

Westchase Community Development District

Board of Supervisors

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Christopher High, Assistant Secretary

Heather Dilley, District Manager
Erin McCormick, Esq, District Counsel
Sherida Cook, Office Manager
Robert Dvorak, District Engineer
David Sylvanowicz, Field Manager

Workshop Agenda

Tuesday, July 21, 2026 – 4:00 p.m.

Meeting Location: Westchase Swim and Tennis Center,
10405 Countryway Blvd, Tampa, Florida

www.westchasecdd.us

1. Call to Order
2. Audience Comments
3. Discussion of Funds and Expenditures
4. Discussion of Fishkind Operations and Maintenance Assessment Methodology
5. Discussion of Landscaping Assessment VHB - Ivy Clinton
6. Discussion of Commercial Use of Parks and Bay Bridge Park Landscaping
7. Adjournment

District Office:

Kai
2502 N. Rocky Point Dr.
Suite 1000, Tampa, FL 33607

Meeting Location:

Maureen B. Gauzza Regional Library
11211 Countryway Boulevard,
Tampa, FL 33626

OPERATIONS & MAINTENANCE EXPENSES ASSESSMENT METHODOLOGY REPORT FOR THE COMBINED WESTCHASE AND WESTCHASE EAST COMMUNITY DEVELOPMENT DISTRICTS

Dated August 11, 2006

Prepared for

**Board of Supervisors For
Westchase and Westchase East Community Development
Districts
Tampa, Florida**

Prepared by

**Fishkind & Associates, Inc.
12051 Corporate Boulevard
Orlando, Florida 32817
407-382-3256**

Executive Summary

- 1.0 Boards of Supervisors of the Westchase and Westchase East Community Development Districts (“Districts”) directed Severn Trent Services to retain the services of Fiskind and Associates, Inc. (Consultant) to update the methodologies used by the Districts to allocate combined costs for its operations and maintenance expenditures.
- 2.0 The Consultant reviewed published assessment methodologies and 2006/07 budgets related information for Districts to determine total number of residential, nonresidential and recreational unit or categories. In addition, total assessment levy for 2007 for both Districts were obtained from the proposed operating budget for fiscal year 2007 by functional categories.
- 3.0 Applying ERU (equivalent residential units) methodologies to the combined administrative, water management, recreation and public safety budget functions along with Institute of Transportation Engineers (ITE) trip generation factors for right of way expenditures, Consultant determined total expenditure allocation by district and residential and nonresidential categories linked to total assessments for both Districts.
- 4.0 Using detailed 2007 budget assessment levy information along with ERU and ITE allocation procedures, Consultant determined the overall financial impact of the proposed budget in the Table 1 presentation below:

Table 1. Proposed 2007 O&M Assessments

Category	Units/Acres	Total Units/Acres	Per Unit/Acre
Single-family	3,282	\$1,862,662	\$567.54
Multifamily	1,215	\$513,267	\$422.44
Commercial	46.59	\$587,350	\$12,606.09
Golf Course	58.00	\$10,017	\$172.71
Total Assessment Levy		\$2,973,297	

Source: Severn Trent, Fishkind & Associates

OPERATIONS & MAINTENANCE ASSESSMENT METHODOLOGY FOR WESTCHASE AND WESTCHASE EAST COMMUNITY DEVELOPMENT DISTRICTS

August 11, 2006

1.0 Introduction

1.1 Purpose

This report ("Report") provides a methodology ("Methodology") for allocating the annual operational and maintenance expenses of Westchase and Westchase East Community Development Districts ("Districts") to properties within the Districts based on the proportionate benefit conferred on each property by the services and projects provided by the Districts' operations and maintenance activities ("O&M Activities") for the draft proposed FY2007 budget.

This report is designed to conform to the requirements of Chapters 170, 189, and 190 of the State of Florida Statutes and is consistent with the author's understanding of non-ad valorem assessments of the type dealt with herein. The Consultant will design a new allocation methodology to allocate the costs for operations and maintenance expenditures benefiting properties in both Districts on a fair and equitably apportion basis.

