

RESOLUTION NO. 2024-33

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE ADOPTING A
POLICY FOR WAIVING FEES FOR THE USE OF CITY FACILITIES**

WHEREAS, the City Council has repeatedly stated its support for youth recreation and other events and the use of City facilities and parks in the community; and

WHEREAS, at the City Council has repeatedly supported the efforts of nonprofit organizations that provide services to the City's residents; and

WHEREAS, the City Council has increased fees in the City's Master Fee Schedule (Part 2, Section B-1, Park & Facilities & Special Events) related to the use of certain City facilities in order to ensure that these facilities are adequately maintained when it adopted Resolution No. 2018-41 and Resolution No. 2020-21; and

WHEREAS, the City Council further indicated its support for City nonprofit organizations when it declined to significantly increase fees for the use of City facilities as requested by City staff at a City Council meeting on October 11, 2022, and instead directed staff to study the issue further and come back with new recommendations for fees at a future meeting; and

WHEREAS, when staff brought the issue back to the Council at its meeting on August 22, 2023, the proposed new fees included discounted fees for nonprofit organizations, which the City Council supported by approving them at its meeting on September 12, 2023, when it adopted Resolution No. 2023-76, amending Part 2, Section B-1 of the Master Fee Schedule, which also incorporated as a finding into the resolution a recital that stated: "the City can no longer provide such facilities and parks for rental purposes without reasonable rental fees to be charged;" and

WHEREAS, thereafter, at least two requests for fee waivers to use a City facility were made by nonprofit organizations, which prompted staff to develop and present a policy for waiving fees; and

WHEREAS, a proposed fee waiver policy was present to the City Council at its meeting on April 23, 2024, which the Council deliberated on and provided direction to staff about the fee waiver policy at the April 23rd meeting; and

WHEREAS, Council's primary direction was to prohibit any waiver of costs directly incurred by the City, and therefore, limited fee waivers to the hourly rental charge; and

WHEREAS, staff revised the proposed policy to comply with the direction given by the City Council, and also, added two provisions not considered by the City Council at the April 23rd meeting, which were presented to the Council at its meeting on May 14, 2024; and

WHEREAS, these two additional provisions were: (1) to limit fee waivers to events that are open to the public, and (2) to require advance payment of hourly fees as part of the security deposit which would be refunded if waived by the Council, unless necessary to offset damage or failure to clean up after the event; and

WHEREAS, the City Council has reviewed the revised fee waiver policy attached to this resolution as Exhibit A, including the two additional provisions not previously considered by the Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Guadalupe as follows:

SECTION 1. That the fee waiver policy attached hereto as Exhibit A, and incorporated herein, is approved and is effective immediately.

SECTION 2. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

PASSED, APPROVED AND ADOPTED at the regular meeting on the 14th day of May 2024 by the following vote:

MOTION: EUGENE COSTA JR. / CHRISTINA HERNANDEZ

AYES: 5 **Councilmembers:** Costa Jr., Hernandez, Julian, Furness, Robles


NOES: 0

ABSENT: 0

ABSTAINED: 0

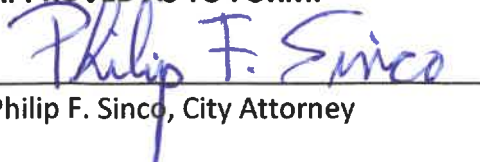
I, Amelia M. Villegas, City Clerk of the City of Guadalupe, DO HEREBY CERTIFY that the foregoing Resolution, being **Resolution No. 2024-33**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held May 14, 2024, and that same was approved and adopted.

ATTEST:


Amelia M. Villegas, City Clerk


Ariston Julian, Mayor

APPROVED AS TO FORM:


Philip F. Sinco, City Attorney

CITY OF GUADALUPE FACILITY FEE WAIVER POLICY

Facility fees charged for the use of City facilities may be waived by the City of Guadalupe in certain limited cases. Any applicant requesting such a waiver must submit the appropriate documents demonstrating that the applicant or intended use fall within the following categories:

- Governmental agencies including, but not limited to other municipalities, County agencies, or special districts.
- Non-profit organizations, including 501(c)(3) and/or 501 (c)(4) organizations, located in Guadalupe or those who serve the Guadalupe community.
- Guadalupe organizations directly benefitting the Guadalupe community, such as a community group without non-profit status.

