

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Children's Justice Center – Day of Hope Car Show

**SUMMARY:** The fourth annual Day of Hope Car Show is requesting the city to waive the amount equal to park fees, encroachment permits and any additional city services required.

**FISCAL IMPACT:** Fees are broken down in the background information totaling \$4,060

**STAFF RECOMMENDATION:**

Staff is looking for direction from council.

**MOTION RECOMMENDED:**

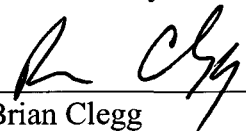
"I move to waive fees for park rental, encroachment permits and additional City services in the amount of \$4,060 for the 2016 Children's Justice Center Day of Hope Car Show on August 13, 2016."

Roll Call vote required

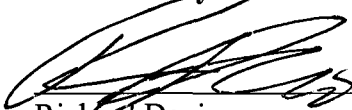
**Prepared by:**

  
Julie Brown  
Events Coordinator


**Reviewed By:**

  
Brian Clegg  
Parks Director

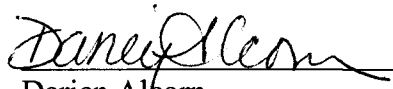
**Reviewed By:**

  
Richard Davis  
Police Deputy Chief


**NOT Recommended by:**

  
Mark R. Palesh  
City Manager

**Reviewed By:**

  
Darien Alcorn  
Deputy City Attorney

**Reviewed By:**

  
Reed Scharman  
Fire Deputy Chief

## **BACKGROUND DISCUSSION:**

### **3-4-1: WAIVER OF FEES AND FINES, GENERALLY:**

For purposes of this chapter, "waiving" an amount also means writing off, forgiving and/or compromising such an amount. Any fees or other monies legally required by this code to be paid to the city may not be waived, unless:

- A. City Attorney Determination: Determined by the city attorney to be legally uncollectible.
- B. City Manager Authority: Any fee, fine, interest, penalty or other money legally required by this code to be paid by a citizen, applicant or respondent to the city in connection with a city provided service or a license/permit may be waived by the city manager:
  - 1. Value For Value Settlements: If the waiver of fees or claims confers a substantially equivalent benefit on the city consistent with law, provided that any such waiver/forgiveness of an amount exceeding fifteen thousand dollars (\$15,000.00) must be approved by the city council; or
  - 2. Rectifying Errors: In an amount not to exceed five hundred dollars (\$500.00) in any one instance, to rectify an alleged error by city personnel or to rectify any other perceived inequity.
  - 3. Doubtful/Uncollectible Amounts: Once the city has made reasonable efforts to collect an unpaid fee, fine, interest, penalty or other money legally owed to the city, or has otherwise determined in good faith that the amount is practically uncollectible; provided that any amount totaling more than one thousand dollars (\$1,000.00) per account may not be waived without city council approval.

The city manager may delegate some or all of this authority to department heads and other managers in city government by administrative directive.

- C. Support Of Charitable Entities: After following the procedures required by Utah code section 10-8-2(2) or any successor provision, the city council may waive fees otherwise due to the city, and may otherwise provide financial and nonfinancial support to a charitable entity providing services to the citizens of the city.
- D. Settling Litigation And Prelitigation Claims By Or Against The City: A claim made by or against the city may be compromised, in whole or in part, without city council approval, up to an amount payable by, or to be paid to, the city of fifteen thousand dollars (\$15,000.00), if the city attorney determines that such a compromise is in the best interests of the city. Notwithstanding the foregoing, prior to settling any claim by or against the city, the mayor shall be notified of any claim over five thousand dollars (\$5,000.00), and if deemed necessary the mayor shall call a special/emergency council meeting. (2001 Code § 1-1-120; Ord. 09-19, 7-14-2009)

Pursuant to City Code Section 3-4-1, the City Council may waive fees otherwise due to the City, and may otherwise provide financial and nonfinancial support to a nonprofit entity providing services to the citizens of the City, if the City complies with section 10-8-2 of the Utah Code. Section 10-8-2 limits the charitable contribution to a nonmonetary contribution, such as fee waivers and City services. It also limits the total charitable contributions for the fiscal year to 1% of the City's budget for that fiscal year and requires a public hearing prior to approval.

The Children's Justice Center is a nonprofit corporation and requesting nonmonetary contributions for the Day of Hope Car show valued at \$4,060 as follows:

**Day of Hope Car Show requested services:**

<u>Requested Item</u>	<u>Cost/Value</u>
• Police - K9 Demonstration, Vehicles (6 @ \$55 per hour)	\$1650
• Police Chief and Fire Chief as Judges	\$ 0.00
• Mayor or designee to select a car award winner	\$ 0.00
• Fire Apparatus display (\$171 per hour)	\$855
• Post event information on City Website	\$ 0.00
• Post event information on lobby kiosk	\$ 0.00
• Display poster in city locations	\$ 0.00
• Share event information electronically / social media (\$10/boost)	\$20
• Park fees	
○ Deposit	\$500
○ Set up / Cleaning	\$150
○ Park Pavilion rentals:	\$375
○ Staff support (8a – 6p=10hrs) 10hrs x \$25	\$250
• Encroachment permit	\$260
• Permission to park cars on the park grass	\$ 0.00
<b>TOTAL:</b>	<b>\$4,060</b>