



Legislation Text

File #: 64836, **Version:** 1

Title

Authorizing the Park Superintendent to Approve Certain Park Event Permits Temporarily Due to COVID Restrictions That Will Allow Events and Encourage Use of Park Spaces for Economic Recovery

Body

WHEREAS, the Board of Park Commissioners has the statutory authority, under Wis. Stat. §27.08(2)(a), to govern, manage, control, improve and care for all public parks within the City of Madison, and to secure the quiet, orderly and suitable use and enjoyment thereof by the people, and to adopt rules and regulations to promote those purposes; and

WHEREAS, the primary mission of Madison Parks is to provide residents and visitors with open space and facilities for recreation and relaxation. Under regulated circumstances, a park event permit can be used to reserve park space for a special event; and

WHEREAS, On February 12, 2020, the Board of Park Commissioners (BPC), by Legislative File #59486, delegated park event review and approval authority to the Park Superintendent and the Facilities, Programs and Fees Subcommittee (FPFS) under certain conditions, which requires all but recurring events with no changes to be reviewed and approved by the FPFS and/or BPC at a public meeting; and

WHEREAS, On April 15, 2020, the Board of Park Commissioners (BPC), by Legislative File #60250, approved temporary procedures allowing the Superintendent to review and approve recurring events with significant changes, and referring new events back to the BPC for approval, until such time as the FPFS is allowed to resume meeting again and the FPFS has been allowed to resume meetings virtually so the temporary process from File # 60250 is no longer in place; and

WHEREAS, this means that all events in parks, other than recurring events with no changes, require review and approval by a public body, and this necessarily creates some lag time in the approval process as applicants must wait for a regularly scheduled meeting to receive approval; and

WHEREAS, the COVID-19 Pandemic has been ongoing since March 2020, resulting in Governor Tony Evers' "Safer at Home Orders" and a series of emergency orders from Public Health Madison & Dane County (PHMDC) that have deemed parks essential outdoor spaces that are better options for gatherings when allowed; and

WHEREAS; the severe consequences of COVID-19, which have cancelled numerous events and caused serious economic hardships for businesses, are expected to continue as local, state, and federal governments work to, among other things, distribute COVID-19 vaccines; and

WHEREAS, PHMDC Emergency Order #15 expanded the orders with respect to gatherings, allowing much larger outdoor gatherings than before, as there is cautious optimism that the community is beginning to recover from the pandemic; and

WHEREAS, if vaccination rates continue to increase and the community's positive tests and hospitalizations decrease, it is expected that the size and nature of gatherings permitted by the health orders will expand; and,

WHEREAS, Parks staff are being approached by a number of organizers and businesses exploring various creative ways to utilize park spaces to attempt to recover and provide programming to the community in

COVID-safe ways, consistent with current PHMDC orders; and

WHEREAS, the anticipated volume of requests and traditional approval processes are likely to be beyond the capacity of Facilities, Programs and Fees Subcommittee and Board of Park Commissioners, particularly for one-time or limited duration events; and

WHEREAS, with the rapidly evolving public health orders, some flexibility and less reliance upon monthly or bi-monthly committee meetings during the review and approval process is needed to assist the community in its use of park space during the COVID-19 recovery period.

NOW, THEREFORE, BE IT RESOLVED, that, during the existence of the COVID-19 public health emergency, the Board of Park Commissioners authorizes the following temporary changes to the approval process for new or recurring park events:

1. **Recurring Events with Changes:** In addition to the existing administrative authority under File No. 59486 to approve recurring events with no changes, the Parks Superintendent (or designee) is authorized to review and administratively approve applications for recurring events with significant changes to the event (such as adding vending or beer sales, change of location, etc.) or if there have been significant health or safety issues with an event that was previously approved by the Subcommittee;
2. **New Events:** The Parks Superintendent or designee is authorized to review and administratively approve new events, depending on the scale and complexity of the event and other factors listed in item 4;
3. The Parks Superintendent will provide a monthly report to Board of Parks Commissioners of the approved events, types of permits and any issues/concerns related to the events approved under this temporary authorization;
4. The Parks Superintendent/designee may refer applications for certain new and/or returning events to the Facilities, Programs and Fees Subcommittee under the following circumstances: complexity or size of the event warrants additional review; requesting extension of park hours; concerns with compliance with PHMDC Emergency Orders; , past violation(s) of permit conditions for previously held events; , or other operational concerns articulated by the Superintendent that relate directly to public health and safety and warrant additional review by the FPFS; ;
5. All approvals made under this resolution shall be made applying existing criteria for parks event approval, and conditioned upon completion of required application forms, documented COVID-19 plans as required by PHMDC, and obtaining all other necessary permits (ie. vending, amplification, alcohol, etc.);
6. The decision of the Park Superintendent/designee or the Facilities, Programs and Fees Subcommittee to deny an event or impose conditions on an event may be appealed to the Board of Park Commissioners. Such an appeal must be made by providing written notice thereof to the Park Superintendent within fifteen (15) days of notice of said decision. The appeal must state the grounds for the appeal.

BE IT FURTHER RESOLVED, that approval of any Park Event under this authorization is temporary and subject to continued compliance with all applicable federal, state and local laws and Public Health Madison and Dane County Orders, requirements, and guidelines, with the Board and the Facilities, Programs and Fees Subcommittee retaining their future authority over the authorization of any park events; and

BE IT FINALLY RESOLVED the temporary changes in this resolution will take effect once approved by the Board of Park Commissioners and remain in effect until sixty (60) days after the time that the Director of Public Health Madison and Dane County has determined to end the emergency actions taken to combat the COVID-19 pandemic. At that time, this temporary delegation of approval authority for events in the Madison park system will no longer be in effect and the process for reviewing requests for events in parks will return to that authorized in Legislative File #59486.

