

Council Meeting Number 2016-15
Addeds Number 2
Tuesday May 17, 2016

Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery

The consent of Council is requested for the **addition** of the following Motion of Congratulations.

Motion of Congratulations

1. Moved by Councillor Stroud
Seconded by Mayor Paterson

That the congratulations of Kingston City Council be extended to Helen Finley who will be celebrating a milestone birthday on May 18, 2016. Helen is well-known and admired for her commitment to heritage in our community.

Her many significant contributions span fifty years, and include serving on the pioneering Committee for Architectural Review for the city, the restoration of seven heritage buildings in Old Sydenham Ward with her husband, serving on the Heritage Properties Working Group, founding the Frontenac Heritage Foundation, and writing a multitude of published heritage-themed articles. Thank you for all your continued contributions and happy birthday Helen!

Reports

Report Number 59: Received from the Administrative Policies Committee

The consent of Council is requested for the **addition** of the following recommendation:

1. **Waiver of Fees Policy**

That Council approve the Waiver of Fees Policy attached as Exhibit "A" to Report Number AP 16-015; and

That Council approve an upset limit of \$10,000 for June 1 – December 31, 2016 to be funded from Working Fund Reserve to offset approved waivers of fees during that time period; and

That Council direct staff to include an amount of \$20,000 in future operating budgets to be used to offset the waiver of fees; and

That a by-law be presented to Council, and given three readings at the May 17, 2016 Council meeting, in order to amend By-Law Number 2005-10, as amended, being "A By-Law to Establish Fees and Charges to be Collected by the Corporation of the City of Kingston", attached as Exhibit B to Report Number AP-16-015, in order to delegate to the Chief Financial Officer/City Treasurer the authority to waive fees for not-for-profit organizations requesting the use of municipal facilities as defined in the Waiver of Fees Policy; and

That staff be directed to provide Council with an annual report to summarize all requests received and the waiver of fees approved.

(Exhibit A and B are attached as schedule pages 1-7)

(See By-Law Number (12), 2016-108)

Council Meeting Number 2016-15
Adds Number 2
Tuesday May 17, 2016

Miscellaneous Business

The consent of Council is requested for the **addition** of Miscellaneous Business Item Number (3).

3. **That** as requested by the Accessibility Committee, Council proclaim May 29 – June 4, 2016 as “Kingston Access Awareness Week” in the City of Kingston.
(See Communication Number 15-427)

Communications

The consent of Council is requested for the **addition** of Communication Number 15-427.

- 15-427 From Jana Mareckova, Accessibility Committee requesting that Council Proclaim May 19 - June 4, 2016 as Kingston Access Awareness Week.
(Distributed to all Members of Council on May 17, 2016)
(File Number CSU-M10-000-2016)
- 15-428 From Michael Mallen, resident, letter to Council regarding potential charging stations for electric vehicles.
(Distributed to all Members of Council on May 17, 2016)
(File Number CSU-E06-000-2016)

By-Laws

The consent of Council is requested for the **addition** of By-Law (11) and (12)

- (11) A By-Law to Permit Council to enter into a Contribution Agreement with the homeowner of 891 Rowantree Crescent for the Provision of an Affordable Housing Unit at 891 Rowantree Crescent.
Three Readings Proposed Number 2016-107
(Delegated Authority)
- (12) A By-Law to Amend By-Law Number 2005-10, as amended, being “A By-Law to Establish Fees and Charges to be collected by the Corporation of the City of Kingston” (Delegation of authority with respect to the waiving of fees)
Three Readings Proposed Number 2016-108
(Clause (1), Report Number 59)



Policy Name: Waiver of Fees

Administrator: Corporate Management Team

Approval Date: TBD

Effective Date: June 1, 2016

Next Review Date: April 1, 2018

Approval Authority: Council

1. Policy Statement

The City of Kingston's Strategic Plan (2015-2018) identifies ten guiding principles and six strategic priorities to make Kingston a more livable City for all.

To assist the community in meeting the goals of the Strategic Plan, the Waiver of Fees Policy supports not-for-profit organizations requesting use of municipal facilities for programs, community and special events as defined in this policy.

2. Purpose

The purpose of this policy is to ensure consistency, equity and transparency in addressing requests for reduction or waiver of fees for rental/leasing of municipal facilities and related fees.

