

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

May 18, 2021

FROM

BEAHTA R. DAVIS, Director, Regional Parks Department

SUBJECT

Revenue Interim Use Permit with Live Nation for the Exclusive Use of Glen Helen Regional Park During the Nocturnal Wonderland Event

RECOMMENDATION(S)

Approve Interim Use Permit (**County Contract No. 21-378**) with Live Nation for the exclusive use of Glen Helen Regional Park, including the swim facility, for the Nocturnal Wonderland concert event scheduled for September 18, 2021 through September 19, 2021 for a total amount of \$72,363.69 in fees.

(Presenter: Beahta R. Davis, Director, 387-2340)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this Interim Use Permit (Permit) does not require the use of Discretionary General Funding (Net County Cost). Under this Permit, Live Nation (Permittee), will pay the Regional Parks Department (Department) a total of \$72,363.69 in fees for the exclusive use of Glen Helen Regional Park (Park) for four days and the use of sections of the Park for set-up and tear-down as listed in the table below.

Description of Fee	Amount
Full park closure for four days (Live Nation fees for closures during the period of May 1 - September 30 is \$12,000 per day)	\$48,000
Use of 41.5 acres between 9/10/2021-9/16/2021	\$20,750
Pool maintenance	\$1,227.04
Staff time for pool maintenance	\$606.65
Camping fees	\$1,580
Contract preparation fee	\$200
Total	\$72,363.69

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Permittee will be responsible for obtaining all necessary permits, licenses and applicable approvals as well as securing the required insurance and security for this event. Adequate appropriation and revenue will be included in the Regional Parks Department's 2021-22 recommended budget.

BACKGROUND INFORMATION

The Department operates and maintains ten regional parks including Glen Helen Regional Park, located in the unincorporated area of Devore, and provides for the rental of park property through Board of Supervisors (Board) approved fees. The recommended Permit between the Department and Permittee allows for the exclusive use of the Park wherein the Department will receive a total of \$72,363.69. The Permittee currently operates the amphitheater at the Park pursuant to Contract No. 92-1023, which was approved by the Board on October 19, 1992 (Item No. 59) and amended on June 26, 2018 (Item No. 51). This Permit includes a force majeure provision allowing for cancellation of the Nocturnal Wonderland Event due to circumstances beyond either parties' control, which includes those impacts created as a result of COVID-19; the County will refund any license fees paid by Permittee as a result of such cancellation. The Permittee has also submitted a plan to the Department that has been reviewed by the Environmental Health and Safety Department for procedures to mitigate all possible COVID-19 exposure.

This Permit is a separate contract to allow the exclusive use of the Park which includes the use of the swim facility during the Nocturnal Wonderland event. The swim facility will officially close for the season on September 5, 2021; therefore use for this event will not impact the community.

Permittee has been permitted the use of the swim facility in the past for this same event without issue. Permittee will be required to implement safety measures for the swim facility use which includes:

- Increase the number of lifeguards per swim patrons (During regular operation of the swim facility, the Park provides one lifeguard for every 75 patrons. During this event, Permittee will provide one lifeguard for every 50 patrons)
- Provide security inside the swim complex and at the entry gates
- Prohibit alcohol within the swim facility
- Deny access to the swim facility to intoxicated patrons
- All swim functions will end at 5:00pm

As an additional security measure, all patrons camping and their cars will be thoroughly searched by venue security with K9s. San Bernardino County Sheriffs will also be present for all searches. Furthermore, Permittee has agreed to adhere to the Health and Safety Measures identified by the Electronic Dance Music (EDM) Task Force for all concerts as listed in Exhibit C and received by the Board on August 22, 2017 (Item No. 67). The EDM Task Force is comprised of representatives from the Department, County Administrative Office, County Counsel, Department of Public Health, Arrowhead Regional Medical Center, Sheriff's Department, San Bernardino County Fire Protection District, and Inland Counties Emergency Medical Agency. In June 2021, the EDM Task Force will resume biweekly meetings which will take place until the date of the event. Permittee is also engaging the local community to discuss

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the implementation of this event and will hold a community meeting to address any additional concerns.

This recommended Permit aligns with the County and Chief Executive Officer Goals and Objectives to Operate in a Fiscally-Responsible and Business-Like Manner by allowing the Department to leverage its amenities and land to raise revenue to support park maintenance and development.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Dawn Martin, Deputy County Counsel, 387-4322) on April 12, 2021; Finance (Elias Duenas, Administrative Analyst, 387-4052) on April 14, 2021; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) April 14, 2021.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Janice Rutherford

Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 18, 2021



cc: Parks - Davis w/agree
Contractor - C/O Parks w/agree
File - w/agree
CCM 05/24/2021