

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Mary Lindley, Parks, Recreation & Community Services Director
BY: Stephanie Shaw, Recreation Supervisor

DATE: January 16, 2009 (Meeting of February 18, 2009)

SUBJECT: Consider Adopting the Community Services Cancellation and Withdrawal Policy

BACKGROUND

Since incorporation, the City has offered fee-based recreation programs to the public. Over the years, staff have implemented various administrative refund procedures and practices, generally geared toward recreation classes and sports leagues. Initially, all fees were deemed non-refundable, except in cases where programs were canceled by the City. Over time, allowances were made for refunds of fees paid when the participant withdrew from a program. In 1998, the City converted to a computerized registration system which made it possible to track and easily administer fee credits and as such, credits were incorporated into the refund procedures. In an effort to be more customer service oriented, the current procedures provide for refunds, credits, and transfers, with certain limitations. These refund procedures are always provided to customers in writing in the City's quarterly recreation guide. Certain programs, such as Camp Moorpark, have had separate procedures which were provided to customers in writing in the camp packet. There is no comprehensive Council adopted policy at this time. The City Council is being asked to formally adopt such a policy.

DISCUSSION

Staff's proposed Cancellation and Withdrawal Policy for Recreation Programs (see Attachment A) addresses the manner in which fees paid for recreation programs will be handled in the event a program is cancelled by the City or the participant wishes to withdraw from a program. It attempts to balance good customer service with efficient management of recreation programming. It is written as a comprehensive policy to include all programs offered by the Recreation Division and Active Adult Center. Most of the classes and programs offered by the Active Adult Center are free however, when supplies and materials are used, staff has included a fee.

The Policy allows for the refunding, crediting, or transferring of fees paid for programs canceled by the City prior to the start date. On rare occasions, programs may be canceled by the City after the start date due to scheduling conflicts, lack of an instructor, or other unanticipated problems such as the use of the Recreation Center by Fire agencies and others during an emergency. In these circumstances, fees will be refunded, credited or transferred on a pro-rated basis.

The Policy also addresses how fees will be handled in the event a participant wishes to withdraw from a program. Fees may be refunded, credited, or transferred to another applicable program, less the processing fee and any other costs incurred by the City or instructor, if requested within the prescribed time frame. Participants may communicate their intent to withdrawal by phone, email, fax or in person.

Withdrawal Time Frame

- One-day programs and day camps (including but not limited to individual camp days, workshops and other single-day classes, and registered events): One business day prior to the Program date.
- Programs consisting of two or more meeting dates (including but not limited to multi-session classes and individual registration sports leagues [JBL]): Prior to the start of the 2nd meeting date.
- Sports Leagues and Tournaments (including all team registration programs; only team managers may submit withdrawal requests): Prior to the posting of the game schedule or five business days before the first scheduled game, whichever occurs first. Due to the organizational nature of certain sports leagues and tournaments, individual players wishing to withdraw must seek any available refunds through team managers.

The Policy defines the application process, the manner in which fees will be processed for refunds, credits, and transfers and definition of terms including non-refundable fees. Additionally, the Policy includes a Right of Appeal section, allowing participants to appeal a denial in the event of unusual circumstances.

If approved, the Policy will be incorporated in the City Council Policies Resolution the next time it is presented to Council for an amendment.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Approve the proposed Cancellation and Withdrawal Policy and directing the Policy be incorporated into the City Council Policies Resolution on the next amendment.

Attachment A: Draft Policy

Attachment A

SECTION 1. COMMUNITY SERVICES RECREATION AND ACTIVE ADULT PROGRAM CANCELLATION AND WITHDRAWAL POLICY

1. Purpose

The purpose and intent of the City Council in adopting the Cancellation and Withdrawal Policy is to provide direction to staff and the public relating to the refunding, crediting, or transferring of fees paid for program cancellations or withdrawals.

2. Definitions

“Director” shall mean the Parks, Recreation and Community Services Director or such successive position as determined by the City Manager.

“Program” shall mean any recreation activity offered by the City of Moorpark, including but not limited to classes, camps, sports leagues and special events. A “Program” shall further be defined as having a unique activity or Point-of-Sale code.

