Winnipeg

The City of Winnipeg

Community Services Department Fees and Charges Policy

Part 1 – Introduction

Policy Statement

Recreation, leisure, and library services are important municipal services that contribute significant personal, social, literacy, education, economic, and healthy living benefits, and which enhance the quality of life of Winnipeg citizens and contribute to safe, viable and sustainable communities.

Legislative Basis for Fees and Charges

The City of Winnipeg Charter authorizes the Winnipeg City Council to set fees for the services it offers. There is one significant exception; subsection 210(3) of *The City of Winnipeg Charter* states that, "Despite any other provision of this Act, the city must permit residents of the city to have free use of the circulating and reference books of every public library and branch that it maintains."

Clause 3(1)(c) the *City of Winnipeg Organization By-Law* states that City of Winnipeg Council is the final authority on "the fixing of prices, rates, fees and charges for all civic services and facilities except as specifically delegated".

Even where the authority to establish prices, rates, fees and charges has been delegated to the Public Service, as this Policy does, Council retains the authority to override the price, rate, fee or charge set by the Public Service.

City of Winnipeg Policy Context

Final Report of the Mayor's Red Tape Commission

The Community Services Department Fees and Charges Policy has been developed in accordance with the intent of the *Final Report of the Mayor's Red Tape Commission.* That is, the policies proposed in this document reflect common sense guidelines for better regulation in the City of Winnipeg as well as enabling a more efficient and streamlined approach for the setting and approval of certain fees and charges.

Plan Winnipeg 2020 Vision

In *Plan Winnipeg 2020 Vision*, adopted by City Council in December 2001, the City of Winnipeg acknowledges its commitment to recreation, leisure, and library services through policy statements 4D-02 (Provide High-Quality Library Services), 5D-01 (Promote Active Living), 5D-02 (Provide Leisure Facilities), and 5D-03 (Support Unique Attractions).

The City of Winnipeg also acknowledges its commitment to accessibility to programs and services through policy statement 2A-02 (Promote Equitable Access to Facilities and Services) "....ensuring all citizens have access to essential community services and facilities and facilitating access to financial support where there is an inability to pay...."

Fees and Charges Principles

The City of Winnipeg is committed to providing affordable recreation, leisure, and library services and programs, which meets the needs of its residents.

The City of Winnipeg is committed to ensuring that recreation, leisure, and library programs and services are accessible to residents regardless of their ability to pay.

The City of Winnipeg is committed to pursuing cost effective approaches to ensure availability and sustainability of recreation, leisure, and library services and programs. User fees and charges are levied in order to recover all or a portion of costs, where appropriate.

Definitions

"administrative services" includes services associated with processing NSF cheques, refunds, cancellations, damage deposits, replacement of lost or stolen passes or cards, replacement of unreturned borrowed items, facility use agreements where no rental or user fee is charged, library late fees, reservation of items, equipment, or materials.

"costs" includes both direct and indirect costs. Direct costs are generally easily and conveniently traceable and may typically include but are not limited to staff labour, materials, facility rentals, etc. Indirect costs can not be easily and conveniently traceable to a program or service and may typically include but are not limited to depreciation, insurance, salary overhead, etc.

"demand" means the quantity of a good or service that consumers will buy at a given fee, taking into account the factors that determine consumer's willingness and ability to pay for goods and services.

"Department" means the City of Winnipeg Community Services Department

"designated" when referring to a program, service or facility, means designated by the Director of Community Services.

"Director" means the Director of the Community Services Department or designate.

"*equipment and facility use fees*" includes rental and use fees for:

(a) departmental recreation and library facilities, such as Assiniboine Park space, supervised tennis courts, ice skating facilities, swimming pools, and rooms within facilities;

(b) garden plots; and

(c) equipment, such as recreational equipment, photocopiers and other microform equipment, etc.

"inflation rate" means the forecasted increase for the following year in the consumer price index forecasted for Winnipeg by the Conference Board of Canada.

"merchandise fees" includes departmental fees charged for book sales, as well as the sale of aquatic, and other merchandise.