1.2 Background

The Westchase and Westchase East Community Development Districts is independent Special Districts established in Hillsborough County Florida and governed according to Chapters 190 and 170 of the Florida Statutes. The Districts were established to provide governmental, administrative, public safety services, and recreational facilities to those owning property within the Districts. The Districts, managed by Severn Trent Associates, has served its property owners and others benefiting from its services and facilities.

Both Districts are self-governed by five-member Board of Supervisors that is elected by property owners within each District. The District's Chair is the chief executive officer of the District and acts at the direction of the Board of Supervisors. The Chair has general supervision of all the services and functions of each District in accordance with adopted District guidelines. Using information the proposed FY 2007 budget summary, Table 2 categorizes the combined number of residential units, commercial and recreational acreage in pertaining to each district used in this study.

Table 2. Combined Westchase/Westchase East Units

Category	Volume	Units/Acres
Single-family	3,282	Units
Multifamily	1,215	Units
Commercial	46.59	Acres
Golf Course	58.00	Acres

Source: Severn Trent

1.3 Requirements of a Valid Assessment Methodology

Valid special assessment under Florida law require at two requirements. First, the properties being assessed must receive a special benefit from the improvements paid for via the assessments. Second, the assessments must be fairly and reasonably allocated to the properties being assessed.

If these two characteristics of valid special assessments are adhered to, Florida law provides wide latitude to legislative bodies, such as the Districts' Board of Supervisors, in approving special assessments. Indeed, Florida courts have found that the mathematical perfection of calculated special benefit is probably impossible. Only if the Districts' Board was to act in an arbitrary, capricious, or grossly unfair fashion would its assessment methods be overturned.

2.0 Assessment Methodology

2.1 Overview

As noted above, the Methodology is a process by which the combined Districts will allocate overall operation and maintenance expenses to specific properties within the Districts that benefit directly from the services and maintenance activities provided by both Districts. The standard assessment analysis utilizes allocations are based upon the benefit that a property receives from each separate component of the Districts' O&M activities. Below are the proposed FY 2007 budget related detailed O&M activity expenditures are comprised of the following five components covering:

- 1) District administrative services
- 2) Community services - right of way
- 3) Community services - water management
- 4) Community services - recreation
- 5) Community services – public safety

2.2 Assessable Property Types

This Methodology will allocate the costs of the Districts' O&M Activities to

the four general categories of property found within the Districts. The property categories used in this report for allocation purposes include:

- 1) Single-family residences
- 2) Multifamily residences
- 3) Commercial
- 4) Golf course

As noted earlier, as long as two basic principles are adhered to, Florida law allows the Districts Board great latitude in determining the appropriate methodology to allocate O&M expenditure costs to benefiting properties for the combined Districts. The two principals are (1) the properties being assessed must receive a benefit from the O&M budget activities and (2) the assessments allocated to each property must be fairly and reasonably apportioned among the benefiting properties. In allocating assessment costs to benefiting property Florida governments have used a variety of methods including, but not limited to, front footage, area, trip rates, equivalent residential units, dwelling units, acreage, and value.

2.3 Overall Operations and Maintenance Allocation Methodology Process

The allocation of the cost of each of the five respective O&M Activity categories are calculated by the five expenditure categories to ensure that the most accurate detailed assessment levels are obtained. For the allocation of the following categories, the Methodology assigns to each property type an equivalent residential unit (“ERU”) value: administrative, finance, and accounting services; security, code enforcement, fire division, and facilities and ground maintenance services; and recreation and leisure maintenance and services. This ERU value compares the benefit conferred by a District O&M Activity on a typical single family and multifamily residence in each District to the benefit conferred on each other property type within the Districts. Thus, for the O&M Activity categories allocated according to ERU values, both single-family and multifamily residences are assigned an ERU value of “1”.

