

RECEIVED

MAR 17 10 53 AM 1980

ACCEPTANCE

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

BY *GE*

Portland, Oregon, March 7, 1980

GEORGE YERKOVICH
Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of

Ordinance NO. 149259, passed by the Council March 6, 1980, authorizing the use of softball fields of the Bureau of Parks by the Portland Metropolitan Softball Association for the 1980 through 1984 softball seasons, providing the conditions and terms of use, and declaring an emergency,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

PORTLAND METROPOLITAN SOFTBALL ASSOC.

*BY:

Joe Amato

1107 SW 4th, Portland, OR 97205

Address

[CORPORATE SEAL]

APPROVED AS TO FORM

Approved as to form:

Richard P. Thomas

City Attorney

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

O R D I N A N C E N O . 149259

An Ordinance authorizing the use of softball fields of the Bureau of Parks by the Portland Metropolitan Softball Association for the 1980 through 1984 softball seasons, providing the conditions and terms of use, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. It is in the public interest that softball games be encouraged and promoted as a part of the city's public recreation program.
2. There has been formed a non-profit voluntary association known as the Portland Metropolitan Softball Association which desires the use of softball fields of the Bureau of Parks for softball games to be played under sponsorship of said Association and which desires to collect admission charges at certain fields to be used for financing the operation of its program.
3. The softball fields of the Bureau of Parks are available for such purpose during the 1980 through 1984 softball seasons and the Farragut Softball Field and the Erv Lind Stadium in Normandale Park are equipped so that admission charges may be collected as desired.
4. In order to further the public recreational program, provision should now be made for the proposed use of said softball fields by said Association upon certain conditions.

NOW, THEREFORE, the Council directs:

1. The use of the softball fields of the Bureau of Parks by the Portland Metropolitan Softball Association during the 1980 through 1984 softball seasons for games played under the sponsorship of said Association hereby is authorized subject to the following terms and conditions:
 - a. All matters pertaining to the use of softball fields and to the collecting and disbursing of gate receipts shall be under the immediate control of the president of the Portland Metropolitan Softball Association subject to regulation and control of the Commissioner-in-charge of the Bureau of Parks.
 - b. Games played shall be part of the park and recreation program at said fields.

- c. Admission charges may be collected only at Erv Lind Stadium in Normandale Park and Farragut Softball Field and shall not exceed the following rates unless altered by City Council:

For league play:

\$1.00 per seat for 1,500 reserved seats only.

For exhibition, extraordinary, or opening and final games with the approval of the Superintendent of Parks and the Commissioner-in-charge of the Bureau of Parks:

Not to exceed \$3.00 in enclosed areas and \$1.50 in other areas, but with provision for free seats outside enclosed area, unless the provisions are waived for any specific event by the Commissioner-in-charge of the Bureau of Parks.

- d. The Portland Metropolitan Softball Association shall furnish to the Bureau of Parks a bond in the amount of not less than \$5,000 approved as to form by the City Attorney, protecting the Portland Metropolitan Softball Association from loss caused the Association through the failure of any person handling monies or property of the Association, acting alone or in collusion with others, to perform faithfully his duties or to account properly for all monies or property received by virtue of his connection with or employment by the Association.
- e. The accounting of monies realized from activities of said Association shall be in the form of a report due not later than November 12 of each year covering the operation of the Association for the entire season and any other reports requested by the Superintendent of Parks or the Commissioner-in-charge of the Bureau of Parks. The reports shall be filed with the Superintendent of Parks.
- f. Gate receipts provided under paragraph "c" are to be applied only to the expense of promoting and holding games sponsored by said Association and to travel expense of representative teams of said Association for play in regional and national tournaments. Expenses of promoting and holding games shall be deemed not to include salaries, except those of the umpires, gate help, game reporters, ushers, public address announcers, ball chasers, scoreboard attendants and business manager; it being understood and provided that no compensation for any other types of services rendered in connection with said games shall be derived from gate receipts.

- g. The City of Portland shall not be required to pay compensation to any person providing service or contributing time or talent in connection with said matter other than the regular city employees on city time. Deficits in operation of the Association are to be made up by the Association and in no event and under no circumstances shall the city be or become liable therefor.
- h. The Portland Metropolitan Softball Association shall not be responsible for, nor in any way concerned with, the maintenance and upkeep of the playing fields, the seating facilities or grounds; but said Association, its officers and members, shall, in the conduct of said enterprise, strictly obey and comply with all laws and ordinances applicable to the conduct of said activities and to the privileges hereby extended. No betting or gambling shall be allowed or permitted directly or indirectly in connection with those activities. Rowdiness shall be avoided, and said games shall be conducted as nearly as possible on the basis of amateur sportsmanship and under such control as to minimize the danger of accident or injury.
- i. The privileges hereby granted are upon the express understanding and condition that said Association is a non-profit association and that its activities in the use of said softball fields shall not be for the purpose of, nor result in, private pecuniary profit.
- j. Nothing contained herein shall be construed as giving or granting any special privilege or conferring any property rights on said Portland Metropolitan Softball Association, its officers or members, nor any person or persons whomsoever, and the use of said fields for the purposes herein stated may be revoked at the pleasure of the Council or suspended by the Superintendent of Parks with the approval of the Commissioner-in-charge.

Section 2. The provisions of this Ordinance shall not be operative until there shall have been filed with the Auditor of the City of Portland the following documents:

1. An acceptance of the terms and conditions of this ordinance, duly executed by said association, and approved as to form by the City Attorney.
2. A suitable insurance policy, bond or other surety, which insurance, bond or other surety shall afford the following minimum protection for the City of Portland, its officers, agents and employees against any claim arising out of the use of the

ORDINANCE No.

facilities of the City of Portland authorized by this ordinance:

Bodily Injury \$50,000 for one claimant; \$300,000 from one incident

Property Damage \$50,000 per claimant; \$300,000 one incident

In lieu of the foregoing, a single limit public liability policy for bodily injury and property damage may be accepted in the sum of \$300,000.

The said insurance policy, bond or other surety shall be in form acceptable to, and approved by, the City Attorney.

3. A suitable penal bond in the amount of \$5,000 as provided in Section 1, paragraph d, above.

Section 3. The Council declares that an emergency exists because arrangements for the upcoming softball season must be made without delay; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **MAR 6 1980**

Commissioner Schwab
W.V.Owens/CS/sf
February 25, 1980

George M. Brady
Mayor of the City of Portland

Attest:

George J. Gorman
Auditor of the City of Portland

Calendar No. 816

ORDINANCE No. 149259

Title

An Ordinance authorizing the use of softball fields of the Bureau of Parks by the Portland Metropolitan Softball Association for the 1980 through 1984 softball seasons, providing the conditions and terms of use, and declaring an emergency.

THURSDAY

FEB 28 1980

Filed

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By George Yerkovich
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie		
Jordan		
Lindberg		
Schwab		
McCready		

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
Commissioner Schwab

NOTED BY THE COMMISSIONER

Affairs *[Signature]*

Finance and Administration

Safety

Utilities

Works

BUREAU APPROVAL

Bureau:
Parks and Recreation

Prepared By: *WVO* Date: 2/25/80
W.V. Owens

Budget Impact Review:
 Completed Not required

Bureau Head:
Dr. J. W. Budge

NOTED BY

City Attorney

City Auditor

City Engineer *[Signature]*

63