Purpose

- The City Council requested information about Allowing Nonprofits to use City Facilities at no cost

- The City Council requested information about waiving development fees for Nonprofits

- Determine City Council's desired outcome to ensure staff can create draft policy in alignment with City Council's expectations

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Purpose

Staff identified some key questions to further this proposal and respond to City Council's request:

– What nonprofits?

– What Facilities?

– What uses?

– What fees?

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Background

The City owns a number of facilities that could be rented for use by the public, including:

- Bison Grill
- Buffalo Run Golf Course
- Bison Ridge Recreation Center
- Eagle Pointe Recreation Center
- Civic Center
- Paradise Island Pool
- 20 Parks
- 20 Athletic Fields
- Conter Heritage & Cultural Center
- Small Business Resource Center (Derby)

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Development Fees

On March 4, 2019 City Council approved resolution 2019-29 waiving development fees for new full service restaurants.

- Resolution 2019-29 included in the City Council packet for reference
- Does this schedule of fees meet City Council's goal related to waving fees for Nonprofit development?
- Any modifications desired to the fee schedule?

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Definition of Nonprofits

A nonprofit is a tax exempt entity that serves a public interest.

- There are 29 types of organizations tax exempt under Section 501(c)

- There are 29,560 nonprofits within the State of Colorado

- Nonprofits can be incorporate or unincorporated (unincorporated nonprofits cannot receive federal tax exempt status)

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Definition of Nonprofits

A common form of incorporated nonprofits are organized under Section 501(c)(3)

- Categorized into 10 major areas and 600 subcategories
  - Arts, culture and humanities
  - Education
  - Environment and animals
  - Health
  - Human Services
  - International, forging affairs
  - Public, societal benefit
  - Religion
  - Mutual/membership benefit
  - Unknown, unclassified

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Definition of Nonprofits

What type of nonprofits does the City Council wish to benefit from no cost use of facilities?

- All 501(c)(3)?

- Commerce City based 501(c)(3), defined by the location of their corporate head quarters?

- 501(c)(3) appointed by City Council?

- 501(c)(3) operating in Commerce City, defined by demonstration of operation within the community?

- Should nonprofits be in good standing with the Secretary of State to obtain benefit?

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What type of nonprofits does the City Council wish to benefit from development fee waiver?

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Definition of Nonprofits

How?

- Staff recommends that the applicant be responsible for submitting documentation proving their nonprofit qualifications and status?

- Should the fee be waived prior to collection or charged and collected and then rebated after verification of qualification or after event/build?

Alternatives

Which facilities should be available at no cost to nonprofit entities?

- – All of them, some of them, parts of them?
- – Depending on use?
- – Additional considerations
  - • Compatibility with City Vision, Mission, Council Goals
  - • Alignment with City nondiscrimination policies
  - • Consistency with State and Federal law
  - • Facility use prioritization
  - • https://recreation.c3gov.com/rent-or-reserve

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We could develop some other alternatives related to facility use, such as:

- Drafting policy that would allow for staff to have discretion to waive fees for nonprofits, as we do now for city sponsored events

- Develop a tiered system of users and associated fees

  - See DPS Facility Use Policy –

  https://facilities.dpsk12.org/communityuse/

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Staff will draft policy in alignment with City Council's feedback

- Bring back additional information for further City Council consideration including:

- Draft policy

- Estimated revenue impacts

- Costs

- Implementation schedule

Questions and
City Council Feedback

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