



REQUEST FOR COUNCIL ACTION

Action: Need Council to take action

Meeting Date Requested : 9/22/2021

Presenter: Alan R. Anderson, Council Office Director

Deadline of item : 9/22/2021

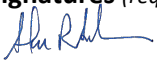
Department Sponsor: Council Office

Agenda Type: Public Hearing

Time Requested: 5 minutes presentation, 10 minute Council

(Council may elect to provide more or less time)

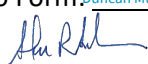
Approval Signatures *(required for all transmittals)*

Submitter: 

Dept. Head: 

Reviewed as to Form  Duncan Murray Sep 16, 2021 13:25 MDT

Executive: 

Council Office: 

Council Committee: N/A

1. AGENDA SUBJECT

Considering Resolution No. 21-044 providing a fee waiver to ChamberWest Chamber of Commerce

2. EXECUTIVE SUMMARY

The city received a rental application from ChamberWest, a non-profit 501(c)6 chamber of commerce, to use the Community Room in City Hall for a Meet the Candidate event on October 12th for the business community and for residents. Due to the community benefit of the Meet the Candidate event to the West Jordan residents and business community, they have also requested a waiver of the rental fee. The Chamber will be promoting this event.

Utah Code Annotated (UCA) [10-8-2\(1\)\(v\)](#) requires the legislative body to hold a public hearing on the proposed fee waiver and states, "...after first holding a public hearing, authorize municipal services or other nonmonetary assistance to be provided to or waive fees required to be paid by a nonprofit entity, whether or not the municipality receives consideration in return." State law does not allow fee waivers to exceed 1% of the budget for the given year. (UCA 10-8-2(2)(a)). The City Finance Director has advised that if the council grants the fee waiver, fee waivers at the time of the Council action requested will not have exceeded 1% of the FY 2021-2022 City budget.

City Code ([WJCC 3-4-1\(3\)](#)) states, "Nonprofit Contributions: Consistent with the requirements of Utah Code Annotated section 10-8-2(2) or any successor provision, and the procedures required by title 2, chapter 6 of this code, the city council may (i) waive an obligation, or (ii) otherwise provide monetary or nonmonetary assistance to a nonprofit entity whether or not the city receives consideration in return."

The decision to waive or not waive fees rests with the legislative body.

3. TIME SENSITIVITY / URGENCY

The application has a rental date of October 12th which is prior to the next council meeting.

4. BUDGET IMPACT

2.5 hours at \$95/hour = \$237.50 less the approved 25% discount for non-profits = **\$178.13** (Source: Page 9 of the [Consolidated Fee Schedule](#).)

5. DEPARTMENT RECOMMENDATION

N/A

6. PLANNING COMMISSION RECOMMENDATION

N/A

7. MOTION RECOMMENDED

I move to approve Resolution No. 21-044 granting a fee waiver for a ChamberWest rental of the City Hall Community Room.

8. MAYOR RECOMMENDATION

N/A

9. PACKET ATTACHMENT(S)

Rental application

Resolution No. 21-044

10. OTHER INFORMATION



West Jordan Rental Application & Facility Use Policy

GROUP NAME: ChamberWest Chamber of Commerce

RESPONSIBLE PERSON OR AUTHORIZED REPRESENTATIVE: Barbara Riddle

ADDRESS: 3540 South 4000 West

CITY: West Valley City STATE: UT ZIP: 84120

TELEPHONE 1: 801-977-8755 TELEPHONE 2: _____

EMAIL: barbara@chamberwest.org

ROOM(S) REQUESTING (check all that apply):

- ☒ City Hall Community Room ☐ Justice Center Community Room ☐ Fire Station 54 Community Room
☐ Fire Station 52 Community Room ☐ Fire Station 55 Community Room
☐ Fire Station 53 Community Room ☐ Pioneer Hall

DATE(S) REQUESTED: Tuesday, October 12, 2021

(Calendar dates)

BEGINNING TIME OF ACTIVITIES: 6:00 pm ENDING TIME 8:30 pm

☐ FOOD ☒ OPEN TO THE PUBLIC ☐ SOUND SYSTEM/MUSIC

EQUIPMENT REQUESTED: Audio/Visual, ability to login to our zoom account and broadcast

NUMBER OF ATTENDEES EXPECTED: 50-60

DESIRED ROOM SET UP (see set up sheet on Appendix A): Auditorium

I, Barbara Riddle, I have read and agree to abide by the Facility Use
(Print Name)

Policy set out in the West Jordan Policy Manual and listed here as Appendix B.