Allocation for shopping centers, retail and office establishments were combined into a single commercial category for both Districts and are assigned an ERU equivalent value of “15” based on the benefit commercial properties receive from the respective O&M Activity category in comparison to the benefit received by single-family and multifamily residences in each District. For the O&M Activity allocation for the golf course located in Westchase District, the category is assigned an ERU value of “1”, similar to single-family and multifamily residences due to its limited size. In addition, information related to type of facilities on the golf course as well as size of residences complicates assigning ERU values. Table 3 summarizes the allocation methodology followed in this analysis:

Table 3. O&M Assessment Methodologies

Function	Method
Administration	ERU
Right of Way	Trip Generation
Water Management	ERU
Recreation	ERU
Public Safety	ERU

From Table 4 functional categories, the ERU methodological assumptions are utilized in the allocating expense for the majority of functional expenditure categories except for the right of way category. The allocation for right of way or roadway expenditures were based on an estimate of the number of trips generated on District roadways by the property types located within the District. The estimate of the daily trips generated by each property type were be based upon the principles outlined in the Institute of Transportation Engineers' Trip Generation, 7th Edition manual ("ITE").

Total expenditure or cost estimates are derived from total assessment levy published in Westchase/Westchase East Draft Operating and Debt Service Budget for Fiscal Year 2007. The combined general fund for Westchase (001) and Westchase East (101) are used strictly for general operation and maintenance activities based on the budget documentation. Total proposed combined expenditures and assessment levy estimates for the both districts are presented in Table 4. Each functional category is used in conjunction with ERU and ITE trips derivation to generate detailed expenditure or cost estimates by residential and nonresidential property type for each District.

Table 4. Combined FY 2007 Proposed O&M Budget

Functional Category	Proposed Expenditures	Estimated Assessments
Administrative	\$619,639	\$571,552
Right of Way	\$1,406,329	\$1,297,190
Water Management	\$212,650	\$196,147
Recreation	\$661,245	\$609,929
Public Safety	\$105,000	\$96,851
Reserves	\$218,592	\$201,628
Total*	\$3,223,455	\$2,973,297

Source: Severn Trent, Fishkind & Associates

* Difference is surplus carryforward and interest income

2.4 Allocation of Administrative, Financial and Management Expenditures

Both Districts' administrative, finance, and accounting expenses include funding for the District's finance and audit services, business services, legal, engineering/planning services, overall management, as well as the Districts' General Manager and the Board of Supervisors. Services supplied by these funds include general supervision of the services and facilities provided by the District, agenda preparation for Board of Supervisor, management, insurance and collection/early payment fees.

Table 5 shows the benefit each property receives from the Districts' administrative expenditures is not based totally on physical characteristics of the property, these costs are distributed equally among residential structures. Residential units are allocated a portion of the administrative, finance, and accounting expenses based on residential unit count. Nonresidential properties including the golf course are allocated based on a portion of the cost based on the number of acres in use.

Table 5. Allocation of District Administrative Expenditures

Category	Units/Acres	ERU/Unit	ERU	% ERU	Total Cost
Single-family	3,282	1	3,282	62%	\$357,037
Multifamily	1,215	1	1,215	23%	\$132,175
Commercial	46.59	15	698.85	13%	\$76,030
Golf Course	58.00	1	58.00	1%	\$6,310
Total					\$571,552

Source: Fishkind & Associates

2.5 Allocation of the Right of Way and Water Management Expenditures

The Districts' right of way function ensures that the Districts roadways, sidewalks, and right-of-ways areas are adequately maintained. The duties assigned to this category include the responsibility for maintaining roads and sidewalks, landscaping right-of-ways, and ensuring that all roadways, sidewalks and major right-of-ways are well maintained and free of debris.

Table 6. Allocation of District Right of Way Expenditures

Category	Units/Acres	Trips/Unit	Total Trips	% Trips	Total Cost
Single-family	3,282	9.60	31,507	51%	\$664,806
Multifamily	1,215	6.70	8,141	13%	\$171,766
Commercial	46.59	468.27	21,355	35%	\$460,361
Golf Course	58.00	0.21	12	0%	\$257
Total					\$1,297,190

Source: Fishkind & Associates

Table 6 applies ITE trip generation factors by the number of units. The expenses related to the District's roadway and drainage maintenance activities are allocated to property types based on the trip generation figures assigned to those property types by the Institute of Transportation Engineers' Trip Generation, 7th Edition manual ("ITE") as applied by Fishkind & Associates, Inc. A particular land user's road use frequency is accounted for when the trip generation method of allocation is used.

