To: Mayor Farrer and the Honorable Members of the City Council

Prepared by: Katie Gallo, Recreation Supervisor

Reviewed by: Jesse Bobbett, Community Services Director

Approved by: Reva Feldman, City Manager

Date prepared: December 4, 2019  Meeting date: January 13, 2020

Subject: Community Services Department Program Cancellation and Refund Policy

RECOMMENDED ACTION: At the recommendation of the Parks and Recreation Commission, adopt Resolution No. 20-01 updating the Community Services Department Program Cancellation and Refund Policy and rescinding Resolution No. 17-04.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2019-2020. This project is part of normal staff operations.

DISCUSSION: On January 23, 2017, the Council adopted Resolution No. 17-04, establishing the Parks and Recreation Department Program Cancellation and Refund Policy (Policy) (Attachment 2). The Policy outlines procedures for refunds and transfers for programs and sets conditions for participant-initiated withdrawals and cancellations by the City. Since its adoption, staff has reviewed the Policy’s effectiveness and prepared an updated Draft Cancellation and Refund Policy (Draft Policy). The Draft Policy would eliminate account credits, clarify vague language, and update information. Additionally, the Draft Policy would allow staff to more effectively enforce the Policy and reduce the large number of credits on file for accounts by refunding them at the time they are processed.

On November 19, 2019, the Parks and Recreation Commission reviewed the Draft Policy and recommended revisions to the Policy including:
Section 2. Definitions
“Program” shall mean any recreation activity offered by the City of Malibu, including but not limited to classes, camps, excursions, sports leagues, special events, or any programming having a registration fee associated with it.

- Adds “excursions” to the list of Programs, which are frequently offered by the Department throughout the year.

“Credits” shall mean applying credit to the Payee’s account.

- Removes “credits” from the Draft Policy.

Section 4.A. Participant Initiated Withdrawals and Application Process
1. In order for Refunds, Credits, or Transfers to be processed for Withdrawals, the Participant must submit a request to the City. Requests must be completed online at MalibuCity.org/RefundRequest or by completing a refund request form available at Malibu Bluffs Park, Malibu City Hall, and the Malibu Community Pool.

- Modifies “malibucity.org/refund” to “MalibuCity.org/RefundRequest.”

Section 4.B.1. Participant Initiated Withdrawals and Application Period
a. Single Day and Multi-Day Programs: Seven days before the Program start date. This includes, but is not limited to, classes, camps, excursions, sports leagues, special events, or any program with a registration fee associated with it.

- Clarifies the timeframe for refund requests by adding the Program start date.

b. Team Registrations and Tournaments: Before the posting of the game schedule or two weeks before the first scheduled game, whichever occurs first. Only team managers may submit a withdrawal request.

- Modifies “Sports Leagues” to “Team Registrations.”

Section 4.B.1.
c. Participants may receive a pro-rated refund or credit (less non-refundable fees as defined in Section 2) if their refund request is not submitted within the prescribed application period, as outlined above.

- Removes Section 4.B.1.c., due to information which conflicts with Sections 4.B.1.a and b.
Section 5.B.1. Refunds
Refunds will be made to the original Payee only. A check will be issued by the City and mailed to the Payee within ten business days. In addition to the deductions as stated in Section 5.A., a $10 processing fee will be deducted from all refunds resulting from participant-initiated refunds. The $10 processing fee is applied per participant, per program and is not applicable for Programs canceled by the City.

- Clarifies how the $10 processing fee is applied. Currently, the language does not specify that the fee is applied per participant, per program.

Section 5.C.1. Credits
Payee may elect to keep a refund on account as a credit. Credits may be applied toward fees for other Programs or park or facility rentals. Credits will remain available on the Payee’s recreation account up to one year from date of issue. After one year, the credit will be refunded via check to the participant in accordance with the process described in 5B.

- Removes Section 5.C.1. Credits as participants would not be allowed to keep the credit on their account and would be refunded.

Section 5.D. Transfers
Participants who withdraw from one program may transfer to 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 the available fees, excess fees will be refunded to the Payee.

