

**TOWN OF NEDERLAND
Boulder County, Colorado**

RESOLUTION 2012 - 08

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND
ADOPTING A POLICY TO GOVERN THE CONSIDERATION OF REQUESTS TO
WAIVE OR DISCOUNT TOWN FEES**

WHEREAS, Nederland Municipal Code (“Code”) Section 4-151 authorizes the Town of Nederland Board of Trustees (“Board”) to establish and amend various fees and charges imposed by the Town from time to time by resolution; and

WHEREAS, the Board periodically receives requests from people and entities to waive or discount such fees on the basis that the applicant’s event, program or purpose confers a public benefit; and

WHEREAS, the Board finds and determines that its generally-applicable fees and charges are calculated to reasonably approximate the Town’s actual costs to administer its facilities, programs and licensure requirements; and

WHEREAS, the Board therefore finds that its generally-applicable fees and charges should be imposed and collected the majority of the time and that fees should be waived or discounted only upon a showing that the event or program confers a demonstrable public benefit; and

WHEREAS, the Board therefore desires to adopt a formal policy to govern its consideration of requests to waive or discount Town fees.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF NEDERLAND, COLORADO:**

The Town of Nederland Fee Discount/Waiver Policy, a copy of which is attached to this Resolution, is hereby adopted. Town Staff is authorized and directed to develop those administrative processes and forms necessary to implement this Policy.

RESOLVED, APPROVED and ADOPTED this 7th day of February, 2012.

TOWN OF NEDERLAND

By: _____

Joe Gierlach, Mayor

ATTEST:

Teresa Myers
Teresa Myers, Town Clerk





TOWN OF NEDERLAND Fee Discount/Waiver Policy

POLICY ADOPTED: *February 7, 2012*

POLICY EFFECTIVE: *March 6, 2012*

Background:

The Town of Nederland frequently receives requests for discounts to its rental, event, and licensing fees. In the interest of equity, fairness, and simplicity, the Board of Trustees directed staff to create a guiding document for consideration and review of these requests. To that end, staff researched various approaches and developed the following matrix for Board use.

No Entitlement to Discount or Waiver:

Fees imposed by the Town reflect the Town's actual costs to administer the rental of its facilities, the operation of its programs and events and the implementation of licensure and permitting requirements. A discount from these fees results in the Town performing these services at less-than-cost. Discounts and waivers are therefore the exception and not the rule. Discounts and waivers shall be considered and granted in exceptional circumstances, as described in this Policy, and are not an entitlement or benefit provided by the Town as a matter of course. Discounts are only merited when the requesting party sufficiently demonstrates a public benefit sufficient enough to justify a reduction in the administrative costs typically recovered by the Town through its fees.

Step One: Determine the Nature of the Organization

The Town Administrator, or his or her designee, shall determine into which category an applicant falls.

“Not-for profit organizations” shall mean, for the purposes of this policy, entities whose principal purpose is not the generation of revenues for profit; entities that fundraise or seek to generate revenues for the purpose of funding service programs or donations for the benefit of Nederland residents may be considered non-profit. A 501(c)(3) designation is not sufficient or required to meet this definition.

Category I: Not-for-profit organizations whose mission and purpose is primarily to serve Town residents broadly through social, cultural and educational programs; public and quasi-governmental entities (school districts, library districts, etc.).

Category II: Citizens, private groups and other private organizations residing or with a principle place of business within Town.

Category III: Citizens, private groups and other private organizations residing or with a principle place of business within the Greater Nederland Area, as defined by the boundaries of the Nederland Community Library District.

Category IV: All other users.

Step Two: Determine the Base Discount

The Town Administrator, or his or her designee, shall determine the base discount in accordance with the table below.

CATEGORY	DISCOUNT
I.	35%
II.	25%
III.	15%
IV.	0%

The Board may elect to grant no discount, the base discount reflected in the table, or a greater or lesser discount based on additional factors contained below.

Step Three: Consider Extenuating Factors, if desired

The Board may also consider extenuating factors, if desired, in determining whether to grant, deny or vary a requested discount or waiver, including but not limited to:

- ✓ Any profit the event, rental, or program generates for the organization;
- ✓ Any intangible benefit the event, rental, or program generates for the organization that might result in future profits or revenues, such as regional word-of-mouth advertising;
- ✓ Any monetary benefit received by the Town from the event, rental, program or organization generally, such as sales tax or some other revenue;
- ✓ Any intangible benefit received by the Town from the event, rental, program or organization generally, such as community morale or Town pride;
- ✓ Any other in-kind or cash contributions provided by the Town to the organization, both for the event, rental, or program in question, and as a general matter of course;
- ✓ Any support for the event, rental, program or organization, as expressed by community residents; and/or
- ✓ Any efforts made by the organizer or applicant to further the Town's sustainability goals.

The Board may, at its discretion, vary the percentage discount for an applicant based on these factors.

Step Four: Set the Final Discount or Grant a Total Waiver of the Fees

The Board of Trustees shall have the final say in the discount or waiver. The Town Administrator, or his or her designee, shall implement the Board's direction.

******Nothing in this policy should be construed to create an implied or explicit requirement that the Board of Trustees apply any discount or waiver to any applicant.***



TOWN OF NEDERLAND

Request for Fee Discount/Waiver or Contribution of Town Services or Materials

Name of Contact Person _____
Name of Organization _____
Address _____
City _____ State _____ Zip Code _____
Phone(s) _____ E-mail _____
Event _____
Date(s) of Event _____

Please describe the reason(s) for your request (attach sheets if necessary):

Fee/Rental Amount or Cost of Services/Materials: \$ _____
Note: Please attach supporting estimate or fee schedule.

Percentage of Requested Discount: _____ %

Anticipated Fee/Cost after Requested Discount:

Town Staff Comments/Recommendation:

Staff Recommended Percentage Discount: _____ %

Staff Recommended Fee:

FOR STAFF USE ONLY:

1. Check the appropriate category (*only one*) for the organization:

Category I: Not-for-profit organizations whose mission and purpose is primarily to serve Town residents broadly through social, cultural, and educational programs; public and quasi-governmental entities (e.g. school districts, library districts, etc.).

_____ **Category II:** Citizens, private groups and private organizations residing or with a principle place of business in the Town.

_____ **Category III:** Citizens, private groups and private organizations residing or with a principle place of business in the Greater Nederland Area, as defined by the boundaries of the Nederland Library District.

_____ **Category IV:** All other users.

2. Note any "Extenuating Factors" considered by the Board of Trustees:

_____ **Any profit the event, rental, or program generates for the organization;**
Estimated profit:

_____ **Any intangible benefit the event, rental, or program generates for the organization that might result in future profits or revenues, such as regional word-of-mouth advertising;**
Benefit(s):

_____ **Any monetary benefit received by the Town from the event, rental, program or organization generally, such as sales tax or some other revenues;**
Monetary benefit received by Town (if known):

_____ **Any intangible benefit received by the Town from the event, rental, program or organization generally, such as community moral or Town pride;**
Intangible benefit received:

Any other in-kind or cash contributions provided by the Town to the organization, both for the event, rental, or program in question and as a general matter of course;

_____ *Other Town contributions:*

Any support for the event, rental, program, or organization, as expressed by community residents;

Any efforts the organizers or applicant make to further the Town's sustainability goals.

_____ *Example(s):*

_____ Approved

_____ % Discount

_____ Waiver

_____ Denied

_____ Town Contribution

Approved Fee/Contribution:

\$

(Note: Attach minutes for record.)

Mayor

Date

Clerk