Additionally, runoff from the District's roadways contributes greatly to the District's drainage maintenance expenses so the trip generation method of allocation is a logical method of allocating both the District's roadway maintenance and drainage maintenance. Table 7 below illustrates water management ERU allocations allocated to each of the assessable property categories within the Districts.

Table 7. Allocation of District Water Management Expenditures

Adjusted					
Category	Units/Acres	ERU Acre	ERU	% ERU	Total Cost
Single-family	3,282	820.50	615	84%	\$165,170
Multifamily	1,215	81.00	73	10%	\$19,567
Commercial	46.59	45.61	41	6%	\$11,255
Golf Course	58.00	58.00	1	0%	\$156
Total					\$196,147

Source: Fishkind & Associates

2.6 Allocation of the Recreation Expenditures

The Districts' recreation expenditures provide benefit almost exclusively to residential properties within the Districts. Any benefit conferred on commercial properties or the golf by either recreation or leisure activities of the Districts can be considered *de minimis*. As inhabitants of each residential property type are equally likely to benefit from the Districts recreation and leisure activities, each residential unit are allocated by the same ERU value as illustrated below in Table 8.

Table 8. Allocation of Recreation Expenditures

Category	Units/Acres	ERU/Unit	ERU	% ERU	Total Cost
Single-family	3,282	1.5	4,923	80%	\$489,195
Multifamily	1,215	1	1,215	20%	\$120,734
Commercial	46.59	0	0.00	0%	\$0
Golf Course	58.00	0	0.00	0%	\$0
Total					\$609,929

Source: Fishkind & Associates

2.7 Allocation of the Public Safety Expenditures

Public safety and security enforcement expenses fund the Districts comprehensive security and code enforcement program. Table 9 exhibits the assessable benefit each property receives from the public safety expenditures. As with administrative expenditures, the allocations are not based on the physical characteristics of the property, these costs are distributed equally among developed properties. Residential units are allocated a portion of the administrative, finance, and accounting expenses based on residential unit count. Nonresidential properties and golf course allocations are based on the number of acres.

Table 9. Allocation of Public Service Expenditures

Category	Units/Acres	ERU/Unit	ERU	% ERU	Total Cost
Single-family	3,282	1	3,282	62%	\$60,501
Multifamily	1,215	1	1,215	23%	\$22,398
Commercial	46.59	0	0	13%	\$12,883
Golf Course	58.00	0	0	0%	\$1,069
Total					\$96,851

Source: Fishkind & Associates

2.8 Allocation of the Reserves Expenditures

Future capital and maintenance reserve expenses fund the Districts reserves program in the 2007FY proposed budget. Table 9 exhibits the assessable benefit each property receives from reserves expenditures. As with administrative expenditures, the allocations are not based on the physical characteristics of the property these costs are distributed equally among developed residential, nonresidential and recreational properties.

Table 10. Allocation of Reserves Expenditures

Category	Units/Acres	ERU/Unit	ERU	% ERU	Total Cost
Single-family	3,282	1	3,282	62%	\$125,953
Multifamily	1,215	1	1,215	23%	\$46,628
Commercial	46.59	0	0	13%	\$26,821
Golf Course	58.00	0	0	1%	\$2,226
Total					\$201,628

Source: Fishkind & Associates

2.9 Total Westchase/Westchase East Combined Operations and Maintenance Expenditures Assessment

The total cost allocation combined for both districts and unit/acre type for operations and maintenance for both Districts based on ERU and ITE trip generation factors analysis is summarized in Table 11.

