



CITY OF HAMILTON
COMMUNITY AND EMERGENCY SERVICES DEPARTMENT
Recreation Division

TO:	Chair and Members Emergency & Community Services Committee
COMMITTEE DATE:	February 23, 2015
SUBJECT/REPORT NO:	Delegated Authority for Recreation Agreements (CES15002) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ritta Nazi 905-546-2424 ext. 1714
SUBMITTED BY:	Joe-Anne Priel General Manager Community & Emergency Services Department
SIGNATURE:	

RECOMMENDATION

- (a) That the General Manager of Community & Emergency Services or their designate be granted the delegated authority to approve, renew and execute standard forms of license or other agreements related to recreation facilities or programs, subject to the following conditions:
- i) The Agreement being executed does not exceed a total financial value of more than \$10,000 per annum being paid to the City as per the terms of a specific Agreement;
 - ii) The Agreement shall not include the payments of grant monies or the provision of any funding by the City to a third party;
 - iii) The Agreement contains terms and conditions that are satisfactory to the City Solicitor; and,
 - iv) The term of the Agreement, or any renewal, shall not exceed five (5) years.

EXECUTIVE SUMMARY

The City of Hamilton, through the Recreation Division, currently administers a large number of formal and informal agreements with a wide variety of recreation and community groups as listed in Appendix "A" to Report CES15002. Most of these agreements deal with the use, to one degree or another, of dedicated space in City operated recreation facilities by sport and community groups. These agreements run the spectrum in terms of scope and level of formality. They range from formal legal agreements for the shared use of City owned land to informal verbal agreements for the use of dedicated space in a recreational facility (e.g. office space for a hockey association in an arena).

Many of the agreements the Recreation Division deals with pre-date amalgamation and have evolved over time, based on the needs of the user groups and respective municipality at the time. This has contributed to an absence of standardized terms and conditions from one agreement to another (e.g. insurance and reporting requirements, renewal provisions, volunteer screening). The absence of written agreements, and standard terms and conditions, has also led to confusion over roles and responsibilities, lapses in reporting requirements, agreement renewals and payment remittance where required.

Recreation staff are proposing to transition all groups that currently have informal and formal agreements with the City, to standard template agreements that have been developed in consultation with the Legal Services Division. Groups that currently have written agreements with the City will be transitioned to the new template approach when their agreements expire or come up for renewal.

The City will continue to honour current arrangements it has with groups that have existing informal (unwritten) agreements with the City after they have been transitioned to the template agreement format. The terms of these agreements will be based on the terms of their original informal agreement, as accurately as can be determined.

It is recommended that delegated authority be granted to the General Manager of Community and Emergency Services, or designate, to enter into, or renew, agreements as they arise, where the financial value of the agreement is \$10,000 or less per annum being paid to the City as per the terms of a specific agreement. The delegated authority would not include the authority to enter into any funding or grant agreements that involve the provision of a grant or any other funding by the City. Funding and grant agreements will require Council approval.

It should also be noted that the Legal Services Division, Risk Management and any other affected departments/divisions will review all agreements that will be executed pursuant to the requested delegated authority.

Delegated signing authority will allow the City to execute these agreements in the most efficient and expeditious manner possible given the sheer volume of existing and new agreements that will have to be processed. It will also ensure that the City is moving quickly to address the need for a more standardized approach for entering into agreements with community and sport groups.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications associated with Report CES15002.

Staffing: There are no staffing implications associated with Report CES15002.

Legal: There are no legal implications associated with Report CES15002.

HISTORICAL BACKGROUND

The Recreation Division administers approximately 180 agreements with community and sport groups. These agreements deal mainly with the provision of dedicated space in municipally owned buildings (e.g. community centres and recreation facilities). For example, many youth hockey associations have been provided with office space in arenas to run their programs. Bocce clubs have also been provided with dedicated space in City owned bocce facilities to run their club activities. Rugby, tennis and soccer clubs also occupy dedicated space in City owned facilities with various terms and conditions tied to their occupancy.

