



Mayor Tammy de Weerd

City Council Members:

Luke Cavener
Ty Palmer
Treg Bernt

Joe Borton
Genesis Milam
Anne Little Roberts

MEMORANDUM

DATE: April 26, 2021

TO: Bill Nary, City Attorney

FROM: Emily Kane, Deputy City Attorney

RE: History of City's Role in Dairy Days

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:

- **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 3-4-1.)
- It shall be unlawful for an organizer of a large scale special event, or any person, to conduct, allow, organize, or cause to be conducted or organized a large scale special event without the following: * * * A mutually negotiated and agreed upon special event agreement with the city to establish the terms and conditions of any city services or property to be used, whether as required by this chapter or at such organizer's election, including estimated payment due for all city services provided or necessary to support the event. **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. (Meridian City Code section 3-4-5(F)(3)(b).)

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

- Any person or organization may request that the department reserve a reservable park amenity for its lawful use. Upon receipt of such request and payment of applicable fees as established by fee schedule, the department shall reserve reservable park amenities at the time and place, in the manner, and according to the procedures for equitably allocating reservations as enumerated by administrative policy. **No reservation fee shall apply to historic Meridian special events as defined in Title 3, Chapter 4 of this Code.** (Meridian City Code section 13-2-4(C)(1).)

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
+ \$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. (The following numbers are based on a pre-event estimate.)

- 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 (4 paramedics, 2 roving, 2 at aid station)
- 2015 other: \$150 Temporary use permit fee waived
\$1,400 Parks & Recreation staffing Storey Park during event
+ \$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
	\$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>\$77</u>	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
	\$1080	Fire Department (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>\$65</u>	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
	\$250	Fire Department staff costs
• 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
	\$250	Fire Department staff costs
• 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.

III. MECHANISM OF AWARD TO DAIRY DAYS

The Split Corridor was completed in 2014, necessitating a new parade route. ACHD also advised the Dairy Board that it would no longer provide traffic safety devices such as barricades and cones, and that volunteers would no longer be acceptable for traffic control. City staff advised City Council that the costs of providing City services to support the parade (as well as the event in the park) were growing given area growth. 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 staff worked with the Dairy Board to identify and cover or absorb the City's costs.

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.

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 noted 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.

On May 23, 2017, the Dairy Board president appeared before City Council to make a request for the contribution, and, following deliberation, Council authorized a not-to-exceed amount of \$4,600 for the traffic control plan and directed staff to coordinate with the Dairy Board to provide the other City services. The costs of the City services were absorbed as part of the departments' respective budgets.

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 a not-to-exceed amount of \$6,000 to the Dairy Board. The costs of the City services were absorbed as part of the departments' respective budgets.

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 a not-to-exceed 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.

Since 2015, other than the minutes reflecting City Council's authorization of the City's investment, no other documentation has been used to memorialize City Council's decision. The City Attorney's Office has also been advised not to prepare a written agreement with the Dairy Board regarding the use of City services and/or City facilities for Dairy Days.