

**RESOLUTION NO. 2011-66**

**RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ROHNERT PARK ADOPTING A  
FEE WAIVER AND CO-SPONSORSHIP POLICY**

**WHEREAS**, the City of Rohnert Park routinely receives requests from non-profit organizations and service clubs to co-sponsor various activities, or to waive temporary use permit fees and/or rental fees for the use of City facilities; and

**WHEREAS**, the City Council of the City of Rohnert Park recognizes the value of partnering with other agencies and organizations to provide additional services of benefit to the community, while still upholding its fiscal responsibilities; and

**WHEREAS**, a fee waiver and co-sponsorship policy will provide community members with a fair and open process for requesting and receiving City support for their endeavors; and

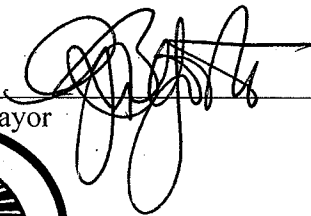
**WHEREAS**, approval of a limited number of these requests will not overly burden the City's resources;

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Rohnert Park hereby establishes the City of Rohnert Park Fee Waiver and Co-Sponsorship Policy to direct when fees may be waived or co-sponsorships approved, attached hereto as Exhibit A.

**DULY AND REGULARLY ADOPTED** by the City Council of the City of Rohnert Park this 26<sup>th</sup> day of July, 2011.

**CITY OF ROHNERT PARK**

Mayor



**ATTEST:**

  
City Clerk



<b>AHANOTU: <u>AYE</u> CALLINAN: <u>AYE</u> MACKENZIE: <u>AYE</u> STAFFORD: <u>AYE</u> BELFORTE: <u>AYE</u> AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)</b>
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CITY OF ROHNERT PARK



CITY COUNCIL POLICY

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**PURPOSE**

The City of Rohnert Park routinely receives requests from non-profit organizations and service clubs to co-sponsor various activities, or to waive temporary use permit fees and/or rental fees for the use of City facilities. Examples of these activities include public music performances, art exhibitions, sporting events, sales of food or merchandise, walk-a-thons, tele-a-thons, raffles, and auctions.

Recognizing the value of partnering with other agencies and organizations to provide additional services of benefit to the community, while still upholding its fiscal responsibilities, the City has established the following policy to direct when fees may be waived or co-sponsorships approved.

**POLICY**

Fees may be waived, or co-sponsorships approved, by the City Manager or his/her designee, based on his/her determination that the program or event: 1) is of significant value to the community or to a significant portion of its residents, and 2) is within the scope of services normally provided by the City.

Before granting approval, the City Manager or designee will also consider factors including but not limited to: benefit to the applicant, proposed event location and time of day, impact on the surrounding neighborhood, and monetary cost to the public.

While organizations and agencies may qualify for fee waivers or co-sponsorships based on meeting this policy's criteria, the City does not guarantee all requests will be accommodated. The City Manager (or his/her designee) may determine not to provide support, due to lack of adequate funds or other resources, or when the request represents a conflict of interest or is not in the best interest of the City.

Fee waivers and co-sponsorships granted may not exceed \$1,000 in total cash/in-kind value for an entire activity or project, with the exception of the Project Graduation event, for which additional funding may be granted at the discretion of the City Manager.

Activities specifically prohibited from City co-sponsorship or waiver of fees include those that: enhance private businesses; are held on behalf of, in support of, or in opposition to any political candidate or ballot measure or advocate a political position; advocate or promote the sale or use of tobacco, alcohol, controlled substances, firearms or other weapons; promote adult-oriented businesses or include pornography; or that solicit criminal

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activity. Religious organizations having 501(c)(3) non-profit status may apply for fee waivers or co-sponsorships if the proposed program, event or project neither promotes religious messages nor advocates for or promotes religious beliefs.

The City's co-sponsorship or financial support of events or programs is not intended to create public forums of general speech and/or public expression, except as provided by law. To the extent any event, site, project or program is designed for a specific purpose or public message, such event, site, project or program shall remain a non-public forum subject to the City's exclusive use and control.

All resources to be provided by the City in co-sponsorship of an event or program shall be within current funding allocations, and expenditures shall not result in a reduction of other City services. If the Facility Use Fee schedule approved intermittently by City Council includes reduced fees for use of facilities by certain types of organizations, such organizations shall not be entitled to a fee waiver under this Policy for such previously approved use. Fee waivers may be reflected in reduced revenue totals at fiscal year end.

