



## Agenda Report

24-508

Agenda Date: 6/4/2024

### REPORT TO COUNCIL

#### SUBJECT

Reconsideration of the Council Actions Taken at the April 23, 2024 City Council Meeting Regarding Proposed FY 2024/25 Fees for Non-Profit Youth Sports Field Use in Accordance with Council Policy 42

#### COUNCIL PILLAR

Enhance Community Sports, Recreational and Arts Assets  
Enhance Community Engagement and Transparency

#### BACKGROUND

On April 23, 2024, a motion was made by Councilmember Watanabe, seconded by Mayor Gillmor, to:

- 1) Approve Resolution 24-9316 adopting the City of Santa Clara FY 2024/25 Municipal Fee Schedule with an effective date of July 1, 2024;
- 2) Repeal fees for nonprofit youth sport groups;
- 3) Direct staff to revisit the Wade Brummal scholarship program; and
- 4) Direct staff to use naming right fees to offset the repeal of the nonprofit youth sport groups fees.

The motion passed 4-3 with Councilmembers Watanabe, Chahal, Vice Mayor Becker and Mayor Gillmor in favor and Councilmembers Hardy, Park and Jain in opposition.

A meeting recess was called following the motion at 10:37 p.m. and the City Council reconvened at 10:47 p.m. Following the recess, Vice Mayor Becker requested reconsideration of the prior vote. Councilmembers Chahal, Hardy, Park, Jain, and Vice Mayor Becker voted in favor of the reconsideration with Mayor Gillmor and Councilmember Watanabe in opposition.

At this point, a substitute motion was made by Councilmember Chahal to:

- 1) Adopt the proposed FY 2024/25 Municipal Fee Schedule with an effective date of July 1, 2024;
- 2) To repeal of field use fees for non-profit youth sports groups;
- 3) Direct staff to revisit the Wade Brummal Scholarship program; and,
- 4) Use naming right fees to offset the repeal of field use fees for non-profit youth sports groups.

The motion failed 3 to 4 with Mayor Gillmor and Councilmembers Watanabe and Chahal in favor of the motion and Vice-Mayor Becker and Councilmembers Hardy, Park and Jain in opposition of the motion.

A second substitute motion was made by Councilmember Jain to:

- 1) Approve the staff recommendation; and,
- 2) Direct staff to study the impact of removing fees for non-profit youth sports field use.

The motion failed 3-4 with Councilmembers Jain, Hardy and Park in favor and Councilmembers Watanabe, Chahal as well as Vice Mayor Becker and Mayor Gillmor in opposition.

A final motion was made by Councilmember Watanabe to:

- 1) Adopt the proposed FY 2024/25 Municipal Fee Schedule with an effective date of July 1, 2024;
- 2) Direct staff to revisit the Wade Brummal Scholarship Program to determine how the program might be used to offset the fees for non-profit youth field use; and,
- 3) Evaluate the impact of fee waivers for all youth sports programs.

The motion passed 6 to 1 with Vice Mayor Becker and Councilmembers Watanabe, Chahal, Hardy, Park, and Jain in favor and Mayor Gillmor in opposition.

During the discussion, Mayor Gillmor indicated her opposition was based on the fact that action was being taken after the representatives from the community had left the meeting with an understanding that the Council had waived fees and the reconsideration action was being taken without giving interested parties the opportunity to provide further comment.

At that time, the City Attorney indicated that action to reconsider the prior action was in accordance with Robert's Rules of Order and the Council continued with the remainder of the Council agenda.

At the May 7, 2024 City Council meeting, Councilmember Watanabe made a motion, seconded by Mayor Gillmor, to reconsider the actions taken at the April 23, 2024 with respect to field use fees for non-profit youth sports organizations. City Attorney Googins indicated that Member Watanabe's motion was appropriate in that the previous reconsideration action, while consistent with Robert's Rules of Order, was not consistent with the City's own local reconsideration rule (Council Policy 42). Council Policy 42 states:

"If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Code and Santa Clara agenda rules and procedures."

Accordingly, after some discussion, the motion for reconsideration with respect to field use fees for non-profit youth sports organizations in order to allow all interested parties to provide further input at a future meeting was approved by the Council unanimously.

In accordance with this May 7, 2024, Council action, the purpose of this item is to provide the City Council with the opportunity to reconsider the actions taken on April 23, 2024 regarding the adoption of field use fees for non-profit youth sports organizations.

**DISCUSSION**

During the discussion of the motion at the May 7th City Council meeting, the City Attorney clarified that Council Policy 42 supersedes the standard provisions of Roberts Rules of Order with respect to reconsideration of a Council action. The City Council was further advised that reconsideration of the motions made at the April 23, 2024 meeting related to the adoption of field use fees for non-profit youth sports organizations would be an appropriate cure of the prior action.

**Municipal Fees for Field Use by Non-Profit Youth Sports Organization**

Prior to FY 2022/23, non-profit youth sports leagues were not charged for reserved use of sports fields. However, as part of the adoption of the FY 2022/23 Municipal Fee Schedule, the City Council adopted a cost recovery policy with a goal of ensuring continuity of service levels by improving cost recovery levels. The policy was the culmination of an extensive community outreach effort that included public meetings with the Youth, Senior Advisory, and Parks & Recreation Commissions as well as a community survey. In addition, a survey of surrounding agencies was conducted which indicated that a fee of \$14 per hour of field use would be consistent with the market. That fee was adopted by the City Council as part of the overall adoption of the FY 2022/23 Municipal Fee Schedule.

