

**CITY OF YELLOWKNIFE
BY-LAW NO. 4562**

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, to amend Fees and Charges By-law No. 4436.

PURSUANT to Sections 70, 72 and 73 of the *Cities, Towns and Villages Act, S.N.W.T., 2003, c. 22*;

WHEREAS the Municipal Corporation of the City of Yellowknife has enacted By-law No. 4436;

AND WHEREAS the Municipal Corporation of the City of Yellowknife is desirous of amending By-law No. 4436 so as to decrease or increase the fees and charges to be collected by the City of Yellowknife as set out in the attached Parts of Schedule "A";

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular sessions duly assembled, enacts as follows:

APPLICATION

1. That By-law No. 4436, as amended, is hereby amended by deleting the following Parts of Schedule "B" and replacing them with the Schedules attached hereto:

Part 6, of Schedule "B" of By-law No. 4436 is replaced by Part 6 of Schedule "A" and shall come into effect upon receiving Third Reading;

Part 12 of Schedule "B" of By-law No. 4436 is replaced by Part 12 of Schedule "A" and shall come into effect on September 1, 2010, unless otherwise noted within the schedule;

Part 15 of Schedule "B" of By-law No. 4436 is replaced by Part 15 of Schedule "A" and shall come into effect on January 1, 2011;

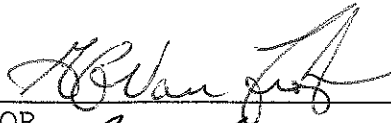
Part 17 of Schedule "B" of By-law No. 4436 is replaced by Part 17 of Schedule "A" and shall come into effect on January 1, 2011; and

Part 20 of Schedule "B" of By-law No. 4436 is replaced by Part 20 of Schedule "A" and shall come into effect upon receiving Third Reading.

EFFECT

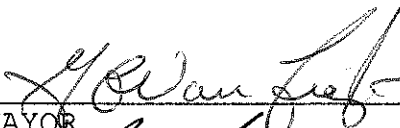
2. THIS By-law shall come into effect upon receiving Third Reading or as otherwise set out above, and meeting the requirements of Section 75 of the Cities, Towns and Villages Act.

READ a First Time this 12 day of APRIL, A.D. 2010.


MAYOR


CITY ADMINISTRATOR


READ a Second Time this 12 day of APRIL, A.D. 2010.


MAYOR


CITY ADMINISTRATOR

The unanimous consent of all members voting in attendance having been obtained.

READ a Third Time and Finally Passed this 12 day of APRIL, A.D. 2010.

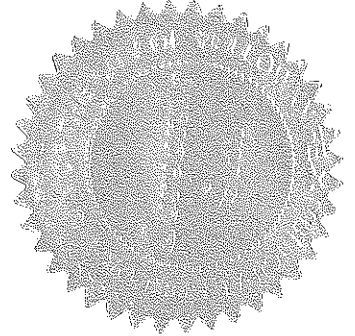

MAYOR


CITY ADMINISTRATOR

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.



CITY ADMINISTRATOR



Schedule "A"

Fees and Charges

PART 6 - Fire Division Fees

(Emergency Response and Protection Services By-law No. 4502)

EQUIPMENT AND LABOUR CHARGES FOR EMERGENCY RESPONSES	FEE
FIRE RESPONSE -First two (2) hours (minimum charge) -Each additional two (2) hours	\$500.00 \$200.00 + all actual overtime hours of off-duty Fire Fighters required to operate Fire Division Equipment
MEDICAL RESPONSE -Medical Transfer -Medical Response, Resident (in town) -Medical Response, NWT Resident (out of town) -Medical Response, Out of Territory Resident -Medical Supplies used during response	\$475.00 + \$75/hour waiting time (if applicable) \$225.00 \$300.00 \$350.00 Flat rate cost of \$10-\$25, depending on amount of supplies used.
HIGHWAY RESPONSE (outside municipal boundaries) -Medical or Fire	\$1500.00 + \$2.00/km
FALSE ALARM -First 2 responses to a False alarm at the same premises in each calendar year -Third and each subsequent response to a False alarm at the same premises in each calendar year	No charge \$1,000 per response

PART 12 - Recreation and Parks Related Fees
(Public Parks and Recreation By-law No. 3964)