Table 11. Total Assessment Allocations

Category	Units/Acres	Total Units	Per Unit
Single-family	3,282	\$1,862,662	\$567.54
Multifamily	1,215	\$513,267	\$422.44
Commercial	46.59	\$587,350	\$12,606.09
Golf Course	58.00	\$10,017	\$172.71
Assessment Total		\$2,973,297	

Source: Fishkind & Associates

TO: Erin McCormick
FROM: Jessica Larrinaga
DATE: June 16, 2026
RE: **Use of Westchase Park Facilities for For-Profit Activities**

ISSUE:

Glenclyff Park Facilities are owned and operated by Westchase Community Development District (CDD) per an Interlocal Agreement between Hillsborough County, the CDD, and the Developer (Westbrook Westchase L.P.). The CDD Board currently follows Hillsborough County's regulations, which prohibit the use of parks for for-profit activities without specific approval.

FACTS:

- Per the Interlocal Agreement between Hillsborough County, Westchase CDD, and Westbrook Westchase L.P., it is established that the CDD has ownership over the Park and shall ensure that Glenclyff Park shall be available for use by all residents of Hillsborough County.
- According to Chapter 38 of the Hillsborough County Code of Ordinances, the County requires permits for the use of reserved park facilities for for-profit activities. To obtain a permit requires the approval of the County Administrator or his designee.
- Hillsborough County Ordinances also state that no person shall conduct an activity or utilize any park, park property, or park area in a manner which will result in financial gain without the prior approval of the County Administrator or his designee.
- Prior to issuance of a permit by the County, the County requires applicants to disclose information such as: arrangements for sanitation and garbage disposal; crowd control information; the anticipated number of persons expected to attend the event/activity; and whether an amplified sound system will be used and, if so, its output.
- The County also may establish conditions for the issuance of a permit, including but not limited to: requirements for applications/organizers to obtain reasonable security for the event/activity; requirements that the applicants/organizers pay or reimburse the County for any costs the County may incur as a result of the use of the park for the event/activity; and minimum insurance requirements.
- Westchase CDD may establish rules and regulations or procedures that pertain to the use of parks owned and operated by the District.
- The CDD currently follows the procedures prohibiting the use of its parks for for-profit activities without specific Board approval.

DISCUSSION:

Glenclyff Park is owned and operated by the Westchase Community Development District. As such, it is within the purview of the Board of Supervisors to establish rules, regulations, and protocols regarding the use of park facilities.

Within public parks owned and operated by Hillsborough County, the obtention of a permit and express approval from the County Administrator or his designee is required of persons or entities desiring to use park facilities for for-profit activities and/or financial gain.

In the instance that persons or entities wish to use Glencliff Park facilities for financial gain, the Board of Supervisors of Westchase CDD may determine that entities who wish to use or reserve park facilities for these for-profit activities must seek out and obtain express approval in the form of a permit or other written or verbal approval from the Board of Supervisors to carry out such activities. In determining whether such use of its parks should be permitted, it is appropriate for the Board to consider issues such as costs for maintenance of the parks, the lack of CDD staff available to monitor the parks, and potential liability to the CDD resulting from the use of the parks by for-profit entities.

It is also appropriate for the Board to consider the establishment of conditions requiring the disclosure of event information as well as conditions for the issuance of approval for persons or entities to use park facilities, including but not limited to: requiring the persons/entity to pay or reimburse the District for any costs the District may incur as a result of the use of the park for the event/activity and minimum insurance requirements.

CONCLUSION:

It falls within the authority of the Board of Supervisors of Westchase CDD to prohibit or permit persons or entities from using public park facilities for financial gain. The Board also has the authority to establish a policy or rule requiring persons or entities to obtain approval or a permit before using park facilities for for-profit activities.

A copy of the relevant Hillsborough County Ordinances is attached below.

Sec. 38-20. Park; park property usage and permits.

