



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Two Fee Waivers Requested by Kiwanis Club of Milpitas and Pragnya non-profit for a Total of \$2,200 (Staff Contact: Mary Lavelle, 408-586-3001)
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	11/19/2019
Staff Contact:	Mary Lavelle, City Clerk, 408-586-3001
Recommendation:	Per request forms received by the City Clerk, move to waive the fees to rent the Milpitas Community Center Auditorium for the Kiwanis Club of Milpitas (\$1,200) and for the non-profit organization Pragnya (\$1,000).

Background

On October 31 and November 1, 2019, the City Clerk received "Donation or Fee Waiver/Reduction Request Application Forms" from (1) Kiwanis Club of Milpitas and (2) Pragnya non-profit organization respectively.

Kiwanis requests the City Council to waive the fee for renting the Community Center Auditorium on February 7, 2020 for its annual Crabfeed to benefit Milpitas Youth. Kiwanis requests the City Council to waive \$1,200 rental fee for the facility.

Pragnya is a Milpitas health-oriented organization that works in bringing together neurodiverse individuals and neurotypical society to acculturate to each other, communicate and support each other, especially including those with developmental disabilities and their families. It will host a "Health 360" symposium at the Milpitas Community Center Auditorium on November 10, 2019. Pragnya requests the City Council to retroactively waive the \$1,000 cost to rent the facility.

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 agendas as a discussion item at past City Council meetings, however, due to time constraints, this topic has been deferred. The current two fee waivers are brought forward for Council consideration (prior to any policy discussion). On September 3, the City Council approved two donation requests for a total of \$1,000. On September 17, Council approved a fee waiver of \$1,412.63 for American Cancer Society. On October 1, Council approved a fee waiver for Sunnyhills Neighborhood Association of \$1,112.63. On November 5, Council approved a fee waiver for Greater Love Church of \$932.63.

Given the budget allocation of \$25,000 and approval of previous requests, approximately \$20,542.11 is the remaining balance of funds for donations and fee waivers.

Analysis

Milpitas City Council adopted the "City Council Donation and Fee Waiver/Reduction Policy" on April 16, 2013. A copy is included as part of the fee waiver request. 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 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.

Fiscal Impact

\$25,000 was approved and included in the adopted FY 2019-20 City budget for City Council's Unallocated Community Promotions. If the two current requests are approved, \$18,342.11 would remain in that line item of the current year's budget.

Policy Alternatives

Alternative 1: Do not approve the two fee waivers as requested.

Pros: The City's General Fund will not incur the costs of the fees waived and would receive revenue.

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

Reason not recommended: Denial of this request would negatively impact the Kiwanis and Pragnya their service to the community.

Alternative 2: Defer approval of the fee waivers requested.

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

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

Reason not recommended: Deferring approval of the requests would negatively impact the organizations.

Recommendation

Per request forms received by the City Clerk, move to waive the fees to rent the Milpitas Community Center Auditorium for the Kiwanis Club of Milpitas (\$1,200) and for the non-profit organization Pragnya (\$1,000).

Attachments

- a) Application Form + IRS letter + flyer from Pragnya
- b) Application Form + CA Attorney General letter + flyer from Kiwanis
- c) List of Donations/Fee Waivers FY 2019-20