



CITY OF HAMILTON
COMMUNITY AND EMERGENCY SERVICES DEPARTMENT
Recreation Division

TO:	Chair and Members Emergency & Community Services Committee
COMMITTEE DATE:	May 12, 2014
SUBJECT/REPORT NO:	Fee Waiver Policy Update (CES14001) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Bryan Ozorio (905) 546-2424 Ext. 7017 Steve Sevor (905) 546-2424 Ext. 4645
SUBMITTED BY:	Joe-Anne Priel General Manager Community & Emergency Services Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Revised Fee Waiver/Reduction Policy attached as Appendix “A” to Report CES14001, be approved; and,
- (b) That the item respecting the Fee Waiver Policy be considered complete and removed from the Emergency & Community Services Committee Outstanding Business List.

EXECUTIVE SUMMARY

At the March 25, 2013 meeting of the Emergency & Community Services Committee, staff were directed to report back on options for updating and clarifying the City’s Fee Waiver Policy for rental fees for community based activities in recreation facilities and parks.

Council originally approved a Fee Waiver Policy for the City of Hamilton recreation facilities and parks in 2002. In 2008, Council approved a “Fee Waiver Eligible Applicant Criteria” (Report GRA08020). The criteria was established to add clarity to how the fee waiver policy was to be applied on a practical basis. There has been difficulty responding to some fee waiver requests due to the lack of clarity in the policy.

Staff are recommending a number of amendments to the existing policy. These include amendments to further limit staff’s discretion and authority to waive Council approved fees for use of recreational facilities and parks. Other amendments are being recommended to clarify the policy, make it more concise (by merging the policy and

criteria) and make it more consistent with the terminology adopted in recently approved fee schedules.

The purpose of the existing City of Hamilton Fee Waiver Policy and related Eligible Applicant Criteria (herein referred to as the “fee waiver policy” and “criteria”) is to provide financial assistance to community organizations, in the form of reduced or waived fees, for the rental of recreation facilities and parks for events and activities that benefit the greater community. Eligible applicants may include affiliated youth organizations (e.g. minor sport associations), community groups, not-for-profit organizations and community service clubs. The Division Director of Recreation has the authority under the existing policy to approve these applications.

Applicants may apply for fee waivers or reductions for “one-time” events such as annual general meetings, annual program registration, education training, non-partisan community-based tributes and events that are deemed to be of significant value to the community. Applicants can also apply for a fee waiver when the imposition of a fee would create a financial hardship for the organization or group.

The existing policy and related criteria do not permit fee waivers and reductions for ongoing use of arenas, meeting rooms, playing fields, surfaces, gymnasiums, fundraising events or sequential meetings (e.g. fee waivers for a youth soccer league that is playing on a City field in league play, or ongoing use of a meeting room in a recreational facility by an adult group).

Staff is recommending that the policy be amended to limit the Divisional Director of Recreation’s authority to waive fees for “one-time” activities only in those instances where financial hardship has been demonstrated by the applicant. The rationale for the amendment is that the rental fees applied for many of the activities eligible for fee waivers (AGM’s, tributes, annual program registration) already include built-in subsidized rates for youth-related organizations (e.g. affiliated minor sport associations) or very inexpensive rates for other groups (e.g. residents and community groups). Consequently, the expectation should be that staff are charging these fees unless financial hardship has been demonstrated by a group applying for a fee reduction or waiver. As well, by limiting the criteria to demonstrated financial hardship, there will be consistency with other programs and services within the department where fees are reduced and/or waived – e.g. affordable bus pass, special supports and subsidized recreation passes.

Notwithstanding above, City Council has the authority to waive or reduce any and all fees regardless if they are included under the existing policy/criteria. These waivers have on occasion been approved by Motion of Council to deal with exceptional circumstances that Council has deemed appropriate for consideration. The Motion to Waive Fees is attached as Appendix B to Report CES14001. The existing policy also allows any group denied a waiver at the staff level to appeal to Council for such a waiver.