PROGRAM OR SERVICE	FEE
Arenas	
Public Skating Admission	
Adults	The fees under this section have been converted to Consolidated Facilities Fees
Children, Students, Seniors	
Family	
Noon Hour Adult Shinny or Skate	
Parent/Tot Skating Admission	
Parents/Tots	
Season Passes (Sept.-Apr.)	**Fees are listed at bottom of schedule under Ruth Inch Memorial Pool section
Passes are 50% off starting Jan. 1	
Adults	
Children, Students, Seniors	
Family	
Noon Hour Pass (16 punch for Shinny & Adult Skate)	
Ice Arena Rental	
Adults (prime)	\$139.00/hour
Adults (non prime) (75% of prime)	\$104.25/hour
Youth (prime)	\$69.50/hour
Youth (non prime) (75% of prime)	\$52.25/hour
Adult/Youth (prime)	\$104.25/hour
Adult/Youth (non prime) (75% of prime)	\$78.25/hour
PRIME TIME - SATURDAY AND SUNDAY	8:00 a.m. to midnight
PRIME TIME - MONDAY TO FRIDAY	4:00 p.m. to midnight
NON PRIME TIME - SATURDAY AND SUNDAY	Midnight to 8:00 a.m.
NON PRIME TIME - MONDAY TO FRIDAY	Midnight to 4:00 p.m.
Non Ice Arena Rental (Sports Activity)	
Adult	\$73.00/hour
Adult/Youth	\$54.75/hour
Youth	\$36.50/hour

PROGRAM OR SERVICE	FEE
Liquor Licensed Events at City Facilities	A \$500.00 maintenance/damage deposit is required for liquor licensed events at all City facilities. The deposit will be refunded following an inspection of the facility by a representative of the Community Services Department.
Main Floor Rental (Non-ice Activity)	
Special Events (Additional services at cost)*	\$1,435.00/day
Auxiliary Power Supply (reel/day) (YK Arena only)	\$33.00/day
'A' Frame Connector/ Power Cart Connection	\$131.50/day
Coin operated Skate Sharpener Space	\$131.50/month
Bank Machine Space	\$131.50/month
*Floor Rental includes up to 200 chairs/80 Tables	
Multiplex Convention Rate	
This rate applies when all elements of facility are booked by a single user (i.e., both arenas, gym, meeting room and lobby) and includes 400 chairs and 160 tables	\$3,715.25/day
Portable Floor Rental	
One Day (Includes set-up & take down)*	\$1,527.50/day
Each Additional Day	\$836.00/day
Other	
Arena Lobby	\$150.00/day or \$10.75/hour

PROGRAM OR SERVICE	FEE
Exclusive use of Yellowknife Community Arena ("YKCA") parking lot (includes full access to arena washroom, provided that the rental does not conflict with any regularly scheduled events or programs being held in the existing facilities)	Non-Profit - \$579/day + \$100.00 refundable deposit Commercial or Profit - \$1,124.00/day + \$100.00 refundable deposit
YKCA Car Washes	\$62.50/day
Advertising in City Arenas*	
4' x 8' Sign on the Wall (YKCA Only)	\$600.00/year/ice surface
4'x 8' Sign on the ice level boards	\$800.00/year/ice surface
Name and Logo on the ice surface	\$1,100.00/year/ice surface
Zamboni	\$2,100.00/side/year
*15% discount off total of multiple facility advertising rates	

Fieldhouse Rentals	Effective June 1, 2010
Adults (prime)	\$96.00/hour
Adults (non prime) (75% of prime)	\$72.00/hour
Youth (prime)	\$48.00/hour
Youth (non prime) (75% of prime)	\$36.00/hour
Adult/Youth (prime)	\$72.00/hour
Adult/Youth (non prime) (75% of prime)	\$54.00/hour
PRIME TIME - SATURDAY AND SUNDAY	8:00 a.m. to midnight
PRIME TIME - MONDAY TO FRIDAY	4:00 p.m. to midnight
NON PRIME TIME - SATURDAY AND SUNDAY	Midnight to 8:00 a.m.
NON PRIME TIME - MONDAY TO FRIDAY	Midnight to 4:00 p.m.

