



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider and approve a Fee Waiver for the Nuñez Community Foundation
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	2/4/2020
Staff Contact:	Mary Lavelle, City Clerk, 408-586-3001
Recommendation:	Consider request and approve a fee waiver of \$1,000 for the Nuñez Community Foundation for use of the Milpitas Community Center Auditorium on March 14, 2020, to host a Health and Wellness Fair.

Background:

Milpitas City Council adopted the “City Council Donation and Fee Waiver/Reduction Policy” on April 16, 2013. This policy allows Milpitas non-profit organizations to request city fees to be waived up to \$1,500 or a donation amount up to \$500 to be granted upon request. Requesting organizations must be local Milpitas non-profits and provide proof of non-profit status from the federal Internal Revenue Service or the state Franchise Tax Board. Groups are requested to file a follow up report with City Clerk after the event for which the fee waiver or funds were requested.

On January 15, 2020, the City Clerk received a “Donation or Fee Waiver/Reduction Request Application Form” from the Nuñez Community Foundation to waive the City rental fee for the Community Center Auditorium.

The adopted Fiscal Year 2019-20 Budget includes \$25,000 for donations, fee waivers, and events. Allocation of this money for the full Council versus individual Councilmembers was placed on past meeting agendas as a discussion item. However, due to time constraints, this topic has been deferred. The current fee waiver request is brought forward for Council consideration, prior to any further policy discussion. Seven fee waivers or requests for donations were already approved by City Council in the fall of 2019, and one was approved by Council on January 28, 2020.

Given the budget allocation of \$25,000 and approval of previous requests, \$17,409.48 is the remaining balance of funds for donations and fee waivers.

Analysis

The Nuñez Community Foundation has planned to host a Health and Wellness Fair at the Milpitas Community Center Auditorium on March 14, 2020. The non-profit group requests the City Council to waive the costs to rent the facility. Recreation and Community Services staff has indicated the fee to be charged would be \$1,000, based on the \$200 hourly rate for 5 hours. The Health Fair event is scheduled from 9:00 AM to 3:00 PM. As required, the Foundation provided a copy of its determination letter from the California Franchise Tax Board stating it is a tax-exempt organization.

Policy Alternative:

Alternative: Do not approve either the fee waiver as requested

Pros: Save financial resources of the City’s General Fund. Require organizations to raise funds elsewhere.

Con: Deny the opportunity to valuable non-profit organization in the community.

Reason not recommended: There's no stated reason to deny the group, which is an eligible non-profit, completed the correct paperwork, and now seeking a positive vote of the City Council based on adopted policy.

Fiscal Impact:

\$25,000 was approved and included in the FY 2019-20 City budget for City Council's Unallocated Community Promotions. If this request is approved by City Council, then \$16,409.48 would remain in that line item of the current year's budget.

Recommendation:

Consider request and approve a fee waiver of \$1,000 for the Nuñez Community Foundation for use of the Milpitas Community Center Auditorium on March 14, 2020, to host a Youth Health and Wellness Fair.

Attachments:

- a) Fee Waiver Application, Franchise Tax Board non-profit statement, and event flyer
- b) List of FY 2019-20 Fee Waiver or Donation requests