Agenda – Council – April 27, 2023

Report – Standing Policy Committee on Community Services – April 13, 2023

Item No. 2 Update of the Community Services Department Recreation, Leisure and Library Fees and Charges Policy

STANDING COMMITTEE RECOMMENDATION:

On April 18, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Community Services and submitted the following to Council:

1. That the updated Community Services Department Recreation, Leisure and Library Fees and Charges Policy, attached as Appendix A, be approved.

2. That the Winnipeg Public Service be directed to report back in 120 days on the following:

    A. The feasibility of amending Section 5.5 of the Community Services Department Recreation, Leisure and Library Fees and Charges Policy to charge a 100% surcharge to non-residents.

    B. The feasibility of amending the Community Services Department Recreation, Leisure and Library Fees and Charges Policy to include a financial penalty for non-residents who provide false residency information when registering for recreation programming.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Community Services – April 13, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Community Services and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 13, 2023, the Standing Policy Committee on Community Services concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Add the following new Recommendation:

    "2. That the Winnipeg Public Service be directed to report back in 120 days on the following:

        A. The feasibility of amending Section 5.5 of the Community Services Department Recreation, Leisure and Library Fees and Charges Policy to charge a 100% surcharge to non-residents.

        B. The feasibility of amending the Community Services Department Recreation, Leisure and Library Fees and Charges Policy to include a financial penalty for non-residents who provide false residency information when registering for recreation programming."

- Renumber the remaining Recommendation accordingly

and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Update of the Community Services Department Recreation, Leisure and Library Fees and Charges Policy

Critical Path: Standing Policy Committee on Community Services – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Lemoine	C. Fernandes	C. Kloepfer	M. Jack

EXECUTIVE SUMMARY

On October 24, 2007, Council approved the establishment of the Community Services Department Fees and Charges Policy (the Policy) that provided the framework, principles and delegated authority for the setting and administration of fees and charges for applicable recreation, leisure and library services.

In response to the direction of the Standing Policy Committee on Community Services, the Public Service seeks Council approval of an updated Policy (attached as Appendix A) that reflects the following substantive changes:

- The authority delegated to the Director of Community Services has been changed to:
    - Remove the Director's authority to waive library late fees as library fines on overdue materials were eliminated on January 1, 2021.
    - Remove the Director's authority to set fees for administrative services which now belongs to the Chief Financial Officer under the Fees and Charges By-law No. 196/2008.
    - Include, as additional criteria when setting fees, the geographical location of a facility in an area of higher need.
    - Expand the Director's existing authority to approve fee subsidies for individuals to include recently-arrived refugees and persons temporarily relocated to Winnipeg due to evacuation as a result of natural disasters; and where an individual is eligible for program and or admission subsidies, expand delegated authority to provide those individuals with a fee subsidy for use of department facility or equipment rentals.
    - Expand the Director's existing authority to approve fee subsidies for the use of a department's facility or equipment to include public schools (where the use meets the same criteria as that of non-profit groups or organizations).
    - Limit the Director's existing authority to provide fee subsidies for the use of a department's facility or equipment to requests for use of a period of less than one year.

- Include food security or reconciliation-focused activities as additional criteria for uses of a department facility or service that may qualify for a fee subsidy.

- References to Assiniboine Park and Zoo have been removed to reflect that, effective October 2010, the Assiniboine Park Conservancy Inc. assumed operations and management of Assiniboine Park.

- Added a new requirement for annual reporting to the Standing Policy Committee on Community Services with a list of groups or organizations that receive fee waivers, including the amount of fees waived, for the previous year where the value of the waiver exceeds $5,000, as well as a total for all fee subsidies provided.

RECOMMENDATIONS

1. That the updated Community Services Department Recreation, Leisure and Library Fees and Charges Policy, attached as Appendix A, be approved.

