

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 16, 2023

Item 10, Report No. 23, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 16, 2023.

10. RECREATIONAL PROGRAMMING ALIGNMENT

The Committee of the Whole recommends approval of the recommendations contained in the following report of the Deputy City Manager, Community Services, dated May 9, 2023:

Recommendations

1. THAT By-law 32-2011 be repealed and replaced with a new by-law to effect the changes contained within this Report upon ratification;
and
2. THAT Staff be authorized to undertake any other actions required to implement the recommendations of this Report in a manner satisfactory to Legal Services.

Committee of the Whole (2) Report

DATE: Tuesday, May 9, 2023 **WARD(S):** ALL

TITLE: RECREATIONAL PROGRAMMING ALIGNMENT

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

To repeal By-law 32-2011 and introduce a new by-law related to staff's authority to enter into certain recreational programming arrangements, to align with the Recreation Services' business, City's Corporate Procurement Policy (the "Policy"), and future Event Strategy.

Report Highlights

- The City has undertaken a comprehensive review of its Corporate Procurement Policy and identified the continued need to exempt certain recreational programming from its purview in order to continue efficient business operations.
- As a result, staff have identified the need to repeal the current 32-2011 'Special Event Agreements By-law' and replace it with a 'Recreation Services By-law' providing Staff authority to enter into agreements for both general recreational programming and special events.

Recommendations

1. THAT By-law 32-2011 be repealed and replaced with a new by-law to effect the changes contained within this Report upon ratification; and
2. THAT Staff be authorized to undertake any other actions required to implement the recommendations of this Report in a manner satisfactory to Legal Services.

Background

Pursuant to the review of the City's Corporate Procurement Policy, staff have identified the need to exempt certain recreational programming from its purview in order to continue efficient business operations. The exemption is related to special services which includes recreational programming, fundraising, and special events and is subject to applicable by-laws and policies.

The City currently has a 'Special Event Agreements By-law' 32-2011, and staff recommend that this By-law be repealed and replaced with a new 'Recreation Services By-law' that includes City of Vaughan events, licensing and permit agreements, agreements for third-party facilities, as well as agreements related to general recreational programming of the City.

The proposed new 'Recreation Services By-law' is, in essence, a modernization of the previous authority that will enable staff to deliver on high quality product and services for the City. The new by-law aims to simply update and expand upon By-law 32-2011 to ensure it better aligns with current and future demands of Recreation Services' business. While these items are exempt under the City's Corporate Procurement Policy, the proposed signing thresholds align with the same level of responsibility for procurement of goods and services to maintain an overall alignment of City business.

Furthermore, this modernization of policy and by-law will directly support the Event Strategy allowing the City to continue to enhance the cultural, economical and tourism appeal of City of Vaughan.

Previous Reports/Authority

[Council Meeting, July 13, 2010, Audit and Operational Review Committee, Report No. 5, Item 1](#)

Related Report: Committee of the Whole (2), May 9, 2023, Corporate Procurement Policy Update

Analysis and Options

Included in the proposed updates to the City's Procurement Policy is an exemption related to recreational programming, fundraising, and City of Vaughan events governed by City by-laws and policies. Due to the existence of the exemption in place in the Policy, it's critical that the City create a governing by-law to administer all contemplated exemptions so that business remains ongoing and with a proper structure approved by Council. This is a critical piece to ensure that the exemptions are operative.

It is recommended that a new by-law be introduced to address the specific needs of the Recreation Services department. Included in the proposed by-law are new authorities and existing authorities with revisions to add in safeguards, conditions, and limitations such as contract value maximums, the requirement of consultation with Financial Services and Legal Services, as well as adhering to existing limitations, by-laws, policies, and guidelines. The proposed by-law will set out that the Director of Recreation Services and/or the Deputy City Manager, Community Services have the delegated authority to approve and enter into such agreement contemplated, depending on the scope of agreement and/or contract values.

The proposed 'Recreation Services By-law' will provide for delegated authority related to the general provision of recreation programs, licensing and permit agreements, and City of Vaughan event related agreements.

Staff recommend that they be directed to return to Council at its meeting of May 16, 2023, with a new by-law to repeal By-law 32-2011 and effect the changes described within this Report and below upon Council ratification.

Provision of Recreation Programs:

The proposed by-law will include a section on the provision of recreation programs which contemplates regular Recreation Services business, including but limited to, camps, social services, and other City programming, such agreements related to programming instructors. Also included in this section is authority to agreements to use third party space. For example, this authority would be utilized in circumstances where the City may require outdoor park space to facilitate camp programs.

The proposed by-law seeks Council approval to authorize the Director of Recreation Services, or designate, to approve and enter into agreements, including memorandums of understanding, with various entities for the provision of City recreation programs and services, including the use of third-party facilities or outdoor spaces.

This authority will include conditions and limitations related to consultation with Financial Services and Legal Services. Further, where applicable, these agreements will be subject to the Recreation Services User Fee and Pricing Policy, the Facility Allocation Policy and Community Service Organization Policy, as well as the City's Fees and Charges By-law.

Often these agreements may have a revenue sharing component as opposed to a contract value, but where applicable, where the annual contract value of an agreement

is \$100,000 or less, the Director of Recreation Services will have the authority to approve and execute these agreements, on behalf of the City. Where the annual contract value of such agreement is between the value of \$100,001-\$500,000, the Deputy City Manager of Community Services will have the authority to approve and execute these agreements, on behalf of the City.