3. Definitions

Applicant – the organization making the request and taking responsibility for use of the facilities and/or equipment.

City – Corporation of the City of Kingston

Facility – municipal lands (parks and sports fields), buildings and portions of buildings available for lease or rent that are owned and operated by the City.

Fees – fees levied with respect to the leasing/renting of facilities and related fees as set out in the Fees and Charges By-Law 2005-10, as amended.

Municipally Sanctioned Events and Programs – events and programs that are included in the municipal operating budget; municipal staff are primarily responsible but may work with a community based committee; and the event or program is branded as sponsored or co-sponsored by the City of Kingston.

Not-For-Profit Organization – an incorporated, tax exempt organization that does not exist to make a profit and provides public benefit through the arts, culture, recreation, education and/or community-focused activities operating within the City of Kingston.

Program – a free activity or series of activities being provided to vulnerable population(s) to enhance their quality of life.

Related Fees – fees including use of municipal owned equipment, materials and personnel costs that are included in the facility booking.

Special Event – an event open free of charge to the general public for the primary purpose of supporting a community, culture, arts, heritage, recreation or sport experiences within a limited period of time and which may have participation of more than one organization.

Vulnerable Population - population groups within a community at greater risk on a number of social determinants of health, including social isolation. These groups include: recent immigrants, First Peoples, single parents, persons with disabilities, children and youth, the elderly, persons living in poverty, and persons geographically isolated.

Waiver of Fees – the reduction of all or a portion of fees, that would normally be charged in accordance with the Fees and Charges By-Law 2005-10, for the use of a municipal facility.

4. Policy Application

4.1 General Guidelines

- Applications for the waiver of fees will be assessed individually based on their own merit and in compliance with this policy.
- Organizations must comply with all municipal, provincial and federal laws and regulations and provide proof of insurance.
- Not-for-profit organizations may only receive one waiver of fees per calendar year.
- The waiver of fees for an event or a program should not be regarded as a commitment by the municipality for future support.
- Maximum value of any single waiver is \$2,500. A higher amount may only be considered if 100% of the waiver costs are paid back to the City through an agreed upon method.

4.2 Eligible Applicants

- Applicant must operate as a not-for-profit organization serving the City of Kingston.
- Applicant must be in good financial standing with the City of Kingston.
- Organization's mandate aligns with the City's priorities.

4.3 Ineligible Applicants

- Individuals or unincorporated community groups.
- Commercial and for-profit organizations.
- Organizations of political affiliation.
- Organizations where the service component is conditional upon participation in the religious activities of the organization.
- Educational institutions.
- Organizations that did not fulfill their obligations during previous events or programs.

4.4 Eligible Activities

- Special event for which a community/public good can be demonstrated that is free of charge and open to the public.
- Meets all accessibility and safety requirements of the municipality and the Province.
- Programs that are free of charge to attendees that can demonstrate a benefit to a vulnerable population.
- Fundraising activities/events only when a portion of the funds raised will be directed back to a City of Kingston program or service in an amount equivalent to the waiver.

4.5 Ineligible Activities

- An event/program that requires an admission fee.
- Activities that were approved and funded through municipal grant programs or municipal operational funding that include the costs of rental/lease of facilities in the approved budget.
- Activities where alcohol is involved.
- Fundraising activities that benefit one or multiple organizations.

4.6 Exemptions

4.6.1 The following activities are deemed as being grandfathered as they have annually had their fees waived for more than two years and as such are deemed to be exempt from fees as defined in this policy without requiring a waiver of fees application nor a draw down from the waiver of fees funding allocation. However, should the scope of these events change from the 2015 events requiring additional municipal resources (staffing, equipment or facilities) they will need to apply through the application process to be considered for waiver of the additional expenses:

- Canadian Olympic Regatta Kingston (CORK) – Portsmouth Olympic Harbour
- Perch Derby – Portsmouth Olympic Harbour
- Agricultural Fair – Memorial Centre

4.6.2 Municipally sanctioned special events and other large scale special events as defined in the City's Special Events Policy for City Facilities that attract significant numbers of people and enhance tourism and the economy are excluded from this policy and will be considered on a case to case basis with respect to the waiving of any related municipal fees and municipal support.