"non-profit group or organization" means a group or organization:

(a) that operates solely for the benefit of its membership community or for a charitable cause;

(b) whose membership and activities are open to the general public or, where the organization exists to serve a specific client group or community (e.g. sport organizations), the group's membership is open to that entire client group or community; and

(c) that does not permit an individual who has controlling authority within the organization to receive regular personal monetary gain or compensation for their efforts on behalf of the organization as if relates to that organization's use of a Department park, facility, or service.

"non-resident" means an individual who resides outside the City of Winnipeg limits and does not own real property within the City.

"public admission fees" means fees for admissions to recreation and leisure facilities and activities within those facilities that are open to the general public without the need for registration and includes admissions for public swimming, public skating and the Assiniboine Park Zoo.

"recreation and leisure programs" includes registered and drop-in programs administered by the Community Development and Recreation Services Division (e.g., learn to swim, learn to skate, leisure, gymnastics, sport, sport camps, active living, dance, yoga, Pilates, program oriented passes, etc.)

Part 2 – Policy Criteria

1.0 Delegation of Authority to Set Fees

1.1 Subject to this section, the Director has the authority to establish recreation, leisure, and library fees and charges for the following program, facilities and services provided, operated or administered by the department:

- recreation and leisure programs
- use of facilities and equipment
- public admissions to facilities
- sale of merchandise and supplies
- administrative services

1.2 Without restricting the authority granted in subsection 1.1, the Director may establish fees based on:

- the age of the participant;
- the volume of use;
- particular facility amenities;
- the time of use (i.e., prime or non-prime);
- the for-profit or non-profit status of the organization to which the fee applies; and
- the desire to promote participation in a particular activity or program or the use of facilities, equipment or services.

1.3 The authority under 1.1 and 1.2 does not apply to the following Community Services Department programs and services:

- fees established by or pursuant to By-Laws
- fully subsidized programs, services, and facilities including
  - Assiniboine Park open space and gardens
  - Assiniboine Park Conservatory general admission
  - Assiniboine Park designated cross-country trails
  - Use of library circulation and reference books by residents
  - designated outdoor pools
  - designated play, youth and seniors drop-in programs
  - designated public swimming
  - designated public skating
  - designated wading pools

1.4 Subject to 1.5, the Director's authority to increase fees and charges for the following programs and facility admissions is limited to an annual increase by up to the rate of inflation over the amount charged on the date this policy comes into effect.

- Assiniboine Park Zoo
- Public Swimming
- Public Skating
- Learn to Swim
- Learn to Skate
- Casual use of recreation and leisure facilities excluding programs
- Adaptive programming for persons with disabilities

1.5 Where the Director does not exercise or has not exercised his or her authority under subsection 1.4 to increase a fee by the rate of inflation in any year or years, the Director may apply a cumulative inflationary increase to the fee in a subsequent year, retroactive to a maximum of 4 years.

1.6 In exercising his or her authority under subsection 1.1, the Director shall consider consumer demand for and costs of the program, service, or facility, and fees charged by comparable service providers.

2.0 Special Rates – Fee Waivers and Reduced Rates

2.1 Special Rates for Individuals

Subject to limits established in the Department's annual operating budget, the Director may provide fee waivers or reduced rates for recreation and leisure programs and public admissions to residents of Winnipeg who demonstrate a

financial need in order to assist these individuals to access recreation and leisure programs and public admissions offered by the Department.

2.2 Special Rates for Groups and Organizations

Subject to limits established in the Department's annual operating budget, the Director may reduce or waive departmental recreation, leisure, and library facility rental, program, and public admission fees for

(a) groups and organizations offering services in partnership with the City; or

(b) non-profit groups and organizations if:

(i) the fee waiver or reduction is necessary in order to remove barriers to participation by at-risk, special needs, or low-income individuals; and

(ii) the group's or organization's use of a Department park, facility, or service is for a recreational, healthy living, cultural, library, or educational purpose.

3.0 Non-Resident Fees

Non-residents must pay a surcharge of an additional 20% of the program fee for departmental registered recreation and leisure programs.

Non-residents must pay an annual non-resident fee established by the Director for the use of the circulating and reference books of libraries.

4.0 Waiver of Library Late Fees and Charges

That the Director may waive library late fees and charges in exceptional and special circumstances where doing so would result in demonstrably unfair consequences.