

CITY OF RANCHO SANTA MARGARITA City Council Policy	Policy Number: 2.9
Subject USER FEE WAIVER REQUEST PROCEDURES	Effective Date: July 29, 2010 Page: 1 of 5

PURPOSE:

To provide uniform and consistent guidelines for receiving, reviewing, considering and processing requests for fee waivers.

BACKGROUND

The City has established a user fee schedule detailing fees for development processing fees and other City rates, charges, and fees for various governmental services. During the course of normal City operations, various groups may request waivers of user fees. A comprehensive policy on user fee waivers establishes consistent criteria to consider waivers and increases the efficiency of processing and handling of the requests.

This policy applies to development processing fees and other City rates, charges and user fees for various governmental services adopted by the City Council and listed in the user fee schedule; specifically Planning, Building Safety, Engineering, Community Services, and Administrative functions (Finance, City Clerk). This policy also applies to Law Enforcement Services charges when the City determines that supplemental Law Enforcement is needed at any event, program, or activity.

POLICY

Fees for services or rental of City facilities may be waived in accordance with the procedures and criteria listed below.

All requests for waivers must be submitted to the City not less than 30 days prior to the event/activity on the City approved form (Attachment A). Forms may be dropped off at City Hall during normal business hours or mailed to:

City of Rancho Santa Margarita
Attn: Fee Waiver Request
22112 El Paseo
Rancho Santa Margarita, CA 92688

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General Conditions: No fee shall be waived when:

- The fee is for a facility rental that is for private use;
- The fee is for a permit/improvement that is for private use or under private ownership;
- The fee is for a private event, program or activity;
- The fee is for Engineering, Planning, & Building fees for improvements to Homeowner Association (HOA) property where non-HOA residents are excluded from use;
- A written fee agreement (e.g. franchise agreement) is already in place.

Waivers may be granted for the amount of the fee listed in the User Fee Schedule only and do not relieve the requestor from payments and obligations for:

- Insurance/indemnification requirements;
- Other permits as required for the event, program or activity;
- Security/damage deposit or other financial obligations associated with the event, program or activity;
- Other conditions of approval that may be required.

Waivers for facility rentals apply only for rentals during normal business hours. If the rental is for a time that requires staff to open or close the facility early or late, rental charges will NOT be waived.

Waiver Authority:

Fee waivers of \$200 or less may be approved by the responsible Department Director.

Fee waivers of \$2000 or less may be approved by the City Manager.

Fee waivers of greater than \$2000 must be approved by the City Council.

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Intergovernmental Cooperation: Fees may be waived when:

- The applicant is another governmental entity (city, county, state, federal or special district); and
- The use is related to the performance of its normal functions within the City of Rancho Santa Margarita; and
- There is public benefit to a significant portion of the residents of Rancho Santa Margarita; and
- The event or temporary use does not have a significant impact on City services, operations, or activities.

Requests for waivers for ongoing operations (not an annual permit) of the governmental entity may be subject to City Council approval. The Department working with the requesting entity shall be responsible for preparing the necessary reports for City Council consideration.

City Sponsored Programs, Services, Activities: Fees may be waived for City sponsored programs, services, or activities when:

- The City is sponsor or primary co-sponsor; and
- The program, service or activity is normally provided by the City; and
- The event, program or activity is open to the public; and
- The event provides a public benefit to the Rancho Santa Margarita community or a significant portion of its residents; and
- All resources provided by the City in sponsorship or co-sponsorship are contained in the current fiscal year budget and can occur without a reduction of other programs, services or activities; and
- The program, service or activity does not significantly impact other City Departments, services, operations or activities.

The Department Director, or their designee, of the requesting Department shall complete the required forms.

Non-Profit Groups: Fees may be waived for approved non-profit groups when:

- Non-profit organization having IRS (501 (c)) approved tax exempt status, formed for civic or educational purposes; and
- The event, program, activity, or improvement is of public benefit to the City of Rancho Santa Margarita and/or surrounding community, or a significant portion of its residents; and

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- The event, program, activity, or improvement is open to the public; and
- The event, program or activity does not significantly impact City Departments, services, operations or activities.