4.6.3 Partnership agreements that are established between the City of Kingston and community partners related to joint programs, initiatives and special events are excluded from this policy. Not-for-profit organizations that participate in partnership agreements may apply for a waiver for fees for activities that fall outside of the agreement and that do not conflict with the terms of the partnership agreement.

4.7 Application Process for the Waiver of Fees

4.7.1 A not-for-profit organization wishing to utilize a municipal facility, park and/or equipment for a program or event will first contact the appropriate City staff and/or complete a facility, park and/or equipment booking request form available on the City's website and a special events application when applicable.

4.7.2 City staff will confirm the availability of the facility, park and/or equipment and provide the organization with a booking permit that states all of the staff and facility related fees for the event/program as well as the requirements for insurance coverage.

4.7.3 Once they receive the confirmation, if a waiver of fees is desired, the organization will submit the completed Waiver of Fees application form. Waiver of Fees application forms must be received at least ninety calendar days prior to the start date of their booking.

4.7.4 The waiver of fees application form will include: contact information for the applicant, brief description of the mandate of the organization; description of the event or program; confirmation checklist for the eligibility of the organization and the event and/or program; demonstration of public good and/or benefit to a vulnerable population; a budget summary and description of the financial need for the waiver and the amount requested.

4.7.5 All information on the application must be completed in full and signed for the application to be considered. Additional documentation may be requested to support or verify information in the application.

4.7.6 Assessment of applications will be done by the appropriate Departmental Director, or their designate. Assessment will be based on the completeness of the application; the eligibility of the organization and the proposed activities as articulated in this policy; the demonstration of community/public good and/or the benefit to a vulnerable group;

alignment with City priorities; proof of insurance; and the organization's financial need. The Director will recommend full, partial or no waiver of fees to the Commissioner.

4.7.7 Final authority to approve the waiver of fees is delegated by Council to the City Treasurer. Decision will be based on recommendations from the appropriate Commissioner ensuring the amount falls within the approved annual operating budget allocation for this purpose and sufficient budget remains.

4.7.8 In instances where the activity planned does not impact access to the facility by the public; it is deemed by the Director not to compromise potential revenue from other organizations; and it is not expected to result in additional costs for the City; the organization may be recommended for a waiver of fees without utilizing the approved budget allocation to offset the loss of revenue (i.e. free drama event in a City Park).

4.7.9 Applicants will be notified of the decision within fifteen calendar days of receipt of a completed waiver of fees application. Once notified, confirmation of the booking by way of a signed permit is required within fifteen calendar days.

4.7.10 Allocations for waiving of fees will be reported to Council for information on an annual basis.

4.7.11 Waiver of Fees application forms will be reviewed and assessed on a first-come, first-serve basis until the budget dedicated to that purpose in a given year has been fully allocated.

5. Related Procedures and Forms

Procedure: Waiver of Fees (pending)

Application: Waiver of Fees for Municipal Facilities Form (pending)

6. Related Policies, Legislation & By-laws

Municipal Act

By-Law 2005-10 Fees and Charges

Special Events Policy for City Facilities

Community Investment Fund

City of Kingston Arts Fund

City of Kingston Heritage Fund

Accessible Customer Service

Corporate Values
Teamwork Respect Integrity Pride

Municipal Alcohol Policy

Ice Allocation Policy

Sport Field Allocation Policy

First Capital Place – Programming and Operations Policy

Grand Theatre License Agreement

7. Revision Schedule

This policy and its associated procedures shall be reviewed in two (2) year(s). Records of revision will be noted below.

Date	Revision Details	Section Heading
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By-Law Number 2016-xxx

A By-Law To Amend By-Law Number 2005-10, as amended, being “A By-Law To Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston (Delegation of authority with respect to the waiving of fees)

Passed: xxxxxxxxx

The Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2005-10 of The Corporation of the City of Kingston entitled, “A By-Law To Establish Fees and Charges to be Collected by the Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. The following paragraph is hereby inserted after list paragraph 9:

“10. That the Chief Financial Officer/City Treasurer be delegated the authority to waive fees for not-for-profit organizations requesting the use of municipal facilities as defined in the Waiver of Fees Policy.”
2. This By-Law shall come into force and take effect on the date of its passing.

Given Three Readings and Passed xxxxxxxx

John Bolognone
City Clerk

Bryan Paterson
Mayor