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

On April 11, 2022, the Standing Policy Committee on Protection, Community Services and Parks concurred in the recommendation of the Assiniboia Community Committee, as amended, and directed the Winnipeg Public Service to report back on:

1. A review and possible amendments to update the Community Services Fees and Charges Policy.

2. A review of other major Canadian cities with existing policies to allow department heads to reduce or waive fees for individuals or organizations.

On January 11, 2023, the Standing Policy Committee on Community Services granted an extension of time of 90 days to the Winnipeg Public Service.

Clause 3(1)(c) of the City of Winnipeg Organization By-Law No. 7100/97 states that Council is the final authority on the fixing of prices, rates, fees and charges for all civic services and facilities except as specifically delegated.

Council approval is required to update the Community Services Department Fees and Charges Policy.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no direct financial or other implications resulting from the recommendations of this report. Revenue generated through the application of fees and charges, and the value of fee subsidies provided to individuals and/or organizations in accordance with the Community

Services Department Fees and Charges Policy, are subject to limits established in the Department's annual operating budget.

Revenue is recorded based on applicable fees and charges. Where fee subsidies are provided, revenue is offset by an amount equal to the revenue for the service provided based on the applicable fees and charges.

HISTORY/DISCUSSION

In 1982, Council approved the first City of Winnipeg Parks and Recreation Department Fees and Charges Policy and Fee Schedule. This document contained the policies, fees, charges, and recovery rates relevant to facilities, parks, programs and services provided by the Parks and Recreation Department.

In October 1997, Council approved an organizational restructuring and the functions of the former Parks and Recreation Department were split between three departments. Recreation and leisure programming were allocated to the Community Services Department, parks planning functions to the Planning, Property and Development Services Department, with parks and open space functions assigned to the Public Works Department. In 2000, Golf Services was realigned from the Community Services Department to the Planning, Property, and Development Department.

On October 24, 2007, Council approved the establishment of the Community Services Department Fees and Charges Policy (the Policy) that provided the framework, principles and delegated authority for the setting and administration of fees and charges for applicable recreation, leisure and library services (attached as Appendix B).

DISCUSSION

There are three key sections of the Policy: Purpose, Fundamental Principles, and Policy Application. The following is a discussion of these sections.

Purpose

Recreation 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 residents and contribute to safe, viable and sustainable communities.

The purpose of the Policy remains unchanged; it provides the framework and the principles for the setting and administration of fees and charges for applicable recreation and library services.

Fundamental Principles

The fundamental principles of the 2007 Policy are;

- The City of Winnipeg is committed to providing affordable recreation, leisure and library services and programs which meet 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 shall be levied in order to recover all or a portion of costs, where appropriate.

These were developed to align with the context of the following City of Winnipeg documents:

- Final Report of the Mayor's Red Tape Commission (2005)
- Plan Winnipeg 2020 Vision

The update to the Policy fundamental principles continues to be informed by the Final Report of the Mayor's Red Tape Commission and the update to Plan Winnipeg 2020, OurWinnipeg 2045.

OurWinnipeg 2045

On May 26, 2022, Council adopted OurWinnipeg 2045, the City's 25-year plan for strategic growth and development. It provides a vision and policies that influence the delivery of City services, how residents get around the city, and how the city grows. The update to the Policy supports the following principles, goals and objectives of OurWinnipeg 2045:

Goal 1 - Leadership & Good Governance
- 1.7 Equitable Service Access
- 1.15 Community Capacity Development

Goal 3 - Economic Prosperity
- 3.12 Poverty Reduction
- 3.16 Optimize Facility Access
- 3.19 Community Capacity Development

Goal 4 – Good Health and Wellbeing
- 4.11 Equitable Service Access

Goal 5 – Social Equity
- 5.1 Equitable Service Access

The Policy also supports more recent by-laws, policies and strategies as follows:

Fees and Charges By-law No. 196/2008

On December 17, 2008, Council passed the Fees and Charges By-law to provide for inflationary increases in fees and which authorized the Chief Financial Officer (CFO) to increase, annually, any fee imposed by the City of Winnipeg by an amount equal to or less than the rate of inflation. The By-law also provided the CFO with the authority to establish and set administrative fees.