PROGRAM OR SERVICE	FEE
Ruth Inch Memorial Pool	The fees under this section have been converted into Consolidated Facilities Fees **Fees are listed at bottom of schedule under Ruth Inch Memorial Pool section
Single Admissions	
Family	
Adult	
Students/Seniors	
Youth	
Pre-School	
Shower	
Whirlpool/Sauna	
Aquafit Drop-In	
Passes	
Electronic Punch Passes	
FLEXI-PASS (3 months)	
-Family	
-Adult	
-Students/Seniors	
-Youth	
-Pre-School	
-Aquafit	
Fitness Pass (Aquafit, Masters & lane swim)	
Group Rentals	
Youth/Student	\$75.50/hour
Youth/Adult Private	\$113.25/hour
Adult Private	\$151.00/hour
Youth (Shared)	\$38.00/hour
Adult (Shared)	\$76.75/hour
(Shared rentals are two or more groups using the facility)	
Youth/Student	\$15.50/hour
Adult Lane Rental	\$30.50/hour
Sundeck (Barbecues are included)	\$31.75/hour
Additional Lifeguards	\$43.75/hour

PROGRAM OR SERVICE	FEE
Lesson Fees	
Red Cross, Life Saving Swim Program (30 minutes) **All other programs previously covered under this section have been removed**	\$50.00/program
Red Cross, Life Saving and Specialized Swim Programs (45-60 minutes) **All other programs previously covered under this section have been removed**	\$56.75/program
Junior Lifeguard Club (120 Min) (T-shirts extra)	\$110.00/program
Bronze Star	\$110.00
Bronze Medallion	\$191.25/program
Bronze Cross	\$191.25/program
National Lifeguard Service Award	\$306.00/program
Water Safety Instructor	\$421.75/program
Private Lessons - Youth	\$42.50/hour
Private Lessons - Adult	\$42.50/hour
Advertising at Ruth Inch Memorial Pool	
4' x 8' Sign on the wall	\$600.00/year
53" x 9.5" Sign on the front railing NOTE: Multiple advertising rate - 15% discount off total	\$325.00/year

Facilities fees come into effect June 1, 2010.

FACILITIES COVERED UNDER THIS SECTION INCLUDE RUTH INCH MEMORIAL POOL, MULTIPLEX, YELLOWKNIFE COMMUNITY ARENA AND THE FIELDHOUSE	SINGLE ADMISSION	PUNCH PASS (MIN.10 PASSES)	3 MO.ACTIVE PASS
Under 2 yrs.	Free	N/A	N/A
Preschool (2-6)	\$2.75	15% discount	\$44.75
Youth/Child (6-11)	\$3.75	15% discount	\$87.50
Students (12-18)	\$4.50	15% discount	\$107.25
Adult (19-54)	\$5.75	15% discount	\$162.00
Seniors (55+)	\$4.50	15% discount	\$107.25
Family	\$9.50	15% discount	\$321.50

PROGRAM OR SERVICE	FEE
School Rental	
Large Gyms Sir John, St. Pat's & Weledeh schools	
Youth	\$22.50/50 min.
Youth/Adult	\$33.50/50 min.
Adult	\$44.50/50 min.
Medium Gyms J.H. Sissons, Range Lake, St. Joseph & Wm. McDonald schools, Multiplex gym	
Youth	\$15.00/50 min.
Youth/Adult	\$22.50/50 min.
Adult	\$30.00/50 min.
Multiplex Gym - Corporate, Bingos & Fundraising (Tradeshows, Conferences, Parties, Private Functions, Weddings, Dances, Concerts, Cabarets, etc.)	\$106.00 for floor coverings \$663.50 for Daily Gym Rental (8 hours) or \$77.25 per hour to a maximum of 7 hours **Tables, chairs, stage, etc. extra
Small Gyms Mildred Hall & N.J. Macpherson schools	
Youth	\$7.50/50 min.
Youth/Adult	\$15.00/50 min.
Adult	\$22.50/50 min.
Tournaments/Special Events	
Large -Adult -Youth	\$356.50/day \$178.25/day
Medium (other than Multiplex Gym) -Adult -Youth	\$296.75/day \$148.50/day
Commercial Special Events	
Weledeh/St. Patrick's school Twin	\$127.25/hour
Gymnasium Complex (at above schools)	\$1,392.50/day
	\$696.25/per side
Classrooms & Multiplex PSAV Room	
Youth	\$6.50/hr
Youth/Adult	\$9.75/hr
Adult	\$13.00/hr
PSAV Arch. Ltd. Meeting Room Corporate	\$40.25/hr

