

REPORT TO: Mayor and Members of Council

PREPARED BY: Justin Dias, Director of Economic Development and Community Services

DEPARTMENT: Economic Development & Community Services

DIVISION: Facilities and Parks

MEETING DATE: Wednesday, March-20-19

SUBJECT: Agreement for Ailsa Craig Lions Park Maintenance

RECOMMENDATION

That Council direct staff to enter into an agreement with the Ailsa Craig & District Lions Club for maintenance of the Ailsa Craig Lions Park for a five-year term ending September 30, 2023.

EXECUTIVE SUMMARY

The Municipality engages with various community groups to provide programming and maintenance services at the various parks, community centres and facilities. The Municipality has been engaged with the Ailsa Craig Lions Club to provide maintenance of the Ailsa Craig Lions Park and the more recently, the section closest to Highway 7 known as the 'Highway Park'. The previous agreement with the Ailsa Craig Lions Park expired on September 30, 2018. There were considerable changes required and in consultation with County Legal, the Municipality has drafted a revised version of the agreement, backdated to the expiry of the previous agreement.

LINK TO STRATEGIC PRIORITIES

Engages: To Encourage Community Participation That Helps Residents Feel Welcomed, Informed and Engaged By Supporting Local Volunteerism Through Recognition And Capacity Building

Sustains: To Cultivate An Active, Healthy And Livable Community By Maintaining, Creating and Supporting Active Living

BACKGROUND

The Municipality engages in agreements with various parties to provide services on its behalf. Council had entered an agreement with the Ailsa Craig & District Lions Club to provide maintenance services at:

- I. 143 Old Mill St. known as the Ailsa Craig Lions Park (Legal Description PT LTS 23 & 24, CON 20, DESIGNATED AS PTS 2 & 3 MRD66 & PT 1 PL 33R-11950, EXCEPT PT 5 PL 33R-3235 & AUSABLE RIVER & EXCEPT PT 5 PL 33R-13597, S/T EASE OVER PTS 2 & 4 PL 33R-3235 AS IN 528114, MUNICIPALITY OF NORTH MIDDLESEX/AILSA CRAIG/E. WILLIAMS, BEING ALL OF PIN 09649-0231(LT);

And subsequently

- II. The Ailsa Craig Highway Park (Legal Description PT LTS 23 & 24, CON 20, AS IN 130420 (PORTION A & B), EXCEPT AUSABLE RIVER; S/T 542796 MUNICIPALITY OF NORTH MIDDLESEX/AILSA CRAIG, BEING ALL OF PIN 09649-0183(LT);

These agreements expired on September 30, 2018. In the process of renewing the agreements, County Legal identified some changes that were required in order to ensure the agreement was enforceable and properly protected all parties. These included:

- o **CGL:** a clause requiring the Lions Club to ensure that its CGL includes “officers, agents, employees, servants or volunteers” of the Service Provider in its definition of “insured” as well as a per occurrence limit of no less than \$5M with no aggregate.
- o **Automobile Liability:** this policy would respond in the event of an accident involving a vehicle owned by the Lions with a limit of not less than \$5M. With respect to vehicles owned by volunteers of the Lions Club, the volunteer’s insurance would respond first.
- o **Environmental:** a provision stating that this insurance policy may be required at the discretion of the Municipality. If the Lions Club were performing any services that would require environmental insurance (for example: spraying with pesticides etc.) they would be required to both request permission from the Municipality and to obtain environmental insurance.

- **Construction Equipment Floater:** this insurance covers liability associated with equipment owned or rented by the Lions Club to provide the services.

DISCUSSION

The revised agreement formalizes the insurance requirements of the Ailsa Craig & District Lions Club in order to adequately protect the Municipality's liability. Additionally, the agreement provides information on what the Lions Club receives in exchange for the provision of the Services. To form an enforceable agreement there must be consideration exchanged for the promise of performance. To achieve this, clauses have been added that indicate the use of the Park by the Lions for the Annual Fishing Derby and the Pavilion for other events at no cost.

The revised agreement also brings the Highway Park and the Ailsa Craig Lions Park under the same agreement as both are currently maintained by the Lions. The term of the agreement would be for five (5) years and expiring on September 30, 2023. This would reflect the standard five-year term of most new/renewal of municipal agreements.

FINANCIAL

Not Applicable

ATTACHMENT

None

Prepared By: Justin Dias, Director of Economic Development & Community Services

Reviewed By: Nandini Syed, CAO/Director of Finance (Treasurer)

Approved By: Nandini Syed, CAO/Director of Finance (Treasurer)