(Signature) September 14, 2021
(Date)

INTERNAL USE ONLY

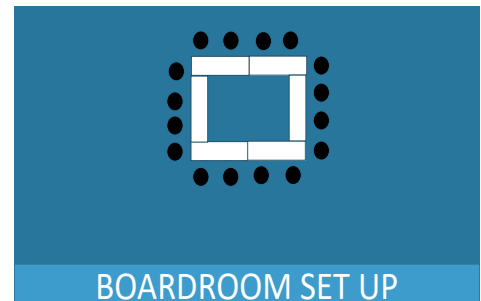
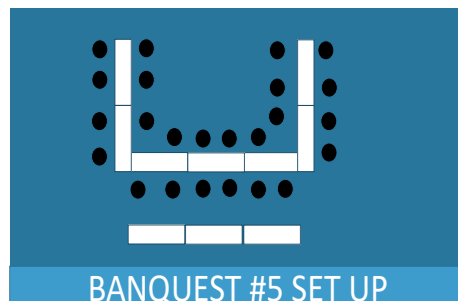
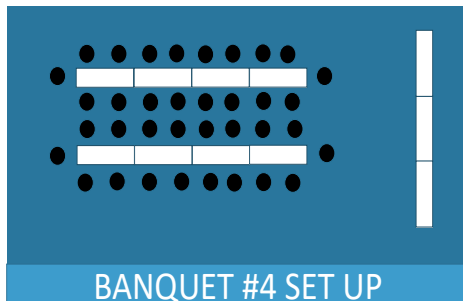
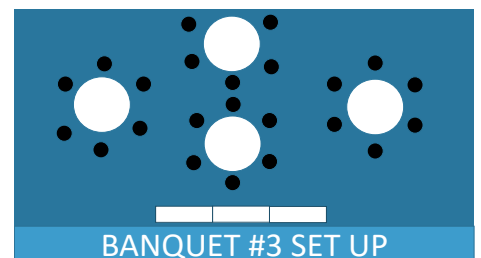
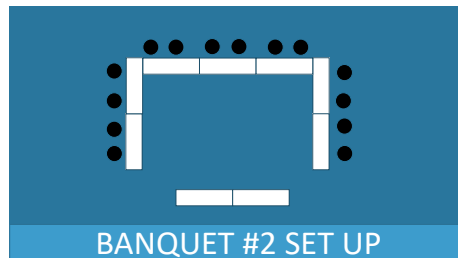
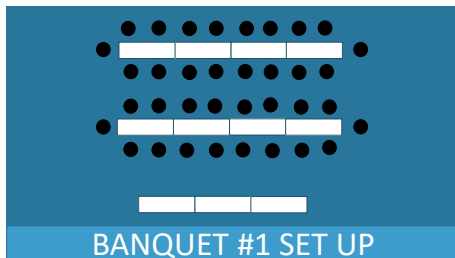
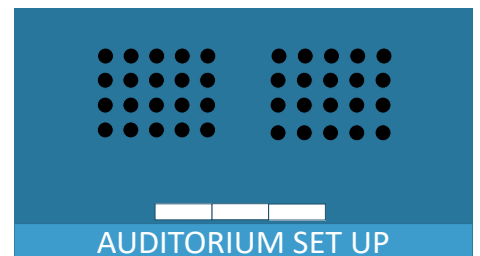
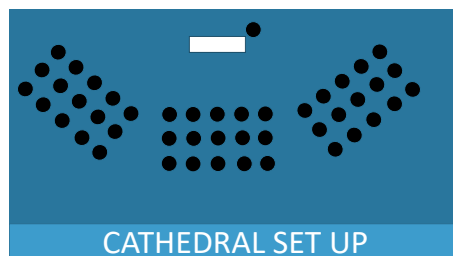
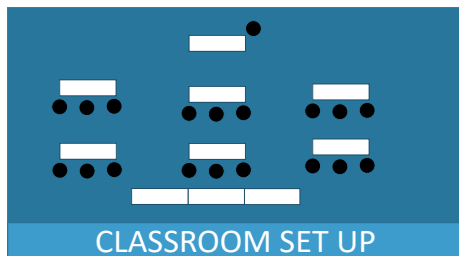
Date Submitted _____ Received By _____ Changes _____