- (a) *County policy.* It is the policy of the County to afford all citizens of the County the opportunity to utilize County parks and park property and to participate in free speech activities within the parks and park property to the fullest extent permitted by law. The Director has the authority to establish guidelines and procedures for the permitting of special events, demonstrations, gatherings, performances or other mass assemblies at County parks in accordance with this article and in a content neutral manner. The purpose of the permit system is not to exclude communication of a certain content but to coordinate multiple uses of limited space to assure preservation of the parks to prevent uses that are dangerous or unlawful or inconsistent with the Department's rules and regulations, to ensure maintenance of proper security, and to assure financial accountability for damages caused by an event.
- (b) *Hours of operation/use.*
 - (1) No person shall be or remain in any part of any park which is fenced-in or equipped with gates, between the closing of the gates at night and the re-opening of the gates.
 - (2) No person shall be or remain in any park that is not fenced-in or equipped with gates, between sunset and sunrise of the following day, or as otherwise specifically posted. This shall not apply to 24-hour facilities or areas located within the parks, or areas of the parks where lighting is provided for a specific activity that takes place after sunset; whereupon, persons or vehicles may pass through the applicable parks, without stopping, on the most direct walk or driveway leading from their point of entrance to the exit nearest to their point of destination.
 - (3) Certain areas of the parks that are designated for daylight use only (example: trails, greenways, linear parks) shall only be used from sunrise to sunset.
 - (4) The provisions of this subsection shall not apply to law enforcement officers, or Department officials while in the discharge of their duties.
 - (5) The provisions of this subsection shall not apply to persons having a written permit issued by the Department that allows such persons to be or remain in any part of the parks when the park is closed to the public.
 - (6) The Director has the authority to change and/or establish exceptions to the opening and closing hours set forth above when it is in the interest of the public's health, safety or welfare; whereupon, such exceptions shall be posted at the entrance of the applicable parks and must be obeyed accordingly.
 - (7) A person's presence in and/or use of the parks or park property contrary to the provisions set forth in this subsection shall be deemed to be a trespass on park property and such person shall be treated as a trespasser in accordance with the Florida Statutes.
- (c) *Entry onto construction sites, unfinished or withheld park areas.* No person, except as authorized by the Department, shall enter upon any part of any park or park property which is in an unfinished condition, sensitive environmental land, under construction or withheld from general public usage in the interest of public safety, health and/or welfare. It shall be a felony of the third degree, punishable as provided for in F.S. Ch. 775, if the property trespassed upon is a construction site that is identified as such and has a posted sign that contains wording that is substantively similar to the following wording:

"THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."
- (d) *Closure of parks.* The Director or an authorized representative of the Department shall have the authority to close any park, or section/area of a park, to the public at any time when a condition exists that presents a hazard or danger to the park, the park property and/or the public's health, safety or welfare.
- (e) *Permits for use of park facilities/areas.*

- (1) Park facilities and/or areas shall not be reserved unless there is a permit issued by the Director or his/her designee for the reservation and use of such park facility and/or area. The Director has the authority to develop a permitting system and related rules and regulations for the use of the park and/or park facilities and areas.
 - (2) Permits requested for the use of reserved park facilities for for-profit activities require the approval of the County Administrator or his designee. Permits requested for the use of reserved park facilities for not-for-profit activities can be approved by the Director.
 - (3) Park areas or facilities that may be reserved, include, but are not limited to, designated athletic fields, group picnic shelters and associated facilities, recreation and civic facilities, and those areas requested for use for special events.
 - (4) Persons that receive permits for the use of reserved park facilities and/or areas must comply with all applicable laws, rules and regulations. Violation of such rules and regulations and/or the conditions and requirements of the permit shall result in suspension or revocation of such permit.
 - (5) Any person that has been issued a permit to use park facilities must have the permit in their possession while using the park areas or facilities during their designated times. Upon the request of a Department official and/or law enforcement officer, any person occupying a structure or conveyance in a park must produce a permit.
 - (6) Any person that uses or occupies a reserved park area or park facilities without a permit or written permission from the Department may be considered trespassing on park property.
- (f) *Permits for use of park facilities/areas for special events, large groups and rallies.*
- (1) Public meetings, assemblies, music festivals, rallies and political events involving an anticipated attendance of more than 50 people are prohibited within the limits of any park unless the organizers of such events or activities obtain a written permit from the Department prior to the event or activity.
 - (2) Permits requested for the use of reserved park facilities for for-profit events and activities require the approval of the County Administrator or his designee. Permits requested for the use of reserved park facilities for not-for-profit events and activities can be approved by the Director.
 - (3) Prior to issuance of a permit, the applicant must disclose certain information to the Department, which includes, but is not limited to, the following:
 - a. The anticipated number of persons expected to attend the event/activity;
 - b. Arrangements for sanitation and garbage disposal;
 - c. Crowd control information; and
 - d. Whether an electrically amplified sound system will be used and, if so, its output.
 - (4) The Department may establish conditions for issuance of the permit, including but not limited to, the following:
 - a. Requirements for the applicants/organizers to obtain reasonable security for the event/activity;
 - b. Requirements that the applicants/organizers pay or reimburse the County for any costs the County may incur as a result of the use of the park for the event/activity; and
 - c. Minimum insurance requirements.
 - (5) The Department Director or his/her designee will review the permit application to determine whether such use can be accommodated and whether a permit will be issued. Applications for permits shall be processed in order of receipt and must be granted or denied within 14 days of receipt. If the application is not denied or granted within 14 days, the application will be deemed granted. The content of the speech or expression shall not be requested as part of the application process and shall not be considered as a basis for denying a permit application. Any denials must clearly set forth in