- This Section would become Section 5.C.1. Transfers with the elimination of the current Section 5.C.1. Credits.

Section 6 Special Conditions and Interpretation
A. The Director may designate fees for certain programs as non-refundable. A written notice will be posted on the City website, in the Recreation Guide, and at the point of sale indicating the non-refundable fees. Refunds will not be granted for special events or one-day events.

B. Refunds will not be granted after the start of the Program, except in the case of a medical injury or emergency. A doctor’s note or health plan documentation may be required. Refunds will be pro-rated from the date that the refund notification is received if the program has already begun.

- Removes “Event admission fees are an example of a fee that is non-refundable” and adds Section B.
Staff recommends the Council adopt Resolution No. 20-01 creating a new Community Services Department Program Cancellation and Refund Policy and rescinding Resolution No. 17-04. If adopted, the Draft Policy would go into effect immediately.

ATTACHMENTS:

1. Resolution No. 20-01
2. Resolution No. 17-04
RESOLUTION NO. 20-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU UPDATING THE COMMUNITY SERVICES DEPARTMENT CANCELLATION AND REFUND POLICY AND RESCINDING RESOLUTION NO. 17-04

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On June 13, 2011, the Council approved the Parks and Recreation Department Program Cancellation and Refund Policy.

B. On January 23, 2017, the Council adopted Resolution No. 17-04, amending the Parks and Recreation Department Program Cancellation and Refund Policy.

SECTION 2. The City Council has reviewed and approves Resolution No. 20-01, updating the Community Services Department Program Cancellation and Refund Policy as set forth in Exhibit A.

SECTION 3. Resolution No. 17-04 is hereby rescinded.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 13th day of January 2020.

KAREN FARRER, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

CHRISTI HOGIN, City Attorney
Exhibit A

City of Malibu
Community Services Department
Cancellation and Refund Policy

1. Purpose

The purpose and intent of the City Council in adopting the Cancellation and Refund 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 Community Services Director or such successive position as determined by the City Manager.

- "Program" shall mean any recreation activity offered by the City of Malibu, including but not limited to classes, camps, excursions, sports leagues, special events, or any programming having a registration fee associated with it.

- "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.

- "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 administration fees, instructor lab fees, and any other fees not collected by the City.

3. Cancellations Initiated by the City:

A. Programs Cancelled

The Community Services Department reserves the right to set a minimum and maximum enrollment for each Program and to cancel any Program due to low enrollment. A decision to continue a Program with
insufficient enrollment will be made at the scheduled start of the Program unless otherwise indicated in
the Recreation Guide.

1) Fees paid shall be refunded or transferred in full for Programs cancelled by the City prior to
the first meeting date. The administration fee identified in Section 2 under Non-refundable
Fees cannot be refunded but will be transferred. Every effort will be made to reschedule
cancelled programs.

B. Programs Cancelled After the First Meeting Date

1) Fees paid shall be refunded 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 section 2.

4. Participant Initiated Withdrawals

A. Application Process

1) In order for Refunds or Transfers to be processed for Withdrawals, the Participant must submit
a request to the City. Requests must be completed online at MalibuCity.org/RefundRequest or
by completing a refund request form available at Malibu Bluffs Park, Malibu City Hall, and
the Malibu Community Pool.

B. Application Period

1) Requests must be received by the City within the prescribed period, as indicated below in
order to be considered. Requests must be received as follows:

a. Single Day and Multi-Day Programs: Seven days before the program start date. This
includes, but is not limited to, classes, camps, excursions, sports leagues, special events, or
any program having a registration fee associated with it.

b. Team Registrations and Tournaments: Before the posting of the game schedule or two
weeks before the first scheduled game, whichever occurs first. Only team managers may
submit withdrawal requests.

5. Refunds, Credits, and Transfers

A. General Conditions

1) 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 or
Transfers.

B. Refunds
1) Refunds will be made to the original Payee only. A check will be issued by the City and mailed to the Payee within ten business days. In addition to deductions, as stated in 5.A., a $10 processing fee will be deducted from all refunds resulting from participant-initiated refunds. The $10 processing fee is applied per participant, per program and is not applicable for Programs canceled by the City.

