

COUNCIL POLICY NO. X-5

TITLE: CITY COUNCIL CONSIDERATION OF FEE WAIVER REQUESTS

POLICY: See attachment.

REFERENCE: July 11, 2022, City Council Meeting, Item 5.b., Resolution No. 2022-39;
February 14, 2022, City Council Meeting, Item 3.2b., Resolution No.
2022-3.

COUNCIL POLICY X-5
CITY COUNCIL CONSIDERATION OF FEE WAIVER REQUESTS
(Effective July 12, 2022 – Resolution No. 2022-39)

Background:

The City of Salem charges fees for use of facilities and meeting rooms to fully or partially cover the cost of providing the facility. Generally, fees are adopted annually in a Master Fee Schedule through City Council resolution. The Master Fee Schedule provides a 20% reduction in the Facility Use Fee for qualified non-profit organizations.

Consideration of additional reductions on a case-by-case basis is difficult due to the need to collect fees to sustain City facilities and services and, further, requiring the consideration of factors that may result in inequitable results. Therefore, the 20% reduction constitutes the extent of the City's fee reduction for qualified groups and the City Council will not consider additional reductions.

In addition to qualified non-profit organizations, City-recognized neighborhood association shall receive a 100% reduction in the Facility Use Fee for official meetings of the association. Further, City-recognized neighborhood associations are deemed a qualified non-profit organization and are eligible for a 20% reduction of the Facility Use Fee for association social events.

Applicability:

This policy applies to City Council waivers or reductions of Facility Use fees as adopted by City Council in the Master Fee Schedule for use of City facilities such as meeting rooms and park amenities. This policy does not apply to permit fees such as fees for sound permits, short-term concessionaire permits, street closures, and alcohol permits, which cannot be waived. Other costs associated with the use of a facility, such as deposits, cleaning fees, required staffing, other permits such as sound permits, and equipment are not subject to a fee waiver or reduction.

Policy:

The City Council supports local, non-profit organizations, projects and events that directly benefit the community-at-large, aid residents who need assistance, or directly support and advance the City Council's adopted goals. City fees are necessary to pay for the cost of ensuring that City services and facilities meet the needs and expectation of the community. The Master Fee Schedule includes a 20 percent reduction in Facility Use Fees for qualifying nonprofit organizations. The 20 percent reduction in the City's Facility Use Fee is a fair and equitable reduction in fees for community groups. City Council shall not consider requests for additional reductions.

RESOLUTION NO. 2022-39

A RESOLUTION OF THE CITY OF SALEM AMENDING RESOLUTION NO. 2022-3 AND MODIFYING COUNCIL POLICY X-5, CITY COUNCIL CONSIDERATION OF FEE WAIVER REQUESTS

Whereas, the City Council has the authority and responsibility of developing and approving policies specific to the conduct of the City's business; and

Whereas, the City Council annually adopts a master fee schedule that establishes fees for City services and use of City facilities; and

Whereas, adopted fees are designed and intended to pay for the cost of the service or facility use, and the revenue received enables the City to maintain the service or facility for public use; and

Whereas, the City Council-adopted master fee schedule provides a 20% reduction in the Facility Use Fee for qualified non-profit organizations; and

Whereas, it is difficult to differentiate among groups seeking a waiver from City fees for services and facilities; and

Whereas, the City is unable to provide fee waivers upon request because the City would be unable to sustain its services and facilities without the revenue provided by City fees; and

Whereas, a waiver or reduction can only be applied to a Facility Use Fee. Fee waivers or reductions are not available for permit fees or other costs associated with the use of a facility; and

Whereas, a 20% reduction in the Facility Use Fee for qualified non-profits is a fair and equitable policy for all non-profit users of City facilities, and no additional fee reductions shall be provided; and

Whereas, the City Council may, through the annual budget process, allocate City funds in support of community events and groups that assist such groups with the cost of reserving the use of facilities and staging events; and

Whereas, City Council desires to modify the policy as set forth herein.

NOW, THEREFORE, THE CITY OF SALEM RESOLVES AS FOLLOWS:

Section 1. Resolution No. 2022-3, adopting Council Policy X-5, "City Council Consideration of Fee Waiver Requests," is hereby rescinded and replaced as set forth herein.


Section 2. The 20% reduction in the City's Facility Use Fee for qualified non-profits is a fair and equitable reduction in fees for community groups. City Council shall not consider requests for additional reductions.

Section 3. This resolution is effective upon adoption.

ADOPTED by the City Council this 11th day of July, 2022

ATTEST:


City Recorder

Approved by City Attorney: 



Staff Report

File #: 22-276

Version: 1

Date: 7/11/2022

Item #: 5.b.

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Dan Atchison, City Attorney

SUBJECT:

Recommended revisions to the City Council Policy concerning fee waiver requests, Resolution No. 2022-39.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Welcoming and Livable Community.

SUMMARY:

The recommended revisions to the City Council Policy concerning fee waiver requests establishes that the 20% reduction in the Facility Use Fee for qualifying nonprofit organizations approved by Council in the Fiscal Year 2022-2023 Master Fee Schedule is the City Council's policy for fee reductions for City facilities, and that no additional reductions will be considered by Council.

ISSUE:

Shall City Council adopt Resolution No. 2022-39 modifying the Council Policy on consideration of fee waiver requests?

RECOMMENDATION:

Adopt Resolution No. 2022-39 modifying the Council Policy on consideration of fee waiver requests.

FACTS AND FINDINGS:

On February 14, 2022 City Council adopted Resolution No. 2022-3 to provide guidelines for City Council consideration of fee waiver requests. The recently adopted policy is specific to City Council and provides guidelines for City Council to apply when considering a request to reduce or waive a

Facility Use Fee. The purpose of the policy is to provide City Council with standards to apply when a request is brought directly to City Council or as an adopted motion by City Council.

On April 11, 2022, City Council applied the new policy to a request for a fee waiver from Children's Educational Theater. During discussion of the request, City Council identified concerns regarding the broad, discretionary nature of the guidelines, the fairness of granting waivers for some groups and not others, and placing the City Council as the decision maker on specific requests.

The proposed revisions to the policy acknowledge that the recently adopted City Council Master Fee Schedule provides a 20% reduction in the Facility Use Fee for qualified non-profit organizations. The Policy recognizes that consideration of additional reductions on a case-by-case basis is difficult due to the need to collect fees to sustain City facilities and services and, further, requiring the consideration of factors that may result in inequitable results. Therefore, the 20% reduction constitutes the extent of the City's fee reduction for qualified groups and the City Council will not consider additional reductions.

Groups may apply for an award of Transient Occupancy Tax (TOT) through the Cultural Tourism Promotion Advisory Board (CTPAB) annual grant application process to fund events, including the costs of facility rental.

<https://www.cityofsaalem.net/government/boards-commissions/boards/cultural-and-tourism-promotion-advisory-board>

BACKGROUND:

None.

Dan Atchison
City Attorney

Attachments:

1. Resolution No. 2022-39 - Modified City Council Fee Waiver Policy