“Participant” shall mean the individual enrolled in a Program, or if under 18 years of age, his/her parent or legal guardian.

“Payee” shall mean the individual who paid the Program fees, or if under 18 years of age, his/her parent or legal guardian.

“Cancellation” shall mean the discontinuing of a Program that is initiated by the City.

“Withdrawal” shall mean the withdrawal from a Program initiated by the Participant.

“Refund” shall mean refunding monies paid directly to the Payee.

“Credit” shall mean applying credit to the Payee’s account at the Arroyo Vista Recreation Center or Active Adult Center.

“Transfer” shall mean applying monies paid for a Program to another Program.

“Non-Refundable Fees” shall mean fees which cannot be refunded, credited, or transferred by the City. Such fees include but are not limited to Active Network

convenience fees, instructor lab fees, and any other fees not collected by the City.

3. Cancellations Initiated by the City:

A. Programs cancelled prior to the first meeting date

Fees paid shall be refunded, credited, or transferred in full for Programs cancelled by the City prior to the first meeting date. The Convenience Fee identified in Section 2 under Non-Refundable Fees cannot be refunded, but will be credited or transferred. Every effort will be made to reschedule cancelled programs.

B. Programs cancelled after the first meeting date

Fees paid shall be refunded, credited, or transferred at a pro-rated rate for Programs cancelled by the City after the first meeting date, less Non-Refundable Fees as defined in 2.

4. Participant Initiated Withdrawals

A. Application Process

In order for Refunds, Credits, or Transfers to be processed for Withdrawals, the Participant must submit a request to the City. Requests for Withdrawal must be submitted by the Participant via telephone, e-mail, fax or in person to an authorized City staff member.

B. Application Period

Requests must be received by the City within the prescribed time frame as indicated below in order to be considered. Requests must be received as follows:

One-day programs and day camps (including but not limited to individual camp days, workshops and other single-day classes, and registered events): One business day prior to the Program date.

Programs consisting of two or more meeting dates (including but not limited to multi-session classes and individual registration sports leagues): Prior to the start of the 2nd meeting date.

Sports Leagues and Tournaments (including all team registration programs; only team managers may submit withdrawal requests): Prior to

the posting of the game schedule or five business days before the first scheduled game, whichever occurs first.

5. Refunds, Credits, and Transfers

A. General Conditions

Any costs incurred by the City or a contract instructor including but not limited to uniforms, supplies, or equipment provided to the Participant, will be deducted from Refunds, Credits, or Transfers.

B. Refunds

Refunds will be made to the original Payee only. Refunds will be processed based on the original payment method. For credit card payments, fees will be refunded to the credit card account used to pay the fees. For cash or check payments, fees will be refunded via check within four weeks. In addition to deductions as stated in 5A, a \$10 processing fee will be deducted from all refunds resulting from participant initiated refunds. The \$10 processing fee will be waived for Programs canceled by the City.

C. Credits

Credits will be applied to the Payee's account at the Arroyo Vista Recreation Center or Active Adult Center. Credits may be applied toward fees for other Programs or park or facility rentals. Credits are valid from the date of issue until the end of the fiscal year. Credits not used by the end of the fiscal year will be refunded in accordance with the process described in 5B.

D. Transfers

Participants who withdraw from one Program may transfer into another Program. If the cost of the Program being transferred into exceeds the fees available from the withdrawn Program, the balance due must be paid at the time of the transfer. If the cost of the program being transferred into is less than available fees, excess fees will be refunded or credited to the Payee.

6. Special Conditions and Interpretation

The Director may designate fees for certain programs as non-refundable. Written notice will be posted at the registration window or admission booth indicating fees which are non-refundable. Event admission fees are an example of a fee that is non-refundable.

In the event of unique circumstances not specifically and clearly addressed in this policy document, the Director is authorized to make interpretations of this policy and render a decision.

7. Right of Appeal

A Participant has the right to appeal the decision by City staff to deny a Refund, Credit, or Transfer. An appeal must be filed in writing to the City of Moorpark, 799 Moorpark Avenue, Moorpark, CA 93021 within five (5) business days of receiving notification of the denial. The City Manager or his/her designee will affirm or deny the appeal in five (5) business days. The decision of the City Manager or his/her designee shall be final.