PROGRAM OR SERVICE	FEE
Advertising in Recreation Guide	
Inside Full Page	\$540.75/issue
Inside Half Page	\$309.00/issue
Inside Quarter Page	\$176.25/issue
Inside Eighth Page	\$100.00/issue
Program Registration System	
Program Registration System Rental	\$106.00/program/season
Additional Administration Fee	5% of revenue
Electronic Sign (Community Groups only)	
Set up charge	\$53.50/message
Weekly fee	\$5.50/message

PROGRAM OR SERVICE	FEE
Outdoor Facilities	
Somba K'e Civic Plaza - Exclusive Use of Park and Amphitheatre	
Hourly Rental	\$50.00
Half day	\$200.00
Full day	\$400.00
Add Service Building	
Hourly rental	\$75.00
Half day	\$300.00
Full day	\$600.00
Rotary Waterfront Park - exclusive use of day use area	
Hourly rental	\$25.00
Half day	\$100.00
Full day	\$200.00
Parker Park & St. Joseph school ball diamonds; Wm. McDonald & Range Lake schools soccer fields	
Adult Season Use	\$225.00/team
Youth Season Use	\$112.50/team
Adult Casual Use	\$26.50/hour
Youth Casual Use	\$13.25/hour
Adult Tournament (per diamond)	\$142.00/day
Adult/Youth Tournament (per diamond)	\$106.00/day
Youth Tournament (per diamond)	\$71.00/day
Tenants are responsible for their own field maintenance. The City supplies materials for lining. If the City workforce maintains the fields, the tenant will be charged on a cost of service basis.	
Wm. McDonald, N.J. Macpherson, Mildred Hall & Range Lake schools ball diamonds	
Youth Season Use	\$23.50/team
Youth Casual Use	\$8.75/hour

Tennis Courts	
Tennis Club seasonal court rental	\$765.00/season
Folk On The Rocks site rentals	\$148.50/day
- For all park facility rentals there is a \$300.00 refundable maintenance deposit.	
- Lessee is responsible for supply of water, security, electricity and washroom pump outs.	

PROGRAM OR SERVICE	FEE
Equipment Rental	Item/Day
Marquis Tent (20' x 30')	\$53.00
Additional City setup charge	\$381.00
Grand Marquis Tent (40' x 60')	\$79.50 + \$500 damage deposit
Additional City setup charge	\$1,835.00
Bleachers (20'x8'; 5-tier; 50 people max.; includes City delivery)	\$74.25 (plus \$200.00 refundable deposit)
Staging (4'x8'x2'); Metal structures Stairs	\$22.00/piece/day
Picnic Tables	\$16.00
Tables	
-Non-folding wooden (5' long)	No longer offered
-Folding plastic (2-1/2'x6')	\$8.50
Chairs	
Plastic folding	\$2.50
Snow Fencing (100')	\$22.00/100'
Garbage Cans	No charge
Banners (lettering 12" White, 8" Grey, 6" Grey)	
Inside banner (20' x 3')	\$79.50/wk
Specialty	Each
-Megaphone	\$16.00
-Parachutes (for play purposes)	\$7.50
Delivery/Pickup Charge and/or additional staff	\$53.25/hr

PROGRAM OR SERVICE	FEE
Public Library	
Meeting Room	
Non Profit Group	No charge
-For Profit Group	\$195.25/day \$113.50/half day \$28.50/hour
Overdue Book Fines	
Yellowknife Books	\$0.10/day to a max. of \$5.00
Inter-Library Loans	\$1.00/day
Videos/DVD	\$1.00/day to a max. of \$10.00
Membership Card	No charge
Replacement Card	\$1.00/each
Xerox (black and white)	\$0.20/copy
Computer Printing	\$0.25/black and white copy
Computer Printing	\$0.50/color copy
Lost Materials	Replacement Cost + \$5.00
Exam Invigilation	\$45.00

INTERPRETATION OF PART 12 of SCHEDULE "B"

- PRE-SCHOOL means a person 6 years of age and younger and includes a 'tot' for Parent/Tot Skating.
- YOUTH means a person younger than 12 years of age.
- STUDENT means a person between 12 and 19 years of age; or a person who holds a valid student card.
- ADULT means a person 20 years of age and older.
- SENIOR means a person 55 years of age and older.
- FAMILY means one or more adults in addition to one or more of their offspring.
- PRIME TIME means those hours from 4:00 p.m. to midnight on weekdays, and from 8:00 a.m. to midnight on Saturday and Sunday.
- NON-PRIME TIME means those hours from midnight to 4:00 p.m. on weekdays, and from midnight to 8:00 a.m. on Saturday and Sunday.

