

COUNCIL/ADMINISTRATIVE POLICY

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PURPOSE

The City of Brentwood recognizes the value of partnering with other agencies and organizations in providing services that benefit the community and its residents. To that end, non-profit agencies, intergovernmental agencies or community groups that provide community benefit as approved by the City Manager or designee may be granted a reduction and/or waiver of fees that are included in the approved Cost Allocation Plan for use of City property, such as City buildings, building maintenance or use of ball fields. Certain fees for permits, crowd control and solid waste services may also be waived. In an additional effort to support those organizations that provide valuable community services for the public benefit, the following policy has been established to determine when consideration will be given for requests for use of City funds, and any limitations associated with those requests.

POLICY

Priorities and Requirements:

- Fee waivers and/or reductions or donations are primarily made to local organizations based in the City of Brentwood. Agencies based in neighboring communities that serve a significant number of City of Brentwood residents may also apply. National agencies will most likely not be considered.
- Fee waivers and/or reductions or donations are made only to organizations as described within this Policy.
- Applications for specific programs, events, equipment needs or general operational support will receive special consideration if they fall under one of the Council Two-Year Strategic Initiatives. The City Council Two-Year Strategic Plan that contain these goals can be found on the Internet under “City Council”.
- Special consideration will be given to events for which matching funds have been secured.
- Requests for funding must be made in writing by using the application form.

Donation and Fee Waiver and/or Fee Reduction Requests:

Requests are made through completion of a “Request for Fee waiver and/or Fee Reduction/Donation” application. Requests are considered on a case-by-case basis as outlined in this document.

Donations and Fee Waiver and/or Fee Reduction Requests will not be granted for the following expenses:

- Office or administrative overhead/staff salaries of the requesting organization. *With the exception of: Contra Costa County Library, Delta Community Services Inc. and ~~Contra Costa County Senior Nutrition Program Meals on Wheels Diablo Region~~ as approved by the City Council.*

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- Capital Equipment or Capital Projects, which includes the purchase or construction of fixed assets, such as land, buildings and any permanent improvements.
- Rental of space other than City owned or operated facilities.

Request for Fee Waiver and/or Fee Reduction Application Procedures

Fee waiver requests under \$5,000 for the use of City facilities, equipment, and/or services for a special event held on, or impacting, public right of way may be waived by the respective Department Director or his/her designee. Fee waiver and/or fee reduction requests over \$5,000 must be approved by City Council. These requests will be brought to Council through a staff report/request prepared by the Department Director. In the event a cumulative total of fees waived reach \$5,000 for a single organization in any fiscal year, all further requests require City Council approval. **ALL** fee waiver and/or fee reduction requests must be made in writing by using the application form and must fall under one of the following categories:

Intergovernmental Cooperation
Department Sponsored Program
Financial Hardship / Non-Profit
Private Community Benefit

Fees may be waived and/or reduced for events and programs if the Director determines that all of the following criteria are met:

1. The organization is a non-profit organization as described by the Internal Revenue Service Section [Example Codes 501(c)(3), 501(c)(6)], or is an intergovernmental agency providing service within the City of Brentwood or community groups that provide community benefit as approved by the City Manager or designee.
2. The organization provides proof it is a valid non-profit or community service organization serving the citizens of Brentwood;
3. The imposition of fees would create a financial hardship on the organization or would have a detrimental effect upon the services provided to the public;
4. The service provided by the City is within the scope of services normally provided by the respective Department;
5. Appropriate recognition as co-sponsor or partner of the event or program is provided for the City of Brentwood on **all** promotional materials and at the event or program. All promotional materials representing the City must follow the graphic standards guidelines;
6. The program or event is determined by City Council, the City Manager or the appropriate Department Director to provide a public benefit and be of significant value to the community or to a significant portion of its residents;

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7. All resources provided by the City in sponsorship of the event must be provided for within the Department's current budget allocations, without a reduction of services;
8. The event or program complies with the City Council Administrative Policy, 20-23 that prohibits unlawful workplace discrimination and harassment. Whether the event or program is in compliance with the City's policy will be determined by the appropriate Department Director and may be appealed pursuant to the terms of this Policy;
9. It is determined that the proposed event or program will have no significant impacts on the facilities or department activities, that the applicant will provide volunteer services and materials to mitigate any impacts created by the event or program, or that the impacts are adequately offset by the public benefit provided by the program or event;
10. Contractor or event sponsor shall hold harmless, defend and indemnify the City of Brentwood (City) and its officers, officials, employees, and volunteers from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with contractor's or event sponsor's performance or work hereunder or its failure to comply with any of its obligations contained in the agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of the City. A hold harmless agreement form is included within the application and shall be signed by the applicant and/or event sponsor/contractor.
11. A **certificate of insurance** or statement of self-insurance must be provided by the applicant. **Minimum limits of insurance** are \$1,000,000 for General Liability and Automobile Liability. Workers' Compensation and Employer's Liability limits as required by the California Labor Code and Employer's Liability limits of \$1,000,000 per accident for bodily injury. Workers' Compensation and Employer's Liability insurance will not be required if organization has no employees. In most cases, the insured party will need to supply an endorsement naming the City of Brentwood as additional insured. This documentation must be provided to the City at least fourteen (14) business days prior to the start of the event.