☐ Approved & Calendared date _____ ☐ Sent to _____

Appendix A

Room Set Ups

*NOT ALL SET UPS ARE AVAILABLE. There are many factors that go into a room set up; the set up itself, number of chairs and tables needed, how many rooms are reserved, etc... Please be aware that we might not meet your request due to these factors. Check the set up you would like below. Set up must be turned in with application. Changes to the reservation need to be received 10 business days prior to the reservation date.



Additional comments on the set up that staff needs to know: _____

Can we setup 6 tables in the atrium near the west entrance (3 on each side?) _____

Appendix B

Facility Use Policy

A. Scheduling

1. All city events and meetings will take priority, regardless of current schedule.
 - a. If your reservation is revoked because of City priority, you will be issued a refund in full.
2. Scheduling will occur in three blocks;
 - a. Weekdays from 8 am to 5pm,
 - b. Weekdays from 5pm to 10:00pm, and
 - c. Saturday & Sunday.
 - i. Holidays will be considered in the Saturday & Sunday Block.
 - d. All events will be scheduled on a first come first serve basis.
 - i. Competing applications will be determined by first complete and submitted.
 - e. Any group that seeks to schedule more than 20% of an available block during a two-week period may have restrictions placed on availability.
3. If you are scheduling events spanning over more than a two-week period, your event will need a special permit or a contract with the city.

B. Fees

1. All fees will be established by the Uniform Fee Schedule.
 - a. A \$200 deposit will be required for residents and \$300 for non-residents.
 - i. Deposit will be required for the application to be considered completed.
 - ii. All organizations regardless of fee waiver or fee reduction must pay the security deposit.
 - iii. Security deposit will be returned after completion of the scheduled event(s) and approval from supervising department.
 - b. A deposit will not be returned for any damage to the facility, equipment, or furnishings. Including excessive room cleaning not related to take-down or set-up.
 - c. Cancellation by the applicant after the deposit has been paid will result in a \$10 fee at the time of the return of deposit.

C. Payment

1. All payments for reservations must be made 2 weeks prior to the day of rental.
2. Payment must be by cash or credit card.
3. Service in lieu of fees will not be accepted as payment without a pre-existing contract with the City of West Jordan.

D. Use

1. No animals are allowed in the building except for qualified and distinguishable service animals.
2. Volume, capacity, or noise cannot be disruptive to the function of the building.
3. Nothing can be stored prior to or following the event. Bring what you need, take what you use.

4. Set-up or take down time must be accommodated for in scheduling. You cannot come before your reserved time or stay after to accomplish these tasks.
- E. Exclusions
1. Alcohol
 - a. Alcohol is not allowed in or at any facility of the City of West Jordan.
 2. Commercial Activities
 - a. No commercial activity can occur. Including the buying, selling, trading, or bargaining for any item with legal value.
- F. Revocation
1. Any violation of this policy while using the facility could result in immediate suspension or cancellation of a reservation.
 2. Any damage caused during use will result in all current reservations being cancelled until payment is made for repairs and could result in restrictions or prohibitions on future reservations.
 3. Excessive cleaning that occurs because of use may result in restrictions or prohibitions on future reservations.
- G. Fair Use
1. The city allows all parties and groups to use any space offered for rent based on availability and scheduling.
 2. Any rental does not include city support or assent of the groups purpose in meeting or ideology.
 3. The City is committed to policies of equal opportunity, affirmative action and nondiscrimination. The City seeks to provide equal access to its programs, services and activities for people of all abilities. Reasonable advanced prior notice is needed to arrange for reasonable accommodations found within the Americans with Disabilities Act
 4. The City will not grant or deny permission to use City Facilities for any reason that is in violation of constitutional standards or discriminates on the basis of race, color, ethnic origin, sex, sexual preference, religion, ability, age, political belief or other impermissible basis.
 5. Exceptions to Fair Use made be made if any of the following apply.
 - a. The reservation will substantially interfere with other reserved or permitted activities, or with the provision that City services are needed in support of the reservation.
 - b. The reservation or permit will violate public health and safety laws.
 - c. The reservation or permit will require exclusive use of the City Facility in a manner that will adversely impact the reasonable use or access by the general public to unreserved City Facilities or their environs.
 - d. The reservation or permit will conflict with another reservation, permit or Special Event, or the request is for an area already reserved by another party.
 - e. The reservation or permit will divert so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable public service protection to the remainder of the City.
 - f. The reservation or permit will create a burdensome expense to City.