PART 15 - Water and Sewer Rates
(Water and Sewer Services By-law No. 3529)

SERVICE	FEE (Effective January 1, 2010)	FEE (Effective January 1, 2011)
Piped Water Access Fee (as per section 1(a))	\$6.59 per Equivalent Residential Unit ("ERU") per month	\$6.72 per Equivalent Residential Unit ("ERU") per month

Public Piped Service Users (Demand)				
Monthly Demand Ratio (applies whether or not any water is consumed [as per section 1(b)])				
Size of Water Meter				
Imperial	Metric	Capacity	Monthly Demand Charge (Effective January 1, 2010)	Monthly Demand Charge (Effective January 1, 2011)
(inches)	(mm)			
5/8	16	2	\$8.18	\$8.34
3/4	19	3	\$12.27	\$12.52
1	25	5	\$20.91	\$21.33
1 1/2	38	11	\$45.00	\$45.90
2	50	19	\$77.73	\$79.28
3	75	42	\$171.81	\$175.25
4	100	74	\$302.73	\$308.78
6	150	170	\$695.45	\$709.36
8	200	300	\$1,227.24	\$1,251.78

Water Consumption Volume	FEE (Effective January 1, 2010)	FEE (Effective January 1, 2011)
per 1,000 gallons or 4,550 litres	\$13.60	\$13.87
Exception:		
water consumed for construction purposes per 1,000 gallons or 4,550 litres (as per section 2)	\$6.80	\$6.94

SERVICE	FEE (Effective January 1, 2010)	FEE (Effective January 1, 2011)
Unmetered Users/Flat Rate (not otherwise addressed in this Part [as per section B1])		
Single Family Residential Water Users (which is based on an average consumption of 7,500 gallons or 34,125 litres {as per section B1})	\$125.45 month	\$127.96 month
Water Delivery/Sewage Pumpout		
Users in residentially zoned areas within the City	FEE (Effective January 1, 2010)	FEE (Effective January 1, 2011)
access fee per month (as per section C1)	\$47.63	\$48.58
consumption for: -first 3,300 gallons/15,000 litres per month (as per section C1) -over 3,300 gallons/15,000 litres per month (as per section C2)	- \$13.60 per 1,000 gallons or per 4,550 litres - \$77.59 1000 gallons or per 4,550 litres	- \$13.87 per 1,000 gallons or per 4,550 litres - \$79.051000 gallons or per 4,550 litres
Trucked Water (as per section C2)	\$0.048909 per gallon	\$0.051354 per gallon
Sewage Pump out (as per section C2)	\$.001135 per gallon	\$.025027 per gallon

Users in industrially and commercially zoned areas within the City and businesses in mixed use zones as defined in the Zoning By-law (including all business and caretaker security units[as per section C3])	FEE (Effective January 1, 2010)	FEE (Effective January 1, 2011)
Access fee per month (as per section C3)	\$135.99	\$138.71
consumption for: -first 3,300 gallons / 15,000 litres per month - over 3,300 gallons/15,000 litres per month	\$13.61 per 1,000 gallons or per 4,550 litres \$77.59 per 1,000 gallons or per 4,550 litres	\$13.68 per 1,000 gallons or per 4,550 litres \$79.14 per 1,000 gallons or per 4,550 litres
Bulk Sales (as per section E)	\$17.62 per 1,000 gallons or per 4,550 litres or portion thereof	\$17.97 per 1,000 gallons or per 4,550 litres or portion thereof
Water Meter Fee (as per section H)	\$103.50	\$105.57
Connect or Disconnect Permit (as per section I)	\$31.05	\$31.67
Infrastructure Replacement Levy (as per section K)per Equivalent Residential Unit ("ERU") per month	\$10.00	\$10.00
Capital cost to connect to public piped services (as per section L)	Pro-rata share of capital cost of establishing public piped service calculated on basis of total cost of the project divided by the total square meters of the affected properties multiplied by the square meters of each individual lot	

PART 17 - Tipping and Solid Waste Related Fees
(Solid Waste Management By-law No. 4376)