writing the grounds for denial and, where feasible, must propose measures to cure the defects in the permit application. When the basis for denial is prior receipt of a competing application for the same time and place, the Department must suggest alternative times and place. Applications can be denied for the following reasons:

- a. The application for permit (including any required attachments and submissions) is not fully completed and executed;
 - b. The applicant has not tendered the required application fee if any required with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the Department;
 - c. The application for permit contains a material falsehood or misrepresentation;
 - d. The applicant is legally incompetent to contract or to sue and be sued;
 - e. The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged park property and has not paid in full for such damage, or has other outstanding and unpaid debts to the Department;
 - f. A fully executed prior application for a permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;
 - g. The use or activity intended by the applicant would conflict with previously planned programs approved by the Department and previously scheduled for the same time and place;
 - h. The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, Department employees or of the public;
 - i. The use or activity intended by the applicant is prohibited by law.
- (6) Permits from other County Departments or governmental entities (including the Board of County Commissioners) may be required in order to hold the event/activity (e.g., permits for festivals involving expected attendance of 500 or more, permits for traffic access and parking, etc.); whereupon, the organizer/applicant will be solely responsible for obtaining these additional permits.
 - (7) If a permit is granted, then any and all publicity or marketing of the event/activity must clearly indicate the event/activity is not a Hillsborough County sanctioned event.
 - (8) Applicants/persons that receive permits must ensure that their use of the park and its facilities/areas complies with all applicable laws, rules and regulations.
 - (9) All applicants/persons that have been issued permits to use park facilities must have the permit in their possession while using the park areas or facilities during their designated times and must produce such permit upon the request of a Department official and/or law enforcement officer.
 - (10) Any event/organized activity that is held at a park and/or park property without a permit or written permission from the Department may be considered a trespass.
- (g) *Facility/area rental policy.*
- (1) No person shall duplicate, loan or give a key used by the Department for a padlock or door lock of any type, nor shall any person divulge the combination of any lock unless authorized to do so by the Director or his/her designee.
 - (2) No person that rents or receives a permit or permission to use park facilities/areas shall damage the park property or its facilities in any way. In the event such person or such person's employees, volunteers, agents, participants or invitees damages park property (including, but not limited to, its grounds, structures, habitat, facilities or fixtures), whether willfully or accidentally, then such person

will be responsible for immediately and fully repairing the damage or reimbursing the Department for such repair, at the sole discretion of the Department.

- (3) Any person that rents or receives a permit or permission to use park facilities/areas acknowledges and agrees that the County and/or the Department is not responsible or liable for any damage to or loss of goods, structures, equipment or property belonging to, borrowed, or leased by such person whether such damage or loss is due to power failure or equipment malfunction, theft, fire, flood, force majeure, act of terrorism, vandalism and/or any other cause, unless (and then only to the extent) caused by the negligence, intentional or willful action of the County.

(Ord. No. 08-17, § 3, 8-8-2008; Ord. No. 13-9, §§ 1, 2, 3-20-2013)

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