H. Liability & Indemnification

1. The Responsible Person/Authorized Representative shall indemnify, defend and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims arising out of the activities or omissions of the Responsible Person/Authorized Representative, its officers, agents, employees, and others, related to use of the Facility.
 - a. This indemnification requirement includes indemnification for claims for attorney's fees, court cost and litigation expenses, of whatever type and amount.
2. The Responsible Person/Authorized Representative shall indemnify, defend and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims involving worker's compensation and claims for injuries occurring upon or arising from the use or occupancy of the Facility. The Responsible Person/Authorized Representative shall be solely and fully responsible for the payment of such claims.
3. The Responsible Person/Authorized Representative shall indemnify and defend the City, its officers, agents, and employees from any and all administrative claims and proceedings (such as alleged OSHA violations and similar proceedings) brought against the City, its officers, agents, employees or volunteers related to the Responsible Person's use or occupancy of any City Facility.
4. The City is a governmental entity that is subject to the obligations and protections of the Utah Governmental Immunity Act. Nothing in this Policy is to be construed as a waiver of any provision(s) of that Act.

RESOLUTION NO. 21-044

**A RESOLUTION TO WAIVE FEES FOR THE RENTAL OF THE CITY
COMMUNITY ROOM IN THE AMOUNT OF \$178.13 FOR A MEET THE
CANDIDATE EVENT ON OCTOBER 12, 2021**

WHEREAS, ChamberWest is a non-profit organization working to strengthen and promote the shared interests of the business community. Serving as a catalyst for business growth, a convener of leaders and influencers, and a champion for a stronger community; and

WHEREAS, ChamberWest is looking to host a Meet the Candidate event on October 12, 2021 to provide a way for the residents of West Jordan to learn about the candidates running for Council; and

WHEREAS, ChamberWest has requested a fee waiver from the City for the rental of the Community Room; and

WHEREAS, Utah State Code § 10-8-2(1)(a)(v) permits the City Council to waive fees and other non-monetary assistance after first holding a public hearing; and

WHEREAS, West Jordan City Code 3-4-1(3) permits the City Council to waive fees and other non-monetary assistance after first holding a public hearing; and

WHEREAS, the City Council held a public hearing on September 22, 2021 to hear any public comments regarding the waiver of fees and provision of non-monetary assistance.

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 approves waiving the fees to ChamberWest for their Meet the Candidate event in an amount not-to-exceed \$178.13 to be held on October 12, 2021.

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

Adopted by the City Council of West Jordan, Utah, this 22nd day of September 2021.

CITY OF WEST JORDAN

Zach Jacob
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

(Continued on the following page)

53	Voting by the City Council	"YES"	"NO"
54	Council Vice Chair Kelvin Green	☐	☐
55	Council Chair Zach Jacob	☐	☐
56	Council Chair Chad R. Lamb	☐	☐
57	Council Member Christopher McConnehey	☐	☐
58	Council Member David Pack	☐	☐
59	Council Member Kayleen Whitelock	☐	☐
60	Council Member Melissa Worthen	☐	☐
61			

6a ChamberWest fee waiver

Final Audit Report

2021-09-16

Created:	2021-09-16
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAZWv7xs5opBH9XyxxXqGGeRdVm91gF5iz

"6a ChamberWest fee waiver" History

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 Document e-signed by Alan R. Anderson (alan.anderson@westjordan.utah.gov)

Signature Date: 2021-09-16 - 9:45:00 PM GMT - Time Source: server- IP address: 207.225.200.66

 Agreement completed.

2021-09-16 - 9:45:00 PM GMT