

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2013-103

3 INTRODUCED BY:

4
5 Councilor Trujillo

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10 A RESOLUTION

11 REPEALING RESOLUTION NO. 2007-109 AND ADOPTING A NEW RESOLUTION TO
12 ESTABLISH A POLICY RELATED TO WAIVERS OR REDUCTION OF FEES FOR
13 SPECIAL EVENTS OR FOR THE USE OF CITY FACILITIES, EXCLUSIVE OF THE
14 SANTA FE COMMUNITY CONVENTION CENTER.

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16 WHEREAS, over the years, either through tradition or through old policies and
17 procedures, fee waivers or reductions have been granted for special events on city property or for
18 the use of city facilities; and

19 WHEREAS, the purpose of charging fees for special events on city property or for the
20 use of city facilities is to help offset the costs to the city; and

21 WHEREAS, these waivers of or reductions in fees may result in a significant loss of
22 revenue to the city at a time when the city is accounting for the cost of various city programs and
23 services in order to balance the budget during times of stagnant economic growth; and

24 WHEREAS, the New Mexico Constitution, Article IX, Section 14, requires that the city
25 establish procedures to ensure that the city receive consideration in the form of direct services

1 and/or direct benefits to the city from the non-profit that either equal or exceeds the value of the
2 waiver of the user fees for use of a city facility for a one day fundraiser event; and

3 **WHEREAS**, in 2007, the City Council approved Resolution 2007-109 to set out the
4 policy and procedure for seeking and receiving a waiver or reduction of fees for a one day special
5 event or for one day use of city facilities; and

6 **WHEREAS**, in 2012, the City Council approved Resolution 2012-33 to support local
7 non-profit organizations and declare that on an annual basis, each member of the governing body
8 was authorized to have the user fees waived at the Santa Fe Community Convention Center so
9 that the non-profit organization could host a one-day fundraising event; and

10 **WHEREAS**, Resolution 2012-33 established a new process to allow for a one day
11 waiver per year of user fees for the Community Convention Center by non-profit organizations
12 for fundraising purposes; and

13 **WHEREAS**, the Governing Body now wishes to use this same process for allowing one
14 waiver per year of user fees at one of the city facilities, exclusive of the Santa Fe Community
15 Convention Center, for a one day special event for non-profit organizations for fundraising
16 purposes.

17 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
18 **CITY OF SANTA FE** that Resolution No. 2007-109 is repealed and the following policy is
19 established which relates to waivers or reduction of fees for special events or for the use of city
20 facilities, exclusive of the Santa Fe Community Convention Center:

21 **Section 1.** Fees are waived for interdepartmental use of facilities for city business.

22 **Section 2.** Fees may be waived by the city manager for events organized by city
23 staff for which the general public is invited.

24 **Section 3.** This resolution does not supersede Resolution No. 2006-149 regarding
25 fees for the annual Fiesta celebration on the Plaza and Resolution No. 2006-148 regarding fees

1 the annual Zozobra presentation at Fort Marcy Park.

2 **Section 4.** Fees may be waived by the city manager for an event that is part of a
3 contract between the city and another party for the purpose of furthering a city department's
4 mission.

5 **Section 5.** This resolution does not apply to memorandums of agreement between
6 the city and another governmental entity.

7 **Section 6.** In addition to the one day, event waiver of user fees at the Santa Fe
8 Convention Center authorized by Resolution 2013-107 for a non-profit to hold a one day, event
9 fundraiser, the city manager may approve fee waivers for an additional one event per calendar
10 year upon request of each member of the governing body. Events must be for a non-profit
11 organization for fundraising purposes.

12 A. On an annual basis, the City Manager shall solicit proposals from non-
13 profit organizations desiring to have one user fees waiver for that year for a city facility
14 or special event for a one-day fundraising event. Each proposal shall contain a list of the
15 non-profit's services provided to the citizens of the city on an annual basis and their
16 corresponding monetary value. These listed services shall only include services for
17 which the non-profit does not receive adequate compensation for that service. The value
18 provided by the non-profit shall equal or exceed the value of the one-day fundraising
19 event waiver of user fees.

20 B. Members of the Governing Body shall consider the non-profit
21 organizations' proposals. On an annual basis, each member of the Governing Body is
22 authorized to select one proposal submitted by a non-profit organization for a one day per
23 year user fees waiver at a city facility or special event for a one-day fund-raising event.
24 When a Governing Body member has selected one non-profit organization's proposal, he
25 shall forward the selection to the City Manager. The City Manager shall award the one

1 time per year waiver of the user fees to each non-profit organization selected by each
2 Governing Body member, with the limitation that no non-profit organization shall receive
3 more than one waiver per year for a one day event at a city facility or waiver of a special
4 event user fee.

5 C. No more than six months prior to the proposed date of the event; the City
6 Manager shall coordinate with the Director of the Public Works Department and a
7 representative of the non-profit organization to determine a date specific for the event,
8 which is subject to the availability of the city facility or special event location.

9 D. Each and every non-profit organization holding the one day fund-raising
10 event shall be responsible for paying the current clean up, security and damage fees and
11 agree to accept all liability for the event.

12 E. Other than described in Section 6(D) above, non-profit organizations
13 must pay the same fees as for-profit entities.

14 F. No date or facility may be reserved until the proposed recipient provides
15 documentation demonstrating that the recipient is a properly registered non-profit.

16 G. Within 10 days of receipt of a waiver request from a member of the
17 Governing Body, the city manager shall report the request to the city clerk including the
18 requesting member, the proposed recipient with verification that the recipient is a
19 properly registered non-profit, the estimated value of the fee waiver including facility
20 rental, staff time and other related expenses, justification for the fee waiver, the date of
21 the event and description proposed facilities. Such preliminary report shall be
22 immediately posted by the city clerk, on the city's website. Within ten (10) days of the
23 conclusion of the event, the City Manager shall file a final report that includes the final
24 value of the fee waiver and any necessary additional information relating to the event.

25 **Section 7.** City employees are not eligible to receive fee waivers or reduced fees for

1 personal events.

2 **Section 8.** This resolution does not preclude reduced fees or waivers for city
3 employees to use city facilities or recreational classes as part of the city wellness policies or free
4 bus passes as part of the city's transportation policies.

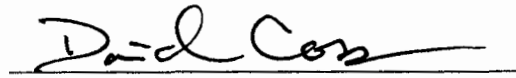
5 **Section 9.** The fee waivers approved in this resolution shall not include any waiver
6 specifically prohibited by ordinance.

7 **Section 10.** No other fee waivers or reductions are allowed except by subsequent
8 official action of the governing body.

9 **Section 11.** This resolution shall be reviewed by the governing body within 12
10 months of its adoption.

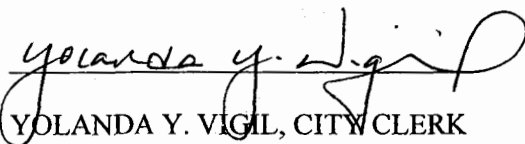
11 **BE IT FURTHER RESOLVED** that the intent of this Resolution shall be implemented
12 in a manner that complies with the laws of the state of New Mexico and the ordinances of the
13 City of Santa Fe, including the Code of Ethics, Article 1-7 SFCC 1987.

14 PASSED, APPROVED, and ADOPTED this 11th day of December, 2013.

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17 ATTEST:

DAVID COSS, MAYOR

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20 YOLANDA Y. VIGIL, CITY CLERK

21 APPROVED AS TO FORM:

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23
24 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

25 M/Melissa/Resolutions 2013/2013-103 Fee Waivers_FINAL