Licensing and Permit Agreements:

Licensing and permit agreements contemplate both long-term and short-term uses of City owned facilities. This may include both indoor and outdoor areas of City facilities, including City parks. The proposed by-law seeks Council approval to authorize either the Director of Recreation Services or the Deputy City Manager, Community Services, or each of their designates, to approve and enter into licensing or permit agreements for specific uses of City-owned facilities and outdoor spaces, or parts thereof.

With respect to specific delegated authority, the proposed by-law provides that where the annual contract value of a permit or licensing agreement is \$100,000 or less, the Director of Recreation Services will have the authority to approve and execute these permits and agreements, on behalf of the City. Where the annual contract value of such agreement is between the value of \$100,001-\$500,000, the Deputy City Manager of Community Services will have the authority to approve and execute these agreements, on behalf of the City.

This authority will include conditions and limitations related to consultation with Financial Services and Legal Services. Further, where applicable, licensing and permits will be subject to the Recreation Services User Fee and Pricing Policy, the Facility Allocation Policy and Community Service Organization Policy, as well as the City's Fees and Charges By-law.

For context, this section will mostly govern permits related to residents wanting to rent recreational facilities such as sports arenas and fields, ice rinks and others alike, and in these circumstances, the Recreation Services User Fee and Pricing Policy and the City's Fees and Charges By-law will apply. Where the City may enter into a permit or licensing agreement with a Community Service Organization, the Community Service Organization Policy would apply. Therefore, in most circumstances, staff would be under the \$100,000 threshold and, thus, the Director of Recreation Services, would be exercising authority on behalf of the City.

City of Vaughan Events:

The proposed by-law will include a section related to City of Vaughan events. This piece was contemplated in By-law 32-2011 and this section simply modernizes this authority. The proposed by-law seeks Council approval to authorize either the Director of Recreation Services or the Deputy City Manager, Community Services, or each of their designates, to approve and enter into agreements with service providers or entities regarding various matters facilitating City of Vaughan events led by Recreation Services.

With respect to specific delegated authority, the proposed by-law provides that where the total contract value such agreement is \$100,000 or less, the Director of Recreation Services will have the authority to approve and execute these agreements, on behalf of the City. Where the total contract value of such agreement is between the value of \$100,001-\$500,000, the Deputy City Manager of Community Services will have the authority to approve and execute these agreements, on behalf of the City.

This authority will include conditions and limitations related to consultation with Financial Services and Legal Services.

Financial Impact

None.

Operational Impact

There are no operational impacts through the adoption of this report. Staff from all affected departments have reviewed and provided input for this report.

Conclusion

This proposed by-law repeal and replace of By-law 32-2011 is a result of review of the City's Corporate Procurement Policy and future Event Strategy. The Policy includes exemptions related special services which includes much of general recreational programming. In order for Recreation Services to continue its business and offerings to the public, a new by-law is recommended to best serve this need.

The proposed by-law, as a modernization of By-law 32-2011, seeks Council approval to give delegated authority to either the Deputy City Manager, Community Services, or the Director of Recreation Services, or their delegates, to enter into agreements, on the behalf of the City, related to City of Vaughan events, licensing and permit agreements,

agreements for third-party facilities, as well as agreements related to general recreational programming of the City.

For more information, please contact:

Anna Dara, Director of Recreation Services, ext. 8028

Attachment

1. Proposed Authority Chart

Prepared by

Taylor Markov, Legal Counsel, ext. 8537

Approved by



Gus Michaels, Deputy City Manager,
Community Services

Reviewed by



Vince Musacchio
on behalf of Nick Spensieri,
City Manager

Recreation Services Delegated Authority By-Law: Proposed

Delegated Authority	Delegate	Conditions/Limitation
City of Vaughan, Recreation Services		
Provision of Recreation Programs		
<p>Approve and execute agreements, including memorandums of understanding, on behalf of the Corporation of the City of Vaughan, with various entities for the provision of City recreation programs and services, which may include but is not limited to, social services and the use of third-party facilities or outdoor spaces.</p>	<p>Deputy City Manager, Community Services, or designate, where the annual contract value is \$100,001-500,000.</p> <p>Director, Recreation Services, or designate, where the annual contract value is less than \$100,000.</p>	<p>In consultation with Financial Services and, where applicable, subject to the rates and fees established by the Recreation Services User Fee and Pricing Policy and the Fees and Charges By-law.</p> <p>Terms and conditions of such agreements and related documents must be in a form satisfactory to Legal Services.</p>
Facility Permits		
<p>Approve and execute facility licensing or permit agreements, on behalf of the Corporation of the City of Vaughan, with individuals and/or various entities for specific uses of City-owned facilities and outdoor spaces, or parts thereof.</p>	<p>Deputy City Manager, Community Services, or designate, where the annual contract value is \$100,001-500,000.</p> <p>Director, Recreation Services, or designate, where the annual contract value is less than \$100,000.</p>	<p>In consultation with Financial Services and, where applicable, subject to the rates and fees established by the Recreation Services User Fee and Pricing Policy and the Fees and Charges By-law.</p> <p>In accordance with the Facility Allocation Policy and Community Service Organization Policy.</p> <p>Terms and conditions of such agreements and related documents must be in a form satisfactory to Legal Services.</p>
Events		
<p>Approve and execute agreements, on behalf of the Corporation of the City of Vaughan, between with individuals and/or service providers and/or various entities regarding various matters facilitating City of Vaughan events led by Recreation Services.</p>	<p>Deputy City Manager, Community Services, or designate, where the total contract value is \$100,001-500,000.</p> <p>Director, Recreation Services, or designate, where the total</p>	<p>In consultation with Financial Services.</p> <p>Terms and conditions of such agreements and related documents must be in a form satisfactory to Legal Services.</p>

	contract value is less than \$100,000.	
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