Council Meeting of May 8, 2019

Agenda Item No. 5a

REQUEST FOR COUNCIL ACTION

SUBJECT: **The Ripple Effect presents: Kids Circus**

SUMMARY: The Ripple Effect is a non-profit organization that is looking to host their first ever Kids Circus at Veterans Memorial Park. This will be a one of a kind event that is designed to give back to the youth in our community. In turn, they are hoping this creates a ripple effect of their patrons going on to do more for the youth in their communities. The purpose of the Kids Circus is to bring the West Jordan community together, to build memories and relationships in a safe atmosphere that many kids may not have the chance to have otherwise.

FISCAL/ASSET IMPACT: $600 value in waiver of Park Fees

STAFF RECOMMENDATION:

This Resolution is at the request of the applicant to have their fees waived. Per policy, an applicant may have their fees waived with Council approval by resolution. Staff, including the Legal Department, does ***not*** make any recommendation as to whether or not to adopt this Resolution. However, staff does agree that this event could benefit our community. The waiving of fees is a policy decision for the City Council. Staff does certify, however, that this Resolution, as presently constituted, meets all of the existing requirements of State law and City ordinances. Pursuant to Utah Code Ann. 10-8-2, the City will be giving The Ripple Effect Project a charitable non-monetary contribution in the form of waiving fees and providing staff support. The City's contribution is valued at $600

MOTION RECOMMENDED:

Option 1: "I move to **approve** Resolution 19-83, waiving of fees associated with the use of Veterans Memorial Park for the Kids Circus on July 12th, 2019."

Or Option 2: "I move to **deny** Resolution 19-83, waiving of fees associated with the use of Veterans Memorial Park for the Kids Circus on July 12th,2019."

Roll Call vote required.

Prepared and to be Presented by:

Name: Korban Lee
Dept.or Title: Assistant City Manager

Recommended by:

Dept. Head: Korban Lee
Title: Assistant City Manager

Authorized for Council Consideration:

David R. Brickey
City Manager

Reviewed for Legal Sufficiency:

City Attorney's Office

BACKGROUND DISCUSSION:

The Ripple Effect Project is a non-profit organization that works alongside the Community Foundation for America's Youth. The mission of the Ripple Effect Project is designed to bring empowerment, inspiration and abundance to the local community. The Ripple Effect wants to help those who are changing our community for our future youth. Through creating abundance, The Ripple Effect inspires a ripple effect for the community to contribute and give unconditionally!

This Kids Circus is a free event that all residents and surrounding community members can participate in. There will be a movie in the park playing Greatest Showman, a kids Choir with a sing along, free food, classes, and many other activities off to the side as well. The Ripple Effect already has the support of some local businesses and Radio stations to help provide the activities listed above, but is looking to West Jordan to support this event by waiving their fees to help create an atmosphere that inspires our residents to contribute to their community and their youth.

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.

Attachments:

Resolution
Cost Breakdown

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

RESOLUTION NO. 19-83

A RESOLUTION TO WAIVE FEES FOR PARK RENTAL, ENCROACHMENT PERMITS AND ADDITIONAL CITY SERVICES IN THE AMOUNT OF $1,100 for Kids Circus on July 12th, 2019

Whereas, The Ripple Effect, a non-profit organization of Community Foundations for America's Youth, is looking to host their first ever Kids Circus.

Whereas, The Ripple Effect Project is about bringing empowerment, inspiration and abundance to the local community. The purpose of the Ripple effect project is to help those who are changing our community for our future youth!

Whereas, Through creating abundance, The Ripple Effect inspires a ripple effect for the community to contribute and give unconditionally!

Whereas, The Kids Circus is a way for The Ripple Effect Project to create a night full of events, activities, and time together in a safe place, building memories and relationships.

Whereas, The Ripple Effect would appreciate the support of the City of West Jordan so they are able to start a ripple effect in our city to provide more for the youth in our community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THAT:

Section 1. The City Council of the City of West Jordan herein approves waiving the fees associated with The Ripple Effect Project in the amount of $1,100 to be held on July 12th, 2019 and

Section 2. This Resolution shall take effect upon its passage.