Any applicant requesting consideration of their waiver must do the following:

1. Submit a letter (or email) to the City of Guadalupe Recreation Services Manager the reason(s) for the requested facility fee waiver. The letter (or email) must be from an authorized representative or the agency or organization.
2. Submit a Facility Use Application form for the specific City facility for which the fee waiver is being requested.
3. Submit certification of the applicant's 501(c)(3) or 501(c)4 status, non-profit organization documents, or any other applicable documents.
4. Submit a copy of the organization's mission statement, if any.
5. Submit the full security deposit for the event, including hourly fees. If the fee waiver is approved, the waived hourly fees will be refunded after the event, provided that if there is any damage or if there is inadequate clean-up after the event requiring the City to incur costs to repair the damage or finish cleaning up, these costs will be offset from the pre-paid hourly fees.
6. Submit documentary evidence of financial hardship.
7. If approved, submit a copy of insurance naming the City of Guadalupe as the Certificate Holder and an Endorsement stating, " The City of Guadalupe, its officers, officials, agents, and volunteers are to be covered as additionally insured."

Facility fee waivers will be presented to the City Council for a recommendation to approve or deny the fee waiver request. The City Council will use the criteria listed on the next page of this Policy in making its decision. The decision of the City Council will be final.

In all cases, certain expenses incurred by the City, including but not limited to, the cost of a building attendant or the cost for utilities, may not be waived. The only fees that can be waived are the hourly rental fees.

FACILITY FEE WAIVER CRITERIA

In reviewing a fee waiver request, if a fee is to be waived, the following criteria should be considered:

1. The organization must show proof of valid 501(c)(3), 501(c)(4), or other nonprofit status. If the organization, is not a nonprofit, then it must be a community service organization serving the City of Guadalupe and benefitting the residents of Guadalupe.
2. If applicable, the organization must submit their policy showing that they do not deny participants/players due to their inability to pay registration or participation fees.
3. The imposition of fees would create a financial hardship on the organization.
4. Whether the proposed fee waiver: will have any significant impacts on the facilities or Recreation and Parks Department activities, and if so: (1) whether the applicant will provide volunteer services and materials to mitigate any impacts created by the event or program, or the impacts are adequately offset by the public benefit provided by the program or event. If the applicant offers to provide volunteer services to offset any impacts of the event, such volunteer services are subject to approval of the Recreation and Parks Department which may require the use of a City building attendant (e.g., for an event where alcohol is served).
5. A Certificate of General Liability Insurance must be submitted 30 days prior to the event in an amount no less than two million dollars (\$2,000,000) per occurrence for bodily injury, personal injury, and property damage, and endorsed to provide that "the City of Guadalupe and its officers, officials, employees, agents, and volunteers shall be additional names insureds" under such policies with coverage at least as broad as ISO form CG 2010 or CG 20 26.
6. Scheduling and use of facilities and events are subject to availability of requested facilities and do not have preference over City programs and activities or previous commitments to outside parties.
7. Reasonable steps must be made by the permittee to minimize impacts to the City of Guadalupe facilities, programs, and residents.
8. Within thirty (30) days of completion of the event for which a fee waiver was given, for future consideration of fee waivers, the permittee should provide a written report to the Recreation and Parks Department, to include at a minimum; number of participants; event revenue and expenses; and if any benefit to the City. After receiving this information from the permittee, the Recreation and Parks Department staff shall provide a written update to the City Council reporting on the event and will include the pros and cons of the event for future reference for any necessary improvements for facility use.
9. Failure to abide by the rules and procedures as set forth in this document may result in the respective permittee being denied for future fee waiver requests.