

Service Fee Waiver Policy

No:	CM400	Type:	Policy
Department:	Office of the City Manager		
Approval Date:	05/30/2008	Approval:	

Purpose

To establish guidelines for Departments receiving requests to waive fees for outside organizations. This policy does not pertain to requests received from other City of Las Vegas Departments or other Southern Nevada governmental organizations.

Scope

All Employees.

Policy

It is the policy of the City of Las Vegas that requests for fee waivers shall be denied.

In rare occasions when a requesting organization meets certain criteria, the Department Director, or designee, may decide to make a recommendation to the City Manager to waive a fee. The following conditions must be met in order for a fee waiver to be considered:

- The services provided for a charge are not regulated by State Statute, Resolution, Agreement, or City Ordinance¹; and
- The organization requesting a fee waiver is a non-profit organization, which is defined as any organization that is exempt from federal income tax; and
- It can be documented that the fee waiver is in the best interest of the City¹ as determined by the City Manager or designee; and
- It can be documented that the fee waiver meets the Public Purpose Doctrine² as determined by the City Attorney or designee; and

¹ The City Manager may use any of the following guidelines to determine if a fee waiver is in the best interest of the City:

- In the absence of the non-profit organization, the City would provide the services.
- The services support any of the priorities of the City Council.
- The services rendered to the community provide a financial incentive for the City.

² Public Purpose Doctrine Defined – Definition given by the Nevada State Attorney General

“The “public purpose doctrine” prohibits the use of public property for private purposes. The essence of the [public purpose] doctrine, that public funds may be expended only for public purpose, rests on the theory that governmental power should be used for the benefit of the entire community. A “public purpose” is an action on the part of the federal, state, or local government that benefits the community as a whole and is directly related to the function of the government.

- The requesting organization has properly completed and submitted the proper forms to request a fee waiver.

Department staff who receive requests to waive fees for any fee-related service should forward the request to their respective Department Director or designee.

In those instances when there is a recognizable public benefit and the waived fee is in the best interest of the City and its residents, and all of the above criteria are met, the Department Director should work with the requesting organization to document the public purpose of the fee waiver and present the results to their respective Deputy City Manager with a recommendation. The City Manager, or designee, will determine if the fee waiver is appropriate and will inform the Department Director of the decision.

Fees charged that are covered by Municipal Code 13.36.138 will not be eligible for waiver.

All records of fees that are waived should be forwarded to the Department of Finance & Business Services to be recorded in a separate contra-revenue account. In this way, the accountability for the waived fee is maintained.

References

City of Las Vegas, *Parade Policy* CM104

City of Las Vegas, *Parade Procedure* CM104a

ⁱ **The Municipal Code Provides:**

13.36.138 Additional costs to be paid in advance.

Any person who is issued a permit pursuant to LVMC 13.36.134 [Special events at City parks or other City facilities] shall pay all of the additional costs that the City incurs, in excess of those that it incurs in connection with its normal maintenance of the park or facility in which the special event is held, as the direct result of the special event for which such permit is issued, and no permit may be issued hereunder until the amount of the City's estimate of such additional costs has been paid in advance. The additional costs for which the permittee shall be responsible shall include without limitation the City's expenditures that are associated with the personnel and equipment that it uses in preparing for, supervising and cleaning up after such event. Any of such additional costs that exceeds the City's estimate thereof shall be enumerated in writing, and an invoice therefore will be forwarded to the permittee for payment.

(Ord. 3372 §§ 1 (part), 15, 1988)