Adopted by the City Council of West Jordan, Utah, this 8th day of May 2019.

ATTEST:

JIM RIDING	MELANIE S BRIGGS, MMC
Mayor	City Clerk

Voting by the City Council:	"YES"	"NO"
Council Member Alan Anderson	_____	_____
Council Member Dirk Burton	_____	_____
Council Member Zach Jacob	_____	_____
Council Member Chris McConnehey	_____	_____
Council Member Kayleen Whitelock	_____	_____
Council Member Chad Lamb	_____	_____
Mayor Jim Riding	_____	_____

Cost Breakdown

The Ripple Effect Project is requesting nonmonetary contributions for their Kids Circus on July 12th, 2019 valued at $600 as follows:

Requested Item	Cost/Value
• Park fees	
○ Set up/Cleaning (over 200 people)	$150
○ Park Rental – Large Pavilion (over 200 people)	$300
○ Park Rental – Small Pavilion	$150
TOTAL:	**$600**

There is a $500 refundable deposit that is not included in the cost breakdown.

2018 City Council Waiver of Fees - Financial Report

Quarter	Organization	Date of Event	Waiver of Fees requesting	Service In Lieu of Fees requesting	Approved or Denied	Date of Approval	Notes
1	Old Glory Vintage Dancers	2018	$6,720.00		Approved	January 10, 2018	They are paying $720 instead or $7,440
1	Mr. Reed - Homeowners Association	February 27, 2018	$90.00		Approved	January 22, 2018	As per the City Manager (Code 3-4. B. 3)
2	Renegades 4H Club	April-Sept 2018		$725.00	Approved	April 11, 2018	
2	National MS Walk	April 28, 2018	$2,080.00		Approved	February 7, 2018	
2	Jordan Education Foundation	May 19, 2018	$3,338.00		Approved	March 14, 2018	
2	West Jordan Pony Baseball League	04/2018-6/2018		$4,370.00	Approved	March 14, 2018	
2	Cal Ripken Baseball League	04/2018-6/2018		$14,650.00	Approved	April 11, 2018	
2	Children's Justice Center	August 11, 2018	$3,960.00		Approved	June 27,2018	
3	Best Buddies Friendship Walk	October 13, 2018	$650.00		Approved	May 9, 2018	
3	Jordan School District		$100.00		-	(Council was on August 8)	This was removed from the agenda on August 8. Councilmember Whitelock had a different organization pay the fee
4	National MS Society	April 27, 2019	$2,130.00		Approved	December 12, 2018	
		Total	$18,968.00	$19,745.00			

2019 City Council Waiver of Fees - Financial Report

Organization	Date of Event	Waiver of Fees requesting	Service In Lieu of Fees requesting	Approved or Denied	Date of Approval	Notes
Old Glory Vintage Dancers	2019	$6,720.00		Approved	January 10, 2018	They are paying $720 instead or $7,440
Jordan Education Foundation	May 11, 2019	$5,989.00		Approved	January 23, 2019	
West Jordan Pony Baseball	April-June 2019		$4,295.00	Approved	February 27, 2019	
Copper Hills Baseball	April-June 2019		$16,220.00	Approved	February 27, 2019	
Renegades 4H Club	April-September		$725.00	Approved	March 13, 2019	
National Senior Health & Fitness	May 29, 2019	$950.00		Approved	April 10, 2019	
The Ripple Effect	July 12, 2019	$1,100.00		TBD	(Council Agenda for	
	Total	$13,659.00	$20,515.00			

2020 City Council Waiver of Fees - Financial Report

Quarter	Organization	Date of Event	Waiver of Fees requesting	Service In Lieu of Fees requesting	Approved or Denied	Date of Approval	Notes
1	West Jordan Pony Baseball	April-June 2019		$4,295.00	Approved	February 27, 2019	
1	Copper Hills Baseball	April-June 2019		$16,340.00	Approved	February 27, 2019	
		Total	$0.00	$20,635.00			