Memorandum of Agreement, on the June 6, 2023 consent agenda, will serve as the Dairy Board's request for, and the City's agreement to, the City's contribution.