



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve Updated City of Milpitas Facility Use Manual
Category:	Leadership and Support Services
Meeting Date:	11/19/2019
Staff Contact:	Renee Lorentzen, 408-586-3409, Christopher Diaz, 408-586-3040
Recommendation:	Approve the Updated City of Milpitas Facility Use Manual

Background:

The City of Milpitas' Facility Use Manual is the guiding document for the general use and rules of the City's Indoor and Outdoor facilities, fields and parks (Facility). At the Special City Council Budget Study Session on March 12, 2019, Council directed staff to bring back modifications to the Facility Use Manual that would enable the use of City facilities by City Councilmembers for non-campaign related community programs and events. These modifications are located on pages 4-8 of the Manual. A copy of the full manual can be here:

<http://www.ci.milpitas.ca.gov/wp-content/uploads/2016/08/Facility-Manual-Updated-062016-FINAL.pdf>

Analysis:

Under the California Constitution, Article XVI, Section 6, there is a prohibition on the gift of public funds unless there is a documented public purpose. Further, California Government Code Section 8314 prohibits the use of public resources, including land and facilities, for campaign related purposes.

City Councilmembers wishing to host a program or event in a City-owned Facility could implement a request and approval process as part of the City of Milpitas Facility Use Manual, as long as the proposed program or event is non-campaign related and has a wide-reaching public purpose serving the Milpitas community at large.

To ensure compliance with state law and City Council policy, the review and approval of a Councilmember's request to host a program or event in a City-owned Facility would go through a process ensuring the documentation of public purpose, availability of facility space, and approval of funds associated with the use of a City-owned Facility by the City Council. City Councilmember requests would be submitted on a request form to: 1) describe the proposed program or event scope, 2) state additional community partners, 3) explain why the event is not campaign related, and 4) document the intended public purpose. The request form would be reviewed by the City Attorney's office and City Manager's office for public purpose review and determination of an available facility. Once reviewed, the request would be agendized for a future City Council meeting for approval.

The revocation of an approval to a City Councilmember could occur if the use of the City facility violates state law of if the use is inconsistent with the Councilmember's written request.

It is important to note that the focus of this update was on use of City facilities by City Councilmembers and is not intended to be a comprehensive update of the Facility Use Manual. Per the approved five-year Capital Improvement Plan, staff will be initiating a Recreation and Parks Master Plan update in fall 2019. Based on the recommendations of the master plan, staff may bring forward additional changes to the Facility Use Manual for Council consideration.

Policy Alternatives:

Alternative 1: Do not approve the updated City of Milpitas Facility Use Manual

Pros: Staff resources spent on managing individual City Councilmember program or event requests would be spent on previously approved programs and projects

Cons: City Councilmembers will not be able to request the use of City facilities for individual use.

Reason not recommended: With increasing interest in City Councilmembers being able to host programs and events in City Facilities, approved language documenting allowable use and process for approval is necessary.

Fiscal Impact:

At this time, the frequency of use and intended City Facilities are unknown, making an assumption of Fiscal Impact difficult. If the Updated City of Milpitas Facility Use Manual is approved, staff would track the rental revenue value of the facilities used for City Councilmember hosted programs and events at the resident rate. This Fiscal Impact data will be reported to the City Council mid-year.

Recommendation:

Approve the Updated City of Milpitas Facility Use Manual.

Attachments:

- 1) Draft City of Milpitas Facility Use Manual
- 2) Draft City Councilmember Program and/or Event Host Request Form