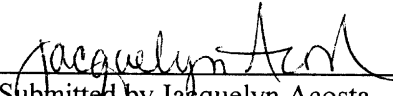





City of Carson Report to Mayor and City Council

June 7, 2011
New Business Consent

SUBJECT: PARK VOLUNTEER ASSOCIATIONS' REQUEST FOR WAIVER OF ELIGIBILITY REQUIREMENT TO QUALIFY AS FIREWORKS STAND APPLICANTS


Submitted by Jacquelyn Acosta
Administrative Services General Manager


Approved by Clifford W. Graves
Interim City Manager

I. SUMMARY

Carriage Crest Park Volunteer Association and Dolphin Park Volunteer Association are requesting that the City Council waive one of the eligibility requirements in order to be considered as applicants for licenses to operate fireworks stands for the 2011 season.

Due to their affiliation with the city, the two organizations do not possess their own tax-exempt status as required by Section 3101.2(a) of the Carson Municipal Code (CMC). In instances where organizations are affiliated with the city, the Council may waive the requirement imposed by said section with three-fifths affirmative vote.

II. RECOMMENDATION

APPROVE the applicants' request to waive the eligibility requirement of non-profit, charitable status in order to qualify for fireworks stand licenses for the July 2011 season.

III. ALTERNATIVES

1. DENY the applicants' request.
2. TAKE another action the City Council deems appropriate.

IV. BACKGROUND

Effective February 20, 1998, in order to be eligible for a fireworks stand license, an applicant is required to be a non-profit, charitable corporation or association with a current exemption under Section 501(c)(3) of the Internal Revenue Code or Section 27301(d) of the Revenue and Taxation Code.

Pursuant to Section 3101.2(d) of the Carson Municipal Code (Exhibit No. 1), the City Council may, by the affirmative vote of three-fifths of its members, waive the eligibility requirements for applicants who are affiliated with programs and activities officially sponsored or operated by the city.

Both Carriage Crest Park Volunteer and Dolphin Park Volunteer Associations have operated fireworks stands as fund raising ventures since 1995. Due to the more stringent qualification requirements put in place in 1998, the organizations

are seeking a waiver from the City Council. The primary functions of these two organizations are to support their respective parks with fundraising efforts, and provide volunteer assistance with various park programs. Both associations are co-managed by city staff and operate from city park facilities.

By virtue of their affiliation with the city's park programs, these two organizations qualify for an exemption of the eligibility requirement imposed under CMC Section 3101.2(a).

V. FISCAL IMPACT

None.

VI. EXHIBITS

- 1. CMC Sections 3101.2(a) through (d). (pg. 3)

Prepared by: Trini H. Catbagan, Finance Officer

TO:Rev032811

Reviewed by:

<u>City Clerk</u>	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

Action taken by City Council

Date _____ Action _____

§ 3101.2 Persons Eligible.

A license for the sale of fireworks shall be issued only to such applicants who meet the following qualifications and requirements:

(a) A nonprofit, charitable corporation or association currently recognized as a Section 501(c)(3) organization under the Internal Revenue Code or as a Section 27301(d) organization under the Revenue and Taxation Code.

(b) Said corporation or association has its principal and permanent meeting place in the City of Carson, or fifty (50) percent of its members reside in the City, and it has been organized and established in the City, as such, for a minimum of one (1) year continuously preceding the filing of the application for the license, and has a bona fide membership of at least twenty (20) members.

(c) A license shall not be issued unless the person, association or organization applying for the license has first obtained a license from the State Fire Marshal, under Section 12500 et seq. of the Health and Safety Code of the State of California.

(d) The City Council may, by the affirmative vote of three-fifths (3/5) of the members of the City Council, waive, in whole or in part, the qualifications and requirements of subsections (a) or (b) of this Section for any applicant which the City Council finds is affiliated with a program or activity which is officially sponsored or operated by the City of Carson. (Ord. 21, § 1; Ord. 69-86, § 6; Ord. 70-122, § 1; Ord. 92-986U, § 3; Ord. 94-1036, § 1; Ord. 95-1081U, § 3; Ord. 98-1129, § 1)