Newcomer Welcome and Inclusion Policy

On February 27, 2020, Council adopted the Newcomer Welcome and Inclusion Policy which presents a vision for how the City of Winnipeg can better support the settlement and integration of Newcomers, and foster a welcoming, inclusive, and equitable city for all new residents of Winnipeg. The proposed update to the Policy supports two of the five strategic priorities of the Newcomer Welcome and Inclusion Policy:

- A Welcoming City: Work to ensure all newcomers to Winnipeg are welcomed and supported.
- Equitable and Accessible Services: Work to provide City services that are equitable, responsive to community need, and accessible for all, through partnerships, social cooperation and advocacy.

Poverty Reduction Strategy

On November 25, 2021, Council adopted the Poverty Reduction Strategy, a comprehensive plan that includes a practical approach to reducing poverty, increasing equity, and incorporating a "culture of caring" in all City endeavors over the next decade. The proposed update to the Policy supports the following principles, goals and objectives of the Winnipeg Poverty Reduction Strategy:

- Guiding Principle: We will Promote and Maintain the Welfare of All Residents
- Goal 6: All City Services are Equitable, Inclusive and Accessible
- Goal 6 Objectives:
    - Residents have equitable access to City services in particular demographic groups who experience marginalization
    - Use of City tools and resources are maximized to reduce systemic equities

The update to the Policy also advances the following Action, as listed in the Winnipeg Poverty Reduction Strategy Implementation Plan (2021 - 2023):

- Action 6.4 City Managed Facilities - Community Group Use of Space: Identify and communicate a transparent process for how community groups can access and use City facilities, with particular emphasis on removing red-tape and expediting access for community groups serving low-income and marginalized populations. This shall include on-line and accessible information and clear pathways for how to access low-cost leases (subject to property availability), rental fee waivers, and access to City facilities, particularly those in areas of higher poverty.

Winnipeg Recreation Strategy

On May 26, 2022, Council adopted the Winnipeg Recreation Strategy, a long-term strategic plan designed to guide investment in and decisions on recreation services and operations. The proposed update to the Policy supports the following policy goals of the Winnipeg Recreation Strategy:

- 4.2 Goal 2 Inclusion and Access: Individual and community participation in recreation activities is not limited by physical, social, economic, environmental, or systemic barriers.
    - 4.2.2 - Prioritize recreation services and facility provisioning to advance the goals of health and social equity for all residents.
    - 4.2.5 - Build trust and participation through the provision of recreation opportunities that are respectful and appropriate for ethno-cultural groups.
    - 4.2.6 - Undertake regular reviews of the recreation system including, but not limited to, identifying community needs or interests; reviewing participation levels and identifying possible barriers to participation; and assessing policies, fee structures, and service offerings.
    - 4.2.7 - Provide free and non-registered programming in and around areas of higher poverty and support efforts in the fee subsidy program to ensure cost is not a barrier to participation.

Policy goal 4.2.6 is also a strategic action as listed in the Winnipeg Recreation Strategy Strategic Actions Matrix.

In alignment with the above key policy and strategies, the City of Winnipeg Vision “to be a vibrant and healthy city which places its highest priority on quality of life for all its citizens” and the Community Services Department’s focus on providing efficient, responsive and innovative community-based service that promotes healthy and safe neighbourhoods and meets the communities' diverse cultural, recreation, and information needs, the update to the Policy is governed by the following fundamental principles:

- Integrity: The City of Winnipeg is committed to ensuring that recreation, leisure, and library programs and services are equitable, inclusive and accessible to all residents.
- Responsiveness: The City of Winnipeg is committed to providing recreation, leisure, and library programs and services that meet the needs of the diverse communities it serves.
- Cost-Effective: Program and service user fees and charges are levied in order to recover all or a portion of costs, where appropriate.

