



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Request from American Cancer Society to Waive Fees for the “Bark for Life” Walking Fundraiser at Murphy Park on October 5, 2019
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	9/17/2019
Staff Contact:	Mary Lavelle, 408-586-3001
Recommendation:	Waive \$1,412.63 (and up to \$1,500 maximum if additional City fees are incurred) of identified City Planning and Recreation and Community Services fees charged for costs related to the American Cancer Society’s Bark for Life walkathon event at Murphy Park on October 5, 2019.

Background

On May 31, 2019, the City Clerk received a Fee Waiver Request Application Form from the American Cancer Society for the Bark for Life fundraising event (successor to its prior Relay for Life). The group will host the second “Bark for Life” as a fun walk with dogs at Murphy Park. IRS letter demonstrating non-profit status of American Cancer Society was received, as required per Standard Operating Procedure No. 1-7 adopted by City Council on April 16, 2013.

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 included as a discussion item for the August 20, 2019 Council meeting, however, due to time constraints, the item has been deferred to this September 17 meeting agenda. Due to time sensitivity of the request in this report, this fee waiver is being brought forward for Council consideration, prior to the policy discussion. On September 3, the City Council also approved two donation requests for a total of \$1,000.

Analysis

Milpitas City Council adopted the “City Council Donation and Fee Waiver/Reduction Policy” on April 16, 2013. A copy is included as an attachment. 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. The requesting groups 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 the City Clerk after the event for which the fee waiver or funds were requested.

The request is for the City Council to waive several City fees – up to the maximum \$1,500 - for the upcoming Bark for Life fundraising walk sponsored by the American Cancer Society at Murphy Park on Saturday, October 5, 2019.

City of Milpitas fees requested to be waived are:

Planning Department Special Event Permit fee:	\$909.00
Planning Automation Fee:	\$ 23.63
Recreation and Community Services – picnic area rental fee:	\$120.00
Recreation and Community Services – hourly field rental:	\$360.00
TOTAL	\$1,412.63

An additional \$87.37 (maximum \$1500 - \$1412.63 identified costs) may be waived, if additional staff time is required at the park, i.e. for staff to stock the park restrooms and/or assist with use of electricity, if needed.

Milpitas residents (volunteer staff) planning the Bark for Life event applied for a Special Event Permit from the Planning Department. The location has been reserved and deposit fees paid toward costs for the picnic area and park rental at Murphy Park from Recreation and Community Services.

Fiscal Impact

\$25,000 was approved and included in the adopted FY 2019-20 City budget for City Council's Unallocated Community Promotions. If this request is approved, \$22,587.37 would remain in that line item of the current year's budget if the total fees above are waived. If additional fees are incurred, up to \$87.37 additionally may be waived.

Policy Alternatives:

Alternative 1: Do not approve the fee waiver as requested

Pros: The City's General Fund will not incur the costs of the donations.

Con: Denial of the request would negatively impact the non-profit organization.

Reason not recommended: Denial of this request would negatively impact a valuable non-profit organization in the community. Denial would not allow the ACS to maximize its fundraising efforts at Bark for Life.

Alternative 2: Defer approval of the fee waiver requested after Council's consideration of the draft Council Policy titled "Council Policy for Events."

Pros: Council would have an opportunity to discuss a comprehensive policy before taking action on any donations or fee waivers.

Con: Deferring this request would negatively impact the non-profit organization.

Reason not recommended: Deferring approval of this request would negatively impact a valuable non-profit organization in the community and would not allow the ACS to maximize its fundraising efforts at Bark for Life.

Recommendation

Waive \$1,412.63 (and up to \$1,500 maximum if additional City fees are incurred) of identified City Planning and Recreation and Community Services fees charged for costs related to the American Cancer Society's Bark for Life walkathon event at Murphy Park on October 5, 2019.

Attachments

- a) Application Form + IRS letter
- b) Event Flyer
- c) City Council Donation and Fee Waiver Policy
- d) List of Donations/Fee Waivers FY 2019-20