The City reserves the right to access all activities at any time to ensure all rules, regulations, conditions of use, City and health and safety laws are not violated. Co-sponsorships and fee waivers can be revoked at any time, effective immediately, if the recipient agency or organization fails to comply with this policy or any other local, State or Federal regulation.

Those seeking fee waivers or co-sponsorships must qualify under one of the following two categories:

1. Government

Fees may be waived or co-sponsorships approved when the applicant is a government agency whose proposed use is consistent with the performance of its normal business functions.

2. Financial Hardship

Fees may be waived or co-sponsorships approved for a non-profit or community service organization meeting *all* the following criteria:

- A. The organization is a valid non-profit or community service organization based within the City of Rohnert Park or surrounding communities (may be required to provide IRS documentation of non-profit status).

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- B. The imposition of fees or absence of co-sponsorship would create a financial hardship on the organization or would have a detrimental effect on the services provided to the public.
- C. The event or program will be open to the public and is in compliance with the City's non-discrimination policy and all other applicable City policies.
- D. The proposed event or program shall not have a significant impact on existing or future City facilities or other City activities, and any minor impacts shall be mitigated by the applicant or its volunteers. If such impacts cannot be mitigated, the public benefit provided by the event or program must outweigh the impacts created.

The following applies to all events, programs and projects designated as co-sponsorships or for which fees have been waived:

- A. Use of facilities for programs and events is subject to facility availability, based on: prior reservations, Council Chamber use as governed by Section IX of the City Council Protocols, or urgent need by the City (as determined by the City Manager). Preference will be given to those activities conducted directly by the City.
- B. All agencies or organizations requesting use of City facilities must complete a Facility Use Application and Agreement. The City Manager may, at his or her discretion, place conditions on the use to minimize impacts to facilities or costs to the City, or to restore facilities to pre-event condition.
- C. Applicants may be required to purchase Special Event Insurance providing for general liability up to \$2,000,000 (two million dollars) per occurrence, and a hold harmless agreement. The per-occurrence amount and insurance fee shall be determined and paid at the time application is made.
- D. A refundable security deposit may be required. Deposit amounts are set to ensure proper clean-up and cover the City's costs for remediation of any damage or loss. If the full deposit is not received by the specified date, the facility request shall be cancelled and approval withdrawn.
- E. Applicants utilizing facilities shall comply with all requirements normally applicable to use of City facilities. Applicants are required to check with staff to assure all conditions of the facility use permit have been met, based on standards established by the City. Deposits will be refunded within four (4) to six (6) weeks of the event or activity, if standards have been met.
- F. Applicants shall secure any necessary additional permits, e.g., from the County Health Department for food sales, and alcohol use permits.

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- G. Appropriate recognition of the City of Rohnert Park as co-sponsor of or contributor to the event or program will be provided on all promotional materials and at the event or program. Promotional materials, the event/program schedule, location and activities must be approved in advance by the City Manager or his/her designee.
- H. When conducting fundraising events or programs, applicants must provide financial statements detailing funds raised and distributed, within thirty (30) days following the event or program.
- I. Applicants are responsible for payment of the full cost of materials, labor, replacement, repairs, or damages related to the event, project or program, regardless of the amount. If damage occurs and the completed remediation costs the City less than the amount of the deposit, the difference shall be refunded.

Upon agreeing to co-sponsor or waive fees for an event, program or project, the City may provide some or all of the following, on a case-by-case basis:

- 1. City staff assistance with planning, organizing, and/or conducting of the activity;
- 2. Use of the City's name, logo, or other imagery on promotional materials;
- 3. Use of City resources including equipment and supplies;
- 4. Assistance with the promotion of the activity via the City's website, Rohnert Park Cable Television, Focus, Recreation Activity Guide, email lists or other sources;
- 5. Display space for promotional materials at City facilities.

Applicants denied a fee waiver or co-sponsorship may deliver a written appeal for consideration by the City Manager, no later than thirty (30) days prior to the proposed event or program. The decision then made by the City Manager shall be final.

Staff shall provide annual reports to the City Manager regarding fee waivers and co-sponsorships approved or implemented during the past fiscal year. Reports shall include City costs, and comments regarding the effectiveness of the co-sponsorship/fee waiver program in providing additional recreational and community services through private and non-profit partnerships. The City Manager shall provide the report to City Council no later than sixty (60) days following the close of the fiscal year.