Policy Application

The City of Winnipeg Charter authorizes the Council to set fees for the services it offers with one significant exception; subsection 210(3) of The 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) of 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 and set 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.

The 2007 Policy has been updated as follows:

- Fees and Charges By-law No. 196/2008
  The By-law provided the CFO with the authority to establish and set administrative fees; accordingly, delegated authority to the Director of Community Services to establish and set administrative fees has been removed from the Policy.

- Assiniboine Park and Zoo
  On October 1, 2010, the City approved a Lease and Funding Agreement with the Assiniboine Park Conservancy Inc. (APC) for the operations, management, restoration and redevelopment of Assiniboine Park. APC formally commenced operations in October 2010. Under the terms of the Lease and Funding Agreement, APC management of Assiniboine Park and Zoo includes the ability to charge and collect fees; accordingly, references to Assiniboine Park have been removed from the Policy.

- Elimination of Fines on Overdue Library Materials
  On December 16, 2020, Council approved the 2021 Operating Budget which included the elimination of fines on overdue library materials effective January 1, 2021; accordingly, references to library fines have been removed from the Policy.

- Revisions to the Director's delegated authority, as further discussed below.

In addition, references to 'tennis courts', 'garden plots' and 'department park' have been removed as these amenities are not managed by Community Services.

The Policy includes two sections which outline the authority delegated to the Director of Community Services:

- Delegation of Authority to Set and Establish Fees.
- Delegation of Authority to Provide Fee Subsidies.

Delegated Authority to Establish and Set Fees

With few exceptions, the updated language of the proposed Policy does not change the authority delegated by Council in 2007 to the Director of Community Services to establish and set fees and charges for the following programs, facilities and services provided, operated or administered by the Department:

- Recreation and leisure programs (offered through Leisure Guide and supplementary publications and Winnipeg Public Library programs).
- Use of facilities and equipment.
- Public admissions to recreation and leisure facilities.
- Sale of merchandise and supplies.

As provided in the 2007 Policy, the Director will still be able to take the following factors into account in setting fees:

- The age of the participant.
- The volume of use.
- Particular facility amenities.
- The time of use.
- Whether or not the fee is being paid by a non-profit organization.
- The desire to promote participation in a particular activity or program or the use of facilities, equipment or services.

The only substantive changes are:

- Removing the Director's authority to set fees for administrative services (which now belongs to the CFO under the Fees and Charges By-law).
- Including the geographical location of a facility in an area of higher need as additional criteria when setting fees.

The above provides authority to the Director of Community Services to establish and set fees for programs, facilities and services and to determine times at facilities and/or for programs where such fees may be reduced or not charged at all to promote participation in a particular activity or program or the use of facilities, equipment or services. The Director may establish these reduced fees or free time periods at facilities and/or for programs based on the same criteria used to establish fees.

Providing delegated authority to the Director of Community Services to establish and set fees as included in the Policy will continue to support efficient processes, enhanced customer service, and the ability to adjust existing fees or establish new fees not only for changing market conditions, but changing consumer demands. Additionally, the Department is positioned to continue to support the policies, goals and objectives of Council's key strategies and policies.

Language in the Policy on setting fees has been updated to better reflect current programs and facilities, as well as to better set out that the Director's authority does not apply when Council has determined that programs, facilities and services are to be fully subsidized.

Delegated Authority to Provide Fee Subsidies

Continuing to provide delegated authority to the Director of Community Services to approve fee subsidies to individuals and organizations in accordance with the criteria of the Policy ensures that the requests for fee subsidies are managed in a timely and streamlined manner.

Fee subsidies support the following statements from the policies, goals and objectives of the key strategies and policies that inform the Policy as a whole:

OurWinnipeg 2045

1.7 Equitable Service Access: "….Remove systemic barriers to participation, based on …. citizenship status, socio-economic status, geographic location…. "

1.15 Community Capacity Development: "Partner with community organizations and Indigenous governments to enable community development….by leveraging municipal programming and service resources….in particular for systemically disadvantaged groups and for those living in areas of highest need."