In November 2013, City Council approved Report CS13039 entitled “*Recreation Facility Rental Fee Consolidation*” which authorized the consolidation of fees to be charged for rentals in recreation facilities (e.g. meeting rooms, gyms, lobbies). New terminology was adopted in the policy to distinguish the categories of users that will be charged differing fees under the new fee schedule (e.g. affiliate/not-for-profit, community groups, residents, and commercial/non-resident). It is recommended that the existing fee waiver policy and related criteria be updated to adopt the same terminology to describe groups who may or may not be eligible for fee waivers.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no significant financial implications associated with Report CES14001.

Staffing: There are no staffing implications associated with Report CES14001.

Legal: There are no legal implications associated with Report CES14001.

HISTORICAL BACKGROUND

Council originally approved a Fee Waiver Policy for City of Hamilton recreation facilities and parks in 2002. A related Fee Waiver Eligible Applicant Criteria was approved and implemented in 2008. On average 10 - 12 requests are received by the Divisional Director of Recreation per annum for fee waiver consideration.

As of November 1, 2013, a total of \$24,329.79 in fee waivers or reductions has been applied in the 2013 calendar year. This total includes ongoing permit fee waivers or reductions approved by Council and a number of other waivers that were approved by the Division Director of Recreation under the authority provided in the existing fee waiver policy. This total does not include ongoing fee waivers that were negotiated pre-amalgamation by former municipalities that are still being honoured. Examples of pre-amalgamation fee waivers issued include Dundas Little League and Glanbrook Slo-pitch.

In March of 2013, Council directed staff to report back on the existing fee waiver policy and related authorities. This direction was initiated in response to an issue Recreation staff had been dealing with related to fees being charged to a local minor baseball league. The league had been informed that the ball diamond they had been playing on for years had been reclassified by Parks from a “C” class field to a “B” class field. This would necessitate an increase in the hourly rental rate for the baseball diamond.

The league executive requested a reduction in the proposed fees on the basis that the increased fees would result in severe financial hardship for the league and its participants. While sympathetic to the concerns of the baseball league, staff noted that the Council approved fee waiver policy prohibited fee waivers or reductions in these

types of circumstances. Ultimately, the dilemma was resolved when Council passed a motion to approve the reduction of fees to be charged to the league based on factors deemed appropriate by Council in the circumstances.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The existing fee waiver policy will be amended to further limit the Divisional Director of Recreation's discretion and authority to waive or reduce fees to only those cases where financial hardship has been demonstrated.

RELEVANT CONSULTATION

City Manager's Office, Legal Services has reviewed the report.

Staff from the Neighbourhood and Community Initiatives, Community and Emergency Services Department, have also reviewed the report. They requested clarification on how the existing fee waiver policy impacts on recipients of Community Partnership Program grants. The revised fee waiver policy would have no impact on the Community Partnership Program.

Finance and Administration, Corporate Services, also reviewed the report. Issues related to interpretation of the policy and how it is applied were raised as they relate to potential financial impacts.

ANALYSIS AND RATIONAL FOR RECOMMENDATION

The revised fee waiver policy and related criteria preserves the existing framework and rationale for determining eligible fee waivers which has been critical to staff's ability to manage on-going fee waiver requests. The recommended amendments will clarify the fee waiver policy by introducing a greater degree of consistency and clarity to the policy and its application. Terminology in the proposed policy has also been changed to make it consistent with the new Recreation Facility Rental fee schedule which will go into effect in July 2014.

The recommended amendments will also limit the Divisional Director of Recreation's discretion to waive or reduce fees to only those cases where financial hardship can be demonstrated. This will also provide consistency with other programs and/or services where fees are reduced or waived strictly based on financial hardship – e.g. affordable bus pass, special supports, subsidized recreation passes etc.

ALTERNATIVES FOR CONSIDERATION

None.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.2 Improve the City's approach to engaging and informing citizens and stakeholders.
- 2.3 Enhance customer service satisfaction.

APPENDICES AND SCHEDULES ATTACHED

Appendix A to Report CES14001 - Revised Fee Waiver/Reduction Policy

Appendix B to Report CES14001 – Motion to Waive Fees