Other agreements deal with program partnerships or relatively small funding partnerships. Many of these agreements pre-date amalgamation and range in formality, from detailed written agreements to informal agreements that are verbal in nature. This has resulted in an inconsistent approach towards how the Recreation Division deals with each of the groups that have some form of agreement with the City. Agreements feature varying terms and conditions, financial obligations, roles and responsibilities, and benefits.

Informal/verbal agreements are also based on historical arrangements and are often subject to interpretation by those who did not participate in the making of the original agreement. It is often difficult or impossible to trace the original terms or authority for these agreements.

Recreation staff have been working to increase the level of due diligence applied to the portfolio of agreements that the Division currently manages. A dedicated position (Lease & Licence Coordinator) was established in 2014 to be responsible for the overall management of Recreation agreements. Work done to date has included completing an inventory of agreements and recording key aspects of these agreements in the City's ARCHIBUS database. The database will notify staff when key milestones identified in the agreements are coming up (e.g. expiry dates, payments due, report back requirements) so that they can be dealt with in a more timely fashion.

Agreement templates with standard provisions have also been developed with the assistance of Legal Services. This will allow the City to achieve a greater degree of uniformity across multiple agreements (and multiple groups) in relation to the terms and conditions, financial obligations, benefits and roles and responsibilities being defined. The template agreements also range in size and complexity so that they can be scaled or adapted to meet any number of agreement types and scenarios.

Recreation staff is now starting the process of transitioning groups to the new framework for managing agreements. The work to transition these groups will be phased in over the next two years. During this time, staff will meet with groups who

have some form of agreement with the Recreation Division to work through the process of introducing new agreement templates and related requirements. The transition period will allow staff to transition effectively and still deal with other related priorities. These priorities include executing new agreements that will be directed by Council and renewing existing agreements when they approach their expiry date.

The City will continue to honour arrangements it has with groups that have existing informal/unwritten agreements with the City. For example, sport groups that currently have dedicated space in an arena to run their programs will continue to be provided with this space based on the terms of their original agreement, as accurately as can be determined. Other requirements that may have been assumed or implied in the past (e.g. insurance, not-for-profit status) will be documented in the new agreements.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

There are no policy implications associated with Report CES15002.

RELEVANT CONSULTATION

Financial Planning and Policy Division was consulted for assistance on the wording of the recommendations related to the delegated authority being requested.

Finance & Administration, Corporate Services, reviewed the Report and requested greater clarity as to whether the scope of the delegated authority being requested included authority to enter into grant agreements. Other comments related to applicable precedents and informing Council of new agreements have also been incorporated into the Report.

Legal Services Division reviewed the Report and assisted with the development of the template agreements.

Facilities Management and Capital Programs, Public Works reviewed the Report and have worked with the Recreation Division to facilitate access to the ARCHIBUS database.

ANALYSIS AND RATIONAL FOR RECOMMENDATION

Approval of the recommended delegation of authority will allow the Recreation Division to deal with the ongoing execution and renewal of agreements in a much more efficient and timely manner. This is particularly important given the significant backlog of agreements/informal arrangements that the Recreation Division is going to have to work its way through.

Overall accountability for the use of recreation facilities will also be improved. The implementation of standard template agreements will contribute to a greater degree of certainty as it relates to the arrangements that the Recreation Division has with groups

that are utilizing dedicated space in its facilities. This will improve the City's ability to manage terms and conditions, monitor reporting and payment requirements and facilitate renewals in a more timely fashion. It will also allow the City to implement standard and consistent terms and conditions over time with groups that have similar arrangements with the City.

The expansion of standard written agreements will also enhance the City's ability to improve access and build capacity within sport and community groups. For example, standard provisions related to open membership and minimum governance requirements (e.g. volunteer board, AGM's) will provide an opportunity for the Recreation Division to work with groups to ensure they are compliant. This work will enhance each group's capacity to serve their membership and the greater Hamilton community.

There is precedent for the General Manager, Community & Emergency Services Department, to be granted delegated authority to enter into agreements (e.g. Subsection F(ii) of GIC Report 14-002 respecting the execution of 2014 Federal and Provincial Program Service Level Funding Agreements and ancillary agreements).

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

3.4 Enhance opportunities for administrative and operational efficiencies.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report CES15002: List of Existing Formal and Informal Agreements