3.19 Community Capacity Development: "Partner in providing life-long literacy opportunities through municipal facilities and programs……especially for people who face barriers to economic opportunity."

Newcomer Welcome and Inclusion Policy

Equitable and Accessible Services: Work to provide City services that are equitable, responsive to community need, and accessible for all, through partnerships, social cooperation and advocacy.

Poverty Reduction Strategy

Goal 6: All City Services are Equitable, Inclusive and Accessible

- Residents have equitable access to City services in particular demographic groups who experience marginalization.
- Use of City tools and resources are maximized to reduce systemic equities.

Winnipeg Recreation Strategy

4.2 Inclusion and Access: Individual and community participation in recreation activities is not limited by physical, social, economic, environmental, or systemic barriers.

4.2.6 Undertake regular reviews of the recreation system including, but not limited to, identifying community needs or interests; reviewing participation levels and identifying possible barriers to participation; and assessing policies, fee structures, and service offerings.

4.2.7 Provide free and non-registered programming in and around areas of higher poverty and support efforts in the fee subsidy program to ensure cost is not a barrier to participation.

To advance these goals and objectives, as well as to provide greater clarity to the Director's authority, the following amendments have been made to the authority provided by Council.

Fee subsidies to individuals:

Under the 2007 Policy, the Director was delegated the authority to approve fee subsidies to residents of Winnipeg who demonstrate a financial need in order to remove barriers to access recreation and leisure programs and public admissions. The revised Policy expands this authority to include recently arrived refugees (within their first five years of arriving in Canada, aligning with Immigration, Refugees and Citizenship Canada's period of settlement support) and persons temporarily relocated to Winnipeg due to evacuation from their home community as a result of natural disasters, such as fires and floods.

In addition, where individuals are eligible for a fee subsidy, authority is delegated to the Director to provide fee subsidies for facility or equipment rentals to those individuals where the facility or equipment use is for a recreational, healthy living, cultural, library, educational, food security, or reconciliation-focused activities.

Fee subsidies to organizations:

The 2007 Policy provided delegated authority to the Director to provide fee subsidies for groups and organizations offering services in partnership with the City; or non-profit groups/organizations if the fee waiver or reduction is necessary in order to remove barriers to participation by at-risk, special needs, or low-income individuals; and the group's/organization's use of a facility or service is for a recreational, healthy living, cultural, library, or educational purpose.

The update to the Policy retains the Director's authority to provide fee subsidies to non-profit groups or organizations under the same criteria as the 2007 Policy with the following amendments:

- In addition to non-profit groups or organizations, the Director is authorized to provide fee subsidies to public schools, where the use of the facility meets the same criteria as that of non-profit organizations.
- The use of a department's facility or equipment is for a period of less than one year.
- The barriers to participation have been expanded to include equity groups as well as vulnerable or marginalized populations.
- The category of uses of a department facility, or service that may qualify for a fee subsidy, has been expanded to include food security or reconciliation-focused activities.

The Director's authority to provide fee subsidies for groups and organizations offering services in partnership with the City has been removed due to the broad and subjective nature of the term 'partnership'. Where an organization offers services in partnership with the City, the criteria of the Policy will determine if the Director has the authority to consider and provide fee subsidies.

The definition of “non-profit organization” makes clear that the group must have a public or charitable purpose, cannot be operating in conflict with the City’s value of inclusiveness, and must be open to participation from all members of the public or the group the organization is aimed at supporting. In addition, the group or organization must be truly non-profit; it cannot be controlled by a single individual who is using it to make money.

In addition, to provide greater transparency, the Policy includes a requirement for the Department to provide a report annually to the Standing Policy Committee on Community Services with a list of organizations in receipt of fee subsidies, including the amount of the subsidy, for the previous year where the value of the waiver exceeds $5,000, as well as a total for all fee subsidies provided.

