Fee Waiver Request for Sunken Gardens Park

RECOMMENDATION:

Council review and deny the request for a fee waiver for use of the Sunken Gardens for a Peace Fair on May 26th, 2007.

DISCUSSION:

Background: Ms. Melinda Forbes has submitted an application to use the Sunken Gardens on May 26, 2007 for a “Youth Peace Fair.” The event will be a gathering of youth with a theme of peace, art, information tables and music. There will be a live band. The proposed time of the event is 2:00-6:00pm. The anticipated attendance is estimated to be approximately 200 people.

Normal permit fees, adopted by City Council, apply to the event. They are $100 for a non-profit group and $200 for a private group. Although not incorporated as such, City staff would apply the non-profit rates to a group such as this, as the group’s activities are not for profit. Thus, the fee to be charged would be $100.

Ms. Forbes is requesting a fee waiver for the use of the Sunken Gardens. Fee waivers are discouraged simply because nearly every non-profit group that uses City facilities can make the case that they are a “worthy cause” providing a service to the Atascadero community. Fees are not charged to “co-sponsored” groups which are defined as “providing a service with a formal partnership with the City of Atascadero.” Examples of such groups are the Chamber of Commerce and Main Street. Both groups have formal agreements with the City to provide a service to the community. Another example is Colony Days, which has partnered with the City of Atascadero for many years to conduct Colony Days events.

Other criteria for a fee waiver would include a charitable organization/fundraiser with a record of direct service to the community, and an event that directly benefits the City of Atascadero’s facilities, programs or services. Since this fee waiver request does not meet any of the City’s existing criteria for a fee waiver, the request is being brought to the City Council for consideration.
While City staff supports the proposed Youth Peace Fair, the staff is not recommending the event receive a fee waiver, as it is not unlike many other events that take place in the Sunken Gardens, Lake Park or elsewhere. This kind of precedent would make it very difficult to apply fees and facility use policies fairly to other groups. An example is the “May is Bike Month” event to be held in the Sunken Gardens on May 11th, 2007. The “Upper Pod” organizing group also asked for a fee waiver for the Sunken Gardens, as the event is organized for the community by volunteers to promote bike education and awareness. They will be having a bike ride downtown and showing a movie in the Sunken Gardens. The fee waiver request was not granted for the same reasons given to the Peace Fair organizers. While the City would like to see these events be successful, some cost recovery for these types of events in City facilities is also a desirable objective. Waiving fees for one group necessarily raises questions about how the rules apply to other groups. Staff can find no unusual circumstances that would justify waiving the fees for the Peace Fair.

FISCAL IMPACT:

Potential fees of $100-$200, either collected or waived.

ATTACHMENTS:

A- Event Application
B- Letter to Council