A Non-profit organization meeting the above criteria may charge an entry or admission fee or sell products/items for the purpose of raising funds for causes that provide a public benefit to the City of Rancho Santa Margarita and/or surrounding community, or a significant portion of its residents. However, fundraising for the benefit of an individual or a family for purposes such as scholarships or memorials (illness, injury, etc) will not be considered for fee waivers.

Financial Hardship: Fees may be waived for groups due to financial hardship when:

- The requesting group is NOT a non-profit organization; and
- There is public benefit or value to the Rancho Santa Margarita community, or a significant portion of its residents; and
- The imposition of fees would create a financial hardship on the organization as demonstrated on the Organization Financial Information Form and the imposition of fees would make it prohibitive for the event to be held; and
- The event/activity/improvement is open to the public and does not charge an admission, entry or other type of access fee; and
- The event, program or activity does not significantly impact City Departments, services, operations or activities.

Supplemental Law Enforcement Services:

From time to time, the size and nature of events, programs or activities may require additional Law Enforcement staff to ensure the public safety. The City, in its sole discretion, shall determine when Law Enforcement is needed at an event, program or activity. Charges for Law Enforcement services are approved by City Council as part of the agreement with the Orange County Sheriff's Department and contained in the agreement with the County of Orange.

When Supplemental Law Enforcement services are required, the individual or entity presenting the event, program or activity shall be responsible for full payment of the charges for those services unless a waiver is applied for and granted subject to this policy.

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Appeal of Denied Waiver:

Should a request for user fee waiver be denied, the applicant may appeal that decision to the City Manager. The appeal must be in writing and received by the City within 7 days of the denial. The appeal must include the copy of the waiver request form, the reason provided for denial and detailed information on why the applicant believes the appeal should be granted. The City Manager will review the information submitted by the applicant and issue his decision within 15 days of receipt. For all appeals, the decision of the City Manager is final.

Attachment A: Fee Waiver Request Form



FEE WAIVER REQUEST FORM

Organization Name: _____

Organization Contact Information: Name: _____

Phone: _____ E-mail: _____ Fax: _____

Address: _____

Type of Organization: _____ 501 (c) (Please specify type of 501 status): _____

_____ Government Entity _____ Other (explain) _____

Date of Event: _____ Request City Facility? Yes No

If Yes, which facility: _____

Is there an admission/access charge? Yes No Is this open to the public? Yes No

(By policy, events, programs, activities, or improvements that are for private use are not eligible for a fee waiver)

Amount of fees requested to be waived: \$ _____

Name and Purpose of Activity, Improvement, Event _____

Describe the public value and benefits to the Rancho Santa Margarita community: _____

I have read the Fee Waiver Policy and I am applying for a fee waiver based on the belief that my event, organization, activity, improvement or program qualifies as:

Intergovernmental Cooperation

City Sponsored/Co-sponsored

Non-Profit

Financial Hardship

All Non-profit requests **must** include a copy of the IRS exempt status approval letter.

All Financial Hardship requests **must** complete the Financial Hardship portion of this form (on reverse).

Signature: _____ Date: _____

City Use Only:	Date Rcvd in Dept: _____	Approved	Yes	No
		By: _____		



FEE WAIVER REQUEST FORM

FINANCIAL HARDSHIP

Organization Name: _____ Tax ID # _____

Organization Fiscal Year beginning/end: _____

Total amount currently in organization's checking & savings account: \$ _____

Total amount currently invested in CD's or other investments: \$ _____

Anticipated income in Current Fiscal Year:

Membership - Dues	\$
Donations - Gifts	\$
Fundraising	\$
Grants	\$
Interest	\$
Other	\$

Projected Revenue from Event:

Admission Charge (tickets sales)	\$
Donations	\$
Food Sales	\$
Advertising Revenue	\$
Raffle/Auctions	\$
Other:	\$
Other:	\$
TOTAL Revenue:	\$

Projected Expenses from Event:

Advertising	\$	Insurance	\$
Entertainment	\$	Safety/First Aid	\$
Rental Equipment	\$	Decorations	\$
Food/Catering	\$	Postage	\$
Supplies	\$	Security	\$
Security	\$	Other	\$
Printing	\$	TOTAL Expenses:	\$

Applicant **must** submit the entity's most recent tax return with the completed application form.

Signature: _____ Date: _____