C. Transfers

1) 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 to the Payee.

6. Special Conditions and Interpretation

A. The Director may designate fees for certain programs as non-refundable. A written notice will be posted on the City website, in the Recreation Guide, and at the point of sale indicating non-refundable fees. Refunds will not be granted for special events or one-day events.

B. Refunds will not be granted after the start of a Program, except in the case of a medical injury or emergency. A doctor’s note or health plan documentation may be required. Refunds will be pro-rated from the date that the refund notification is received if the program has already begun.

C. 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. A Participant has the right to appeal the decision by City staff to deny a Refund or Transfer. An appeal must be filed in writing to the City of Malibu, 23825 Stuart Ranch Road, Malibu, CA 90265, 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.
RESOLUTION NO. 17-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
ADOPTING THE PARKS AND RECREATION DEPARTMENT
PROGRAM CANCELLATION AND REFUND POLICY

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. On June 13, 2011, the Council approved the Parks and Recreation Department Program Cancellation and Refund Policy.

SECTION 2. The Parks and Recreation Department Program Cancellation and Refund Policy is hereby amended as shown in Exhibit A and shall be the official Parks and Recreation Program Cancellation and Refund Policy for the City of Malibu.

SECTION 3. The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of January 2017.

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 17-04 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 23rd day of January 2017 by the following vote:

AYES: 5  Councilmembers: Mullen, Rosenthal, Wagner, Peak, La Monte
NOES: 0
ABSTAIN: 0
ABSENT: 0

HEATHER GLASER, City Clerk
(seal)
City of Malibu
Parks and Recreation Department
Cancellation and Refund Policy

1. Purpose

The purpose and intent of the City Council in adopting the Cancellation and Refund 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 and Recreation Director or such successive position as determined by the City Manager.
- "Program" shall mean any recreation activity offered by the City of Malibu, including but not limited to classes, camps, sports leagues, special events, or any program having a registration fee associated with it.
- "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.
- "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 administration fees, instructor lab fees, and any other fees not collected by the city.

3. Cancellations Initiated by the City:

A. Programs Cancelled

The Parks and Recreation Department reserves the right to set a minimum and maximum enrollment for each program and to cancel any program due to low enrollment. A decision to continue a program with
insufficient enrollment will be made at the scheduled start of the program, unless otherwise indicated in
the Recreation Guide.

1) Fees paid shall be refunded, credited, or transferred in full for Programs cancelled by the City
prior to the first meeting date. The administration 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

1) 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 section 2.

4. Participant Initiated Withdrawals

A. Application Process

1) In order for Refunds, Credits, or Transfers to be processed for Withdrawals, the Participant
must submit a request to the City. Requests must be completed online at
www.malibucity.org/refund or by completing a refund request form available at Malibu Bluffs
Park, Malibu City Hall and the Malibu Community Pool.

B. Application Period

1) Requests must be received by the City within the prescribed period as indicated below in order
to be considered. Requests must be received as follows:

a. Single Day and Multi-Day Programs (including but not limited to individual camp days,
workshops and other single day classes, and registered events): One week prior to the
Program date.

b. 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
two weeks before the first scheduled game, whichever occurs first.

c. Participants may receive a pro-rated refund or credit (less Non-refundable Fees as defined
in section 2) if their refund request is not submitted within the prescribed application
period as outlined above.
5. **Refunds, Credits, and Transfers**

A. **General Conditions**

1) 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**

1) Refunds will be made to the original Payee only. A check will be issued by the City and mailed to the Payee within ten business days. 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 is not applicable for Programs canceled by the City.

C. **Credits**

1) Payee may elect to keep a refund on account as a credit. Credits may be applied toward fees for other Programs or park or facility rentals. Credits will remain available on the Payee’s recreation account up to one year from date of issue. After one year, the credit will be refunded via check to the participant in accordance with the process described in 5B.

D. **Transfers**

1) 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 on the City website, in the Recreation Guide, and at the point of sale 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 Malibu, 23825 Stuart Ranch Road, Malibu, CA 90265 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.