JURISDICTIONAL ANALYSIS

A jurisdictional analysis was conducted between September 15, 2022, and November 7, 2022, targeting municipal recreation program policies and room rental policies that include fee reduction or waiver clauses for municipality-owned and administered programs or facilities. Analysis consisted of primary research via communication with target municipalities as well as secondary research via discovery and analysis of municipal policy documents.

Nine medium to large-sized municipalities were identified for contact to support the analysis. Summarized results:

	Department Head Authority to Reduce or Waive Fees for *Programs*?	Department Head Authority to Reduce or Waive Fees for *Facility Rentals*?
Vancouver	✓	✓
Calgary	✓	✓
Edmonton	information not available	information not available
Saskatoon	information not available	information not available
Regina	✓	✓
Toronto	information not available	information not available
Ottawa	✓	✓
Mississauga	✓	X[1]
Hamilton	information not available	✓

1 – Room rentals are ineligible for fee reductions or waivers

The results of the jurisdictional analysis (Appendix C) show that, similar to the Community Services Department Recreation, Leisure and Library Fees and Charges Policy, policies of other municipalities include delegated authority to the Public Service to waive or reduce fees for programs and facility rentals.

FINANCIAL IMPACT

Financial Impact Statement **Date:** March 3, 2023

Project Name:

Update of the Community Services Department Fees and Charges Policy

COMMENTS:

There are no financial implications associated with the recommendations in this report, that the updated Community Services Department Fees and Charges policy be approved.

The 2023 prelimary budget includes $1.35 million for individual fee subsidies and $957 thousand for fee subsidies to organizations for a total annual budget $2.307 million for fee subsidies. Where fees subsidies are provided, offsetting revenue is recorded at an amount equal for the service provided based on the applicable fees and charges in effect.

Ozzy Garrett CPA, CGA - March 3/23

Ozzy Garrett CPA, CGA
Acting Manager of Finance
Community Services Department

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services

OURWINNIPEG POLICY ALIGNMENT

The subject matter of this report relates to the following goals and policies of the OurWinnipeg 2045 Development Plan:

Goal 1 - Leadership & Good Governance
1.7 Equitable Service Access
1.15 Community Capacity Development

Goal 3 - Economic Prosperity
3.12 Poverty Reduction
3.16 Optimize Facility Access
3.19 Community Capacity Development

Goal 4 – Good Health and Wellbeing
4.11 Equitable Service Access

Goal 5 – Social Equity
5.1 Equitable Service Access

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

The information and recommendations presented in this report align with and advance the Winnipeg Poverty Reduction Strategy (2021 – 2031) as follows:

They embody the following Guiding Principles:

- We will Promote and Maintain the Welfare of All Residents

They align with the following Goal and Objectives:

Goal 6: All City Services are Equitable, Inclusive and Accessible

10-year Objectives:
A. Residents have equitable access to City services in particular demographic groups who experience marginalization
C. Use of City tools and resources are maximized to reduce systemic equities

The information and recommendations presented in this report also advance the following

Action, as listed in the Winnipeg Poverty Reduction Strategy Implementation Plan (2021 - 2023):

Action 6.4 City Managed Facilities - Community Group Use of Space: Identify and communicate a transparent process for how community groups can access and use City facilities, with particular emphasis on removing red-tape and expediting access for community groups serving low-income and marginalized populations. This shall include on-line and accessible information and clear pathways for how to access low-cost leases (subject to property availability), rental fee waivers, and access to City facilities, particularly those in areas of higher poverty.

SUBMITTED BY

Department: Community Services Department
Division: Office of the Director
Prepared by: Kelly Lemoine, Deputy Director
Date: March 3, 2023
File No: CMS-2022-13

Attachments:

Appendix A: Community Services Department Fees and Charges Policy

Appendix B: 2007 Community Services Department Fees and Charges Policy

Appendix C: Fees and Charges Policy Jurisdictional Analysis