On April 18, 2023, City Finance Director Kenn Lee presented the proposed FY 2023/24 Municipal Fee Schedule. Based on concerns received from the community following the adoption of the FY 2022/23 fee schedule, a referral was made to staff to meet with user groups. Based on concerns that had been received since the adoption of the fee and given that the fee aligned to the market of fees in surrounding agencies, it was recommended that there be no increase in the field use fee for non-profit youth sports organizations. This was communicated to the non-profit youth sports organizations at a community meeting with user groups on March 14, 2024.

At the April 9, 2024 study session for the FY 2024/25 Municipal Fee Schedule, staff was asked about the impact of the new field use fee for non-profit youth sports groups. The following table summarizes field reservations by non-profit youth sports organizations for the past two years:

**Non-Profit Sports Field Reservations for Youth**

<b>Fiscal Year</b>	<b># of Bookings</b>	<b># of Hours</b>	<b>Non-Profit Fee Revenue</b>	
<b>FY 2021/22</b>	1,853	10,036	\$ -	\$ -
<b>FY 2022/23</b>	2,435	8,193	\$14/hour	\$ 114,695

It is important to note that while the number of hours decreased, the number of bookings increased. One of the impacts of the new fees has been that groups are only booking fields they intend to use. Prior to the fees, groups would book fields and not use them, limiting the number of available bookings. Now that groups are being charged, groups are only booking those fields that they plan to use to avoid unnecessary costs. The net result is better utilization of sports fields and greater opportunity for the City to meet the needs of more user groups.

While the original intent of the community meeting on March 14, 2024 was to discuss user fees, the meeting pivoted to a more robust discussion of field use and the need for better communication, coordination, and partnership. It is important to note that the only questions regarding fees asked by the user groups was to: 1) clarify that no increase was being proposed; and, 2) to request a more detailed explanation as to how the fees currently being paid are used. Staff confirmed that no

increase was being proposed and stated that the questions around how fees are used would be addressed at the next meeting. Invitations have already been sent to the user groups for the next meeting that is scheduled for July 11, 2024.

At the community meeting, staff also made a commitment to conduct future meetings with user groups in the first quarter of the calendar year to discuss whether increases would be proposed for the following fiscal year. This would start in January 2025 given that no change was being proposed for FY 2024/25. Such a forum would afford staff the opportunity to share proposed increases and provide the user groups sufficient notice to plan for future increases in the following fiscal year. Again, it should be noted that no request was received from the groups at the community meeting to eliminate field use fees for non-profit youth sports groups.

#### Wade Brummal Scholarship Fund

One of the suggestions from the community was to review the policy and application process for the Wade Brummal Scholarship Fund to determine how the Fund might be leveraged to support the needs of the non-profit youth sports organizations. Revenue for this fund is generated from non-profit youth sports groups that utilize City facilities for their programs. A fee of \$25 per non-resident participant is charged to these groups for the purposes of providing scholarships for Santa Clara youth as well as for equipment and supplies used by non-profit youth sports organizations who operate in Santa Clara. Each year, approximately \$30,000 is collected and deposited in the Wade Brummal Scholarship Fund. Despite a concerted effort from staff to solicit grant requests, the current balance in the Wade Brummal Scholarship Fund is approximately \$152,000.

Staff is currently reviewing the policy and will be presenting a proposal to the youth sports groups at the July 11, 2024 meeting. Following that meeting, a revised policy will be presented to the Parks & Recreation Commission for their review with a presentation to the City Council thereafter for final approval. It is anticipated that the revised policy will be brought forward to the City Council in the fall of 2024. The revision of the policy will take into consideration the April 23, 2024 referral from the City Council to evaluate the Wade Brummal Scholarship Fund policy to see how that Fund might be used to offset the field use fees for non-profit youth sports organizations.

#### ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environment Quality Act ("CEQA") pursuant to section 15378(a)(4) of Title 14 of the California Code of Regulations in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

#### FISCAL IMPACT

This item is reconsideration of the actions taken on April 23, 2024 regarding the field use fees for non-profit youth sports organizations. The fiscal impact will be determined by the action the City Council ultimately takes with respect to the fee schedule. Should the fees for non-profit youth sport league field use be eliminated, the loss of revenue would be approximately \$115,000.

#### COORDINATION

This report has been coordinated with the Finance Department, the City Attorney's Office, and the City Manager.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

It is recommended that the City Council confirm Council action taken on April 23, 2024 regarding the field use fees for non-profit youth sports groups to maintain fees at the rates presented and as shown in Attachment 1 for FY 2024/25.

Reviewed by: Cynthia Bojorquez, Assistant City Manager and Acting Director - Parks & Recreation  
Approved by: Jovan D. Grogan, City Manager

**ATTACHMENTS**

1. FY 2024/25 Proposed Municipal Fee Schedule for Non-Profit Youth Sports Field Use