Winnipeg

CITY OF WINNIPEG POLICY NO. LW-009

POLICY TITLE	**ADOPTED BY**	**EFFECTIVE DATE**
Community Services Department Recreation, Leisure and Library Fees and Charges Policy	City Council	April 27, 2023
ORIGIN / AUTHORITY	**CITY POLICY NO**	**MOST RECENT CONSOLIDATION**
Standing Policy Committee on Community Services	LW-009	February 22, 2024

This document is an office consolidation of amendments to the policy. The City of Winnipeg expressly disclaims any responsibility for errors or omissions.

1. 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 Community Services Department Recreation, Leisure and Library Fees and Charges Policy (the Policy) provides the framework and the principles for the setting and administration of fees and charges for applicable recreation and library services.

2. Fundamental Principles

In alignment with key policy and strategy, 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 Policy is governed by the following key 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 Effectiveness: Program and service user fees and charges are levied in order to recover all or a portion of costs, where appropriate.

3. Strategy Alignment

This Policy aligns with and supports the City of Winnipeg's commitment to a long-term vision for the municipality as defined in the following Council-adopted plans, policies, and strategies:

i. OurWinnipeg 2045

ii. Newcomer Welcome and Inclusion Policy and Strategy

iii. Winnipeg Poverty Reduction Strategy

iv. Winnipeg Recreation Strategy

4. Definitions:

4.1 "costs" includes both direct and indirect costs. Direct costs are generally easily and conveniently traceable and may include but are not limited to staff labour and program or service specific materials. Indirect costs cannot be easily and conveniently traceable to a program or service and typically include but are not limited to facility rent or lease, maintenance and utility costs; insurance; and administrative salaries.

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

4.3 "department" means the City of Winnipeg Community Services Department.

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

4.5 "establish" in the context of fees or charges, means to impose a fee or charge for a good or service where no fee previously existed;

4.6 "facility use fees" means rental and use fees for department recreation and library facilities such as arenas, leisure centres, swimming pools, and rooms within facilities

4.7 "equipment use fees" includes rental and use fees for items such as recreational and library equipment and photocopiers.

4.8 "merchandise fees" includes departmental fees charged for book sales, and sale of aquatic, recreation and other merchandise.

4.9 “non-profit group or organization” means a group or organization, whether incorporated or not incorporated:

A. that operates solely for the benefit of its community or for a charitable cause and does not operate inconsistently with the City of Winnipeg’s values of inclusiveness;

B. where participation in the group or organization and its activities are open to the general public or, if it exists to serve a specific client group or community, participation is open to that entire client group or community; and

C. that does not permit an individual who has controlling authority within the group or organization to receive regular personal monetary gain or compensation for their efforts on behalf of the organization as it relates to that organization’s use of a Department facility or service;

and does not include the federal or any provincial, territorial or municipal governments

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

4.11 “public admission fees” means fees for admission to arenas, pools and recreation and leisure centres, including fitness centres for casual facility use.

4.12 “recreation and leisure programs” mean registered and non-registered programs administered by the Community Services Department.

4.13 “set” in the context of fees or charges, means to determine the amount of a fee or charge.

5. Community Services Department Fees and Charges Policy

5.1 Policy Application

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.

5.2 Delegation of Authority to Establish and Set Fees

A. Subject to this section and notwithstanding the Fees and Charges By-law No. 196/2008, the Director has the authority to establish and set recreation, leisure, and library fees and charges for the following programs, facilities and services provided, operated or administered by the department:

i. Recreation and leisure programs

ii. Use of facilities and equipment

iii. Public admissions to facilities

iv. Sale of merchandise and supplies

B. In exercising their authority under subsection 5.2a, the Director shall consider consumer demand for and costs of the program, service, facility, and fees charged by comparable service providers and may also consider factors such as:

i. The age of the participants

ii. The volume of use

iii. Particular facility amenities

iv. Geographical location of a facility in an area of higher need

v. The time of use

vi. Whether or not the fee is being paid by a non-profit organization, or

vii. The desire to promote participation in particular activity or program or the use of facilities, equipment or services.

C. The authority under 5.2 a) and 5.2 b) does not apply to:

i. Services, facilities and programs that Council has determined are to be fully subsidized and free of charge

ii. Use of library circulation and reference materials by residents

D. The Director's authority to increase fees and charges under subsection 5.2a) or the following facility admissions and programs is limited to an annual increase by up to the rate of inflation as that rate is determined by the Chief Financial Officer under the Fees and Charges By-Law:

i. Public swimming

ii. Casual use of recreation and leisure facilities excluding programs

iii. Programs for Persons with a Disability

5.3 Delegation of Authority to Provide Fee Subsidies

A. Fee subsidies for individuals:

Subject to the limits established in the Department's annual operating budget, authority is delegated to the Director to waive or reduce fees to provide fee subsidies for recreation and leisure programs, public admissions and facility and equipment rentals to:

i. Residents of Winnipeg who demonstrate a financial need in order to remove barriers to access recreation and leisure programs and public admissions offered by the Department.

ii. 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 where the definition of refugee is that included in the Newcomer Welcome and Inclusion Policy and Strategic Framework as "a person who has fled war, violence, conflict or persecution and has crossed an international border to find safety in another country."

iii. Individuals temporarily relocated to Winnipeg due to the evacuation from their home community as a result of natural disasters such as fires and floods. In such circumstances, the Director shall seek compensation from disaster assistance programs where available for subsidies offered; and

Fee subsidies for facility or equipment rentals may only be provided where the facility or equipment is used for a recreational, healthy living, cultural, library, educational, food security, or reconciliation focused activity.

B. Fee subsidies for groups and organizations:

Subject to limits established in the department's annual operating budget, authority is delegated to the Director to waive or reduce fees to provide fee subsidies for departmental recreation, leisure, and library facility rental, equipment rental, program, and public admission fees to non-profit groups or organizations, public schools and government agencies that provide services that align with and support Council-adopted plans, policies, and strategies, where:

i. The use of a department's facility or equipment is for a period of less than one-year; and

ii. The fee subsidy is necessary in order to remove barriers to participation by at-risk, special needs, or low-income individuals, equity groups as defined in City Policy No. CO-017 Equity, Diversity and Inclusion Policy, or vulnerable or marginalized populations.

Fee subsidies for the use of a department facility, or services may only be provided for recreational, healthy living, cultural, library, educational, food security, or reconciliation focused activities.

(amended February 22, 2024)

5.4 The Department to report annually to the Standing Policy Committee - Community Services with a list of groups or organizations in receipt of fee waivers, including the amount of fees waived, for the previous year where the value of the waiver exceeds $5,000 and a total for all fee subsidies provided.

5.5 Non-resident fees: non-residents must pay a surcharge of an additional 100% 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 materials of libraries.

Under subsection 5.2a where the Director establishes a nonresident fee for use of facilities and equipment, public admissions to facilities or sale of merchandise and supplies, the non-resident fee shall be set at an additional 100% of the fee established for residents.

(amended February 22, 2024)

6. Responsibilities

6.1 Council – Council's approval is necessary to establish, and update, the Community Services Department Recreation, Leisure and Library Fees and Charges Policy (the Policy).

6.2 Director of Community Services – Responsible for the overall implementation of the Policy across all service areas of the Community Services Department, including future review, and to further delegate authority where necessary to provide efficient and effective application of the Policy.

6.3 Managers/Supervisors of the Community Services Department – Managers and Supervisors are responsible for orienting and educating employees on how the Policy applies to their work and service delivery and for implementing the Policy if further delegation is made from the Director of Community Services.