PROGRAM OR SERVICE (Tipping Fees)	FEE
COMMERCIAL RATES (for Commercial Vehicles Disposing of Solid Waste)	
Commercial Waste	\$75.00 per tonne
Commercial Waste from outside of City boundaries (with prior approval of Senior Administrative Officer)	\$85.00 per tonne (\$20 minimum) + \$130/hr equipment charge with a minimum 1 hr if required
Mixed Loads	Charged at the higher rate
Light Waste Loads	\$5.00 minimum charge
Unsorted Recyclables	\$65.00 per tonne
Sorted Recyclables	\$30.00 per tonne

Special Waste*	FEE EFFECTIVE JANUARY 1, 2010	FEE EFFECTIVE JANUARY 1, 2011
Construction Waste	\$50.00 per tonne	
Contaminated Soils - Hydrocarbons	\$70.00 per tonne	\$75.00 per tonne
Contaminated Water	\$500.00 per tonne	
Cooking Grease	\$25.00 per tonne	
Animal Carcasses:		
-small	\$10.00 each	
-large	\$20.00 each	
Asbestos	\$100.00 per tonne (\$50.00 minimum) +\$130/hr equipment charge, one hour minimum charge	
Other non-specified special waste	\$50.00 per tonne (\$25.00 minimum) +\$130/hr equipment charge - one hour minimum charge if equipment required	
Scrap Steel	\$50.00 per tonne	
Vehicles (that are being disposed of)	\$125.00 per vehicle	

PROGRAM OR SERVICE (Tipping Fees)	FEE
Oversized Load	\$10.00 per cubic metre
White Goods (appliances)	
Refrigerator	\$40.00 each
Other	\$20.00 each
Oil Tanks (up to 250 gallon) - Larger tanks will be accepted once the commercial establishment has cleaned and cut up the tank as per the environmental guidelines	\$125.00
Good clean Scrap Wood (no fastenings/glues)	charge under construction waste
Non-contaminated Soil	No charge
Wet Filled Lead Acid Batteries up to 3 batteries per month	\$6.00 per battery up to 3 batteries per month
Tires (without rims) -less than 20" in diameter -greater than 20" up to 48"	\$5.00 per tire \$10.00 per tire
Tree Branches, stumps, Roots and Logs	\$70.00 per tonne (minimum charge \$30.00)
*The fees and charges for special waste shall be charged on a Cost of Service basis rather than those set out in Part 17 in instances where the level of contamination or the state of the waste is determined by the Senior Administrative Officer to be exceptional.	

SOLID WASTE CONTRACTOR RATES (apply to the solid waste contractor when delivering waste to a solid waste site that has originated from multi-family unit and commercial premises in the City)	
Multi-family Unit Premise or Commercial Premise Waste	\$75.00 per tonne
Sorted Recyclables	\$30.00 per tonne

PROGRAM OR SERVICE (Tipping Fees)	FEE
RESIDENTIAL VEHICLES DISPOSING OF RESIDENTIAL WASTE (not collected for compensation)	
Vehicle Charge for the disposal of residential waste and other special waste such as yard waste, animal carcasses, computers and monitors, construction waste, good clean scrap wood, & tree branches/roots	\$5.00 per vehicle
Supplementary Tipping Rates (applicable during any period that the weigh scale is inoperable)	Per Load
15 yard construction bin	\$50.00
30 yard construction bin	\$100.00
Single Axle Towing Trailer	\$20.00
Tandem Axle Towing Trailer	\$30.00
Cube Van	\$30.00
1 Ton Truck	\$40.00
2 Ton Truck	\$80.00
3 Ton Truck	\$120.00
5 Ton Truck	\$200.00
Tandem Dump Truck	\$150.00
End Dump Truck	\$175.00
Tag Fee, Garbage Receptacle Limit & Solid Waste Levy	
Tag	\$1.00 each
Garbage Receptacle Limit	three (3) - 77 litre garbage receptacles or three (3) - 77 litre garbage bags per week
Single Family Unit Solid Waste Levy	\$11.00 per month per premise

PART 20 - Fees for Other City Programs and Services

OTHER PROGRAMS OR SERVICES	FEE
City Programs or Services not otherwise addressed in this Schedule or in another By-law	The fee or charge is the <i>Cost of Service</i>
Request for access to records	\$25 or the cost of providing the record, whichever is greater.