

## COUNCIL/ADMINISTRATIVE POLICY

Subject: Policy and Procedures for Requests for Use of City Funds	Policy No: 10-12	Date: January 24, 2006
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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 are granted a reduction per the Cost Allocation Plan for use of City property, such as City buildings, building maintenance or use of ball fields. 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.

### 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 non-profit organizations.
- Applications for specific programs, projects, equipment need or general operational support will receive special consideration if they fall under one of the Council Two-Year goals. The City Council Two-Year Action Plan is updated quarterly and can be found on the Internet under "City Council".
- Special consideration will be given to projects for which matching funds have been secured.
- Requests for funding must be made in writing by using the attached application form.

#### Donation and Fee Waiver and/or Fee Reduction Requests:

Non-Profit agencies may request a donation or fee waiver and/or fee reduction for a specific purpose 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.

#### Fee waiver and/or fee reductions/donations will not be granted for the following expenses:

- Office or administrative overhead/staff salaries of the requesting organization.
- 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 (does not include City-owned 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 attached application and must fall under one of the following categories:

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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 agency is a 501(c)(3) or (c)(6) non-profit organization;
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 and such promotional materials are approved by the Graphic Standards Committee. 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;
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 is open to the public and is in compliance with the City's non-discrimination policy. Whether the event or program is in compliance with the City's non-discrimination 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 permittee 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. It is determined that no profit will be made from the event by the permittee or by any other individuals or private business; or, If a fee is charged, a reasonable portion of the proceeds will be paid to the City. Determination of a fee amount will be based on the information provided in the attached "Schedule A" worksheet.
11. A **certificate of insurance** or statement of self-insurance and hold harmless agreement must be provided by the permittee and should include the following language: 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.

**Minimum limits of insurance** are \$1,000,000 for General Liability, Automobile Liability, Employer's Liability and Errors and Omissions. 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

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start of the event.

Any exceptions to the insurance requirement must be approved in writing by the Assistant City Manager or its 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 permittee to minimize impacts to City facilities, programs, and residents.
14. Within 30 days of completion of any event in which a donation was received, the permittee will provide a written report to the respective Department 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.
15. Failure to abide by the rules and procedures as set forth in this document will result in the respective permittee being denied for funding and ineligible to request future fee waiver and/or fee reductions.

### 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 Director of Finance, using the attached application. 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. A **certificate of insurance** or statement of self-insurance and hold harmless agreement must be provided by the permittee and should include the following language: 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

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**Minimum limits of insurance** are \$1,000,000 for General Liability, Automobile Liability, Employer's Liability and Errors and Omissions. 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 Assistant City Manager or its designee.

5. 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.
6. Reasonable steps shall be made by the permittee to minimize impacts to City facilities, programs, and residents.
7. Within 30 days of completion of any event in which a donation was received, the permittee 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.
8. Failure to abide by the rules and procedures as set forth in this document will result in the respective permittee being denied for funding and ineligible to request future fee waiver and/or fee reductions.

**NOTE:** Economic Development Grants may be applied for separately, using the Business License Tax Grant Application form. Contact the Finance Department (925)516-5460 for additional information.

### **Appeals**

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

### **Auditing**

Staff will provide a yearly report to the City Council by August each year regarding all fee waivers and/or fee reductions and donations that have been approved or implemented during the previous fiscal year.