Any exceptions to the insurance requirement must be approved in writing by the Director of Human Resources/Risk Manager or designee.

12. Scheduling and use of facilities and events are subject to availability of requested facilities and do not have preference over City programs and activities or previous commitments to outside parties.
13. Reasonable steps shall be made by the applicant to minimize impacts to City facilities, programs, and residents.
14. Failure to abide by the rules and procedures as set forth in this document will result in the respective applicant being denied for funding and ineligible to request future fee waiver and/or fee reductions or donations for one year, at

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which point an application for funding may be requested in accordance with this Policy.

Request for Donation Application Procedures

Donation requests under \$1,000 may be approved by the respective Department Director or his/her designee. Donation requests over \$1,000 must be approved by City Council. These requests will be brought to Council through a staff report/request prepared by the Department Director. In the event a cumulative total of donations reach \$1,000 for a single organization in any fiscal year, all further requests require City Council approval. **ALL** requests for a donation of funds from the City of Brentwood must be made in writing to the appropriate department Director (the department providing the waiver and/or donation) using the application form. Staff will submit their recommendation for approval or denial to City Council via a staff report, provided the request meets the following criteria. All requests will be considered on a case-by-case basis, following the standards below:

For all donation requests, the following standards will apply:

1. Good cause exists that a donation is necessary or an activity/event will not take place. This includes a clearly stated public purpose and public benefit of the event and request, identifying the target population who will be served and how this relates to support of City funds.
2. Applicant must demonstrate it has the managerial and fiscal competence to complete the project/event and give evidence that it has pursued other sources of financial support.
3. If the organization or purpose of the event/activity is for a population greater than the City of Brentwood City limits, evidence must be given as to how funds are secured for those who live outside the City limits.
4. The event or program complies with City Council Administrative Policy, 20-23 that prohibits unlawful workplace discrimination and harassment. Whether the event or program complies with the City's policy will be determined by the appropriate Department Director and may be appealed pursuant to the terms of this Policy.
5. A hold harmless agreement form is included within the application and shall be signed by the applicant and/or event sponsor/contractor. Contractor or event sponsor shall hold harmless, defend and indemnify the City of Brentwood (City) and its officers, officials, employees and volunteers from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with contractor's or event sponsor's performance or work hereunder or its failure to comply with any of its obligations contained in the agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of the City.

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- 6. A **certificate of insurance** or statement of self-insurance must be provided by the applicant.

Minimum limits of insurance are \$1,000,000 for General Liability and Automobile Liability. Workers' Compensation and Employer's Liability limits as required by the California Labor Code and Employer's Liability limits of \$1,000,000 per accident for bodily injury. Workers' Compensation and Employer's Liability insurance will not be required if organization has no employees. In most cases, the insured party will need to supply an endorsement naming the City of Brentwood as additional insured. This documentation must be provided to the City at least fourteen (14) business days prior to the start of the event.

Any exceptions to the insurance requirement must be approved in writing by the Director of Human Resources/Risk Manager or designee.

- 7. Scheduling and use of facilities and events are subject to availability of requested facilities and do not have preference over City programs and activities or previous commitments to outside parties.
- 8. Reasonable steps shall be made by the applicant to minimize impacts to City facilities, programs, and residents.
- 9. Within 30 days of completion of any event in which a donation was received, the applicant will provide a written report to the respective Director of the event, to include at a minimum: number of participants; event revenue and expenses; copies of all publicity of the event; any benefit to the community and an accounting of where/when/how the proceeds of the event will be dispersed.
- 10. Failure to abide by the rules and procedures as set forth in this document will result in the respective applicant being denied for funding and ineligible to request future fee waiver and/or fee reductions or donations.

NOTE: Economic Development Grants may be applied for separately, using the Economic Development Program Grant Application form. Contact the Economic Development Division, at (925) 516-5441 for additional information.

City Council Member/Family Donation, Fee Waiver and/or Fee Reduction Requests

No City Donations, Fee Waiver, and/or Fee Reduction shall be available to any of the following individuals or entities:

- 1. The Mayor or any City Council Member (individually, each being an "Elected Official")
- 2. Any Elected Official's spouse or registered domestic partner
- 3. Any Elected Official's dependent children

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- 4. Any organization for which individuals listed in 1-3 above either
 - a. Serve on the board of directors or other governing body or
 - b. Receive any financial benefit

Appeals

All decisions of the Department Director may be appealed to the City Manager for review. All appeals must be made in writing within ten (10) days following a determination or denial of a request. The City Manager’s decision will be final.

Auditing

Staff will provide to the Finance Division all pertinent documentation required to support the Donation, Fee Waiver, and/or Fee Reduction. Finance Division staff will provide a yearly report to the City Council in September each year regarding all fee waivers and/or fee reductions and donations